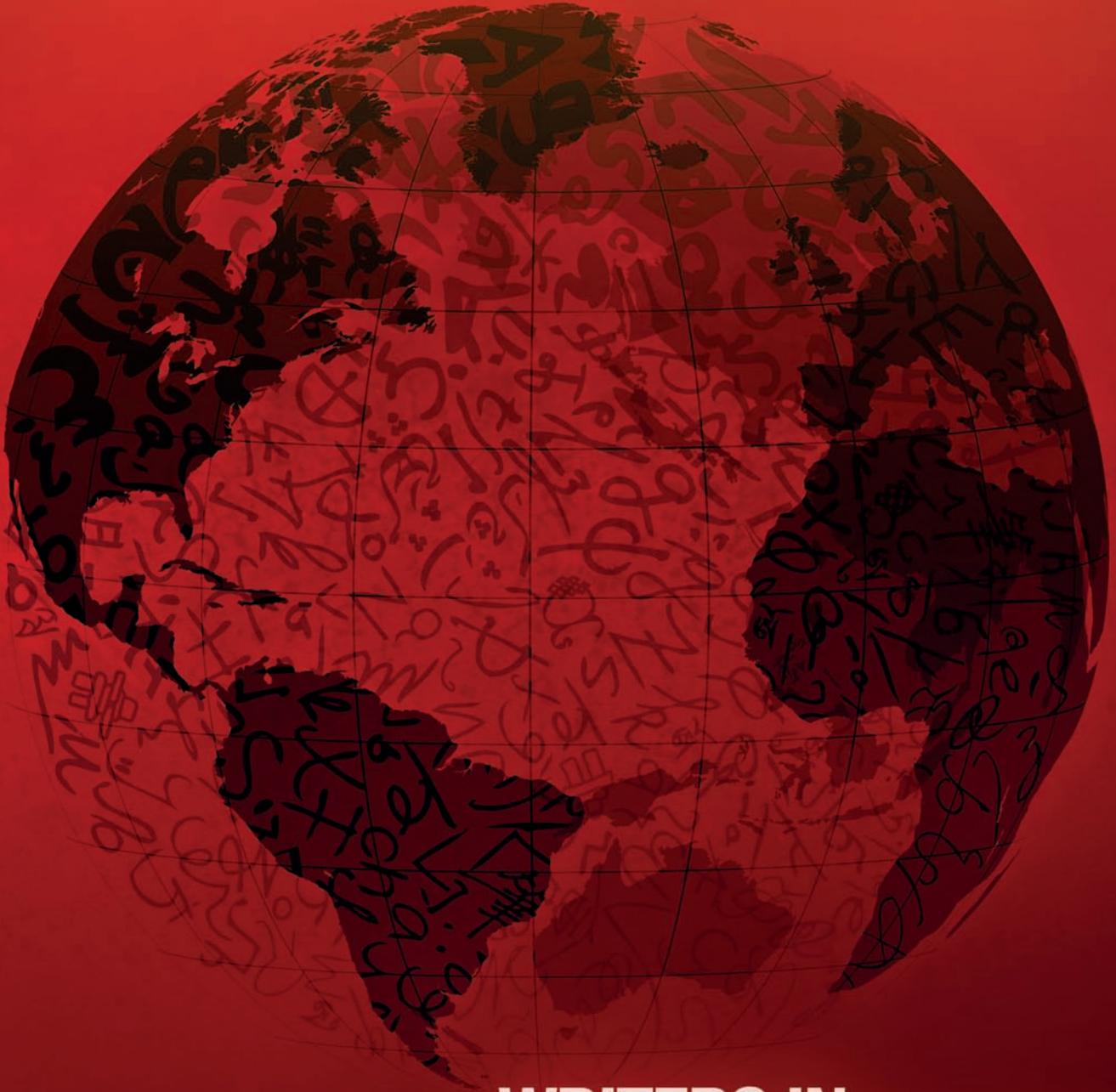


**pen**  
INTERNATIONAL



**WRITERS IN  
PRISON COMMITTEE  
CASE LIST**

**JANUARY-DECEMBER 2013**

PEN International promotes literature and freedom of expression and is governed by the PEN Charter and the principles it embodies: unhampered transmission of thought within each nation and between all nations. Founded in 1921, PEN International connects an international community of writers from its Secretariat in London. It is a forum where writers meet freely to discuss their work; it is also a voice speaking out for writers silenced in their own countries. Through Centres in over 100 countries, PEN operates on five continents. PEN International is a non-political organisation which holds Special Consultative Status at the UN and Associate Status at UNESCO.

International PEN is a registered charity in England and Wales with registration number 1117088.

When the Writers in Prison Committee of PEN International was formed in 1960, we were a committee of three individuals campaigning on behalf of 56 imprisoned writers, in Albania, Czechoslovakia, Hungary, France and Romania. The Committee itself now comprises more than 70 PEN centres, and the 2013 WiPC case list contains the names of more than 900 writers, journalists, publishers, editors, bloggers under threat in every region of the world.

For more than twenty years, the WiPC has published a formal case list, usually updating it every six months. The case list is the bible for PEN's freedom of expression work on behalf of individual writers. It is an invaluable research tool for centres who look to the case list for accurate information on each case. It is also a valued historical document, the record of our work over decades in some of the world's most repressive regimes. The case list is not only a catalogue of names; it is an account of charges, imputed crimes and sentences: defamation, splittism, terrorism, incitement, disturbing public order, subversion of state powers, insulting the state, the people, the King, the Sultan, the religious leaders, "waging war against God."

We know that the officials in many countries pay attention to the case list, those responsible for threatening, incarcerating and killing writers, and also officials in the countries of PEN centres who are working on cases or have adopted individuals from the case list as honorary members. So it is essential that we are as precise and accurate as possible. Over the past year, we have looked in detail at the categorisations and the format of the entries in the case list, and have made considerable effort to make the approach standard across all the regions. In cases where we became aware of releases or deaths of individual writers at the time of preparation of the entries, that information was added in square brackets at the end. However, there have subsequently been releases which are not reflected in these entries, so please do check with our research staff for the latest information on any individual case.

But freedom of expression work is not static. Especially in the digital age, information comes in literally every minute, the story changes, the danger shifts. When PEN began its defence of imprisoned writers, the crimes were texts, written, published, printed, a poem, an essay, a novel. In 2013, almost half of the transgressions for which writers were punished were fragments of digital information, a Tweet, a file sent electronically, an email caught in the relentless surveillance routinely undertaken by both regimes and democracies.

So we are moving to a different system for building the case list, over the next few years. An annual list like this one for 2013 will stand as a permanent record, but it will be supplemented by a more dynamic online database, which can be updated frequently, and which will allow us much more scope to analyse the wealth of information captured in the case list which will inform and improve our campaigning.

One of the fundamental principles in PEN's work is the naming of names. The WiPC case list has been, for thousands of individuals over almost sixty years, the document that says: this person exists, this person is not forgotten.

Marian Botsford Fraser  
Chair  
Writers in Prison Committee  
PEN International

September, 2014

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## **PEN INTERNATIONAL CHARTER**

The P.E.N. Charter is based on resolutions passed at its International Congresses and may be summarised as follows:

P.E.N. affirms that:

1. Literature knows no frontiers and must remain common currency among people in spite of political or international upheavals.
2. In all circumstances, and particularly in time of war, works of art, the patrimony of humanity at large, should be left untouched by national or political passion.
3. Members of P.E.N. should at all times use what influence they have in favour of good understanding and mutual respect between nations; they pledge themselves to do their utmost to dispel race, class and national hatreds, and to champion the ideal of one humanity living in peace in one world.
4. P.E.N. stands for the principle of unhampered transmission of thought within each nation and between all nations, and members pledge themselves to oppose any form of suppression of freedom of expression in the country and community to which they belong, as well as throughout the world wherever this is possible. P.E.N. declares for a free press and opposes arbitrary censorship in time of peace. It believes that the necessary advance of the world towards a more highly organized political and economic order renders a free criticism of governments, administrations and institutions imperative. And since freedom implies voluntary restraint, members pledge themselves to oppose such evils of a free press as mendacious publication, deliberate falsehood and distortion of facts for political and personal ends.

Membership of P.E.N. is open to all qualified writers, editors and translators who subscribe to these aims, without regard to nationality, ethnic origin, language, colour or religion.

## WRITERS IN PRISON COMMITTEE

PEN International promotes literature and freedom of expression and is governed by the PEN Charter and the principles it embodies: unhampered transmission of thought within each nation and between all nations. Founded in London in 1921, PEN International – PEN's Secretariat – connects an international community of writers. It is a forum where writers meet freely to discuss their work; it is also a voice speaking out for writers silenced in their own countries. Through Centres in over 100 countries, PEN operates on five continents. PEN International is a non-political organisation which holds Special Consultative Status at the UN and Associate Status at UNESCO. PEN International is a registered charity in England and Wales with registration number 1117088. [www.pen-international.org](http://www.pen-international.org)

The Writers in Prison Committee of PEN International was set up in 1960 as a result of mounting concern about attempts to silence critical voices around the world through the detention of writers. It works on behalf of all those who are detained or otherwise persecuted for their opinions expressed in writing and for writers who are under attack for their peaceful political activities or for the practice of their profession, provided that they did not use violence or advocate violence or racial hatred.

Member centres of PEN International are active in campaigning for an improvement in the conditions of persecuted writers and journalists. They send letters to the governments concerned and lobby their own governments to campaign for the release of detained writers and for investigations in cases of torture and killings. Through writing to the families and, where possible, directly to prisoners, they provide encouragement and hope.

PEN International has consultative status with the United Nations and with UNESCO.

### Information sources

The WiPC gathers its information from a wide variety of sources. It seeks to confirm its information through two independent sources. Where its information is unconfirmed, it will either take no action, or send an appeal worded to reflect the fact that the information is as yet incomplete. Sources include press reports, reports from individuals in the region in question, reports from other human rights groups, PEN members themselves, embassy officials, academics, prisoners' families, lawyers and friends, and exile groups. It also partners with international NGOs, such as Article 19 and Index on Censorship. It is a founder member of IFEX – the International Freedom of Expression Exchange. IFEX is a collaborative, on-line service in which national, regional and international organisations involved in the campaign for free expression pool information and amplify each others' voices. For further details see the IFEX website [www.IFEX.org](http://www.IFEX.org)

Our work would be impossible without our Sponsors who include: OXFAM/NOVIB, Swedish International Development Foundation, Norwegian Ministry for Foreign Affairs, the Swedish Ministry of Culture, the Fritt Ord Foundation, individual donations and membership fees from PEN members

## **CONTENTS**

1. Explanation of terms
2. List of cases by country
  - Africa
  - The Americas
  - Asia and the Pacific
  - Europe
  - Middle East and North Africa
3. List of Centres with Honorary Members
4. Case statistics

**The Writers in Prison Committee of PEN International records of persecuted writers are updated daily. For up-to-date information on a particular country (or countries), contact the PEN International secretariat in London.**

**The last report was dated December 2012**

## EXPLANATION OF TERMS USED

### Important: Please Read

**KILLED** – A writer or journalist killed in the period of this case list. PEN is certain the individual was a writer/journalist targeted for their writing

**KILLED: MOTIVE UNKNOWN** – A writer or journalist killed in this period, but it is unclear if the individual was targeted for their writings

**KILLED: IMPUNITY** – The killing did not occur in the period of this case list, but there is ongoing impunity for the killing i.e. there has been no conclusion of the case or no investigation has taken place

**ENFORCED DISAPPEARANCE** – PEN is certain the individual is a writer/journalist and that their disappearance was carried out by the authorities or with their acquiescence

**ABDUCTED** – PEN is certain the individual is a writer/journalist and that non-state actors are responsible for their disappearance

**REPORTED MISSING** – A writer or journalist may have been abducted, but it is unclear who was responsible. May include cases where the individual was killed, but a body has never been found

**IMPRISONED - MAIN CASE** – PEN is certain he/she is a writer/journalist who is serving a prison sentence after conviction in relation to their writings and as far as we know has not used violence or advocated racial hatred

**IMPRISONED - INVESTIGATION** – Under PEN investigation. Serving a prison sentence, where one or more of the following is unclear: if they are a writer; if they have been detained or persecuted for their writings; if they have advocated racial hatred

**DETAINED – MAIN CASE** – PEN is certain he/she is a writer/journalist and is being detained pending charge/trial or where there is no intention to charge them. Includes those held in administrative detention and unofficial house arrest. Can also include individuals in detention who are facing charges or are under judicial investigation

**DETAINED – INVESTIGATION** – Under PEN investigation. Detained, but where one or more of the following is unclear: if they are a writer; if they have been detained or persecuted for their writings; if they have advocated racial hatred

**ON TRIAL** – Including individuals facing charges, appealing sentence, but not currently detained or imprisoned

**JUDICIAL CONCERN** – PEN has no position on the criminal charges against the writer/journalist in question but is concerned about reported irregularities in the trial or legal process or about torture allegations or the death penalty



**BRIEF DETENTION** – Will be recorded as a brief detention where they were held for over 48 hours, but the individual is released without charge. There is no definite time limit, but it could up to a couple of months, depending on the region and context.

### **DEATH THREAT**

**ATTACKED** – Indicates a use of force or violence causing physical damage to the individual or destruction of personal property e.g. arson

**THREATENED** – where individuals have received threats intended to make them desist from writing (including ‘in hiding’)

**HARASSED** – Including intimidation, brief detentions of fewer than 48 hours, dismissal from employment where it is linked to their work, etc.

**JUDICIAL HARASSMENT** – for example, repeated arrests or summons for questioning where the period of detention is less than 48 hours or investigations suspended which can be reopened at any time, acting as a form of deterrence on the writer

**SENTENCED** – where a writer/journalist has reached the end of the judicial process, has been sentenced, but has not yet been imprisoned

**CONDITIONAL RELEASE** - Including suspended sentence

**RELEASED** – including acquitted, end of sentence

**CASE CLOSED** – A case may be closed when PEN has no access to updated information for six to twelve months, or case dropped due to new information – e.g. case not linked to their writings, use of violence, civil proceedings, etc.

## **FURTHER INFORMATION ON CATEGORIES**

### **MAIN CASES**

In these cases, the Writers in Prison Committee will take all possible action for their release or for compensation. In cases where a prisoner is held without charge or trial for a considerable length of time, the Writers in Prison Committee will consider them to be a main case until and unless information is provided which shows that they have used violence or advocated racial hatred.

### **INVESTIGATION CASE**

The Writers in Prison Committee publishes details of investigation cases so as to provide a complete account of reports of abuses against individuals practising their right to free expression in all countries. However, it will not usually call for their release. Once sufficient information is available, their cases will be reclassified as a main case or closed as appropriate.

## **JUDICIAL CONCERN**

These are cases where the main concern includes convictions based on trial proceedings which were manifestly unfair, where there are serious concerns regarding allegations of torture or where there are other irregularities in the judicial process. In these cases, the Writers in Prison Committee calls for a re-trial following fair trial practice or is calling for an investigation of the alleged malpractice and for those found guilty of committing such acts as torture to be brought to justice.

# AFRICA

## ANGOLA

### ON TRIAL

#### \*Rafael MARQUES DE MORAIS:

**PROFESSION:** Author, journalist and human rights activist

**DETAILS OF CHARGES:** Marques is facing multiple defamation lawsuits in relation to allegations of murder, torture and forced displacement of civilians which he made in his book *Blood Diamonds: Corruption and Torture in Angola*. On 3 April 2013, Marques was summoned by telephone to the organised crime unit of the national police. During his interrogation he was informed that he had been indicted in January 2013 on charges of defamation, but was reportedly not allowed to see the body of evidence compiled against him. According to Angolan law, the nature and content of such an investigation do not need to be disclosed to the accused or their legal counsel. The complainants in the case are said to be civilian business partners of Angolan generals who are shareholders and/or directors of a diamond mining company. The generals reportedly filed a criminal defamation lawsuit against Marques in Portugal in 2012, which the Portuguese Prosecution Service chose not to pursue in February 2013. They are reportedly now pursuing a private prosecution in Portugal for libel and defamation against Marques and his publisher, seeking a total of 300,000 Euros (approx. US\$400,000) in damages. On 31 July 2013, Marques attended a hearing at the National Directorate on Criminal Investigation and Action in the Angolan capital Luanda, regarding ten new lawsuits and the aforementioned pre-existing criminal defamation case brought against him in Angola. Marques and his lawyers had reportedly still not been allowed to review the full indictments and files or evidence related to the lawsuits. The only information provided was that the 11 charges were based on eight individual complaints and three collective criminal complaints, filed by seven Angolan generals, a civilian, two mining companies and a private security company. All of the lawsuits were triggered by Marques' book. According to a letter written by various human rights organisations, one of the charges is a re-filing of the criminal defamation case brought against him in Portugal – where it was dismissed – in which he is both the accused and a state witness.

**BACKGROUND:** In 2000, Marques was sentenced to six months in prison and ordered to pay damages for defamation against the president of Angola. However, the United Nations Human Rights Committee later found that the judgement had violated Marques' rights and ordered Angola to pay him damages. In November 2011, Marques filed a criminal complaint with Angola's attorney general's office against those now suing him for defamation. He alleged that they were involved in serious human rights violations and crimes against humanity in Luanda. The attorney general's office dropped the complaint in June 2012 after ruling that Marques' witnesses merely repeated what they had already told Marques.

**AWARDS:** Recipient of Transparency International's 2013 Integrity Award.

## ATTACKED

### \*Rafael MARQUES DE MORAIS (see above), Coque MUKUTA and Alexandre SOLOMBE NETO:

**PROFESSION:** Author, journalist and human rights activist; journalist for Voice of America; and freelance journalist respectively

**DETAILS OF ATTACK:** On 20 September 2013, Marques was assaulted by police officers and detained for five hours while covering the release of seven individuals arrested during protests the previous day. Marques, along with freelance journalist Alexandre Solombe Neto and reporter Coque Mukuta, were reportedly surrounded by officers from the Rapid Intervention Unit, who forced them to lie on the ground, threatened them, and then kicked them repeatedly. Marques was also hit on the head with an unknown object. None of the journalists reported receiving serious injuries. They were then reportedly taken to police headquarters where they were released five hours later with an apology. Their equipment was returned to them but a camera worth US\$2,000 was reportedly destroyed. No explanation has been offered for their detention.

## RELEASED

### \*Domingos DA CRUZ:

**PROFESSION:** journalist and author

**DETAILS OF TRIAL:** On 8 August 2009, da Cruz published the article 'When war is necessary and urgent' in the independent weekly newspaper Folha 8. The article accused the president and his party of being authoritarian and corrupt. The deputy prosecutor of the National Bureau of Criminal Investigation reportedly brought charges of disruption of public order and incitement to war against the journalist without formally notifying him. The charges brought were based on a law revoked in 2010, the Law on Crimes against the Security of the State (Law 7/78). Da Cruz' lawyer has pointed out that the crime of incitement to civil disobedience does not exist in the current wording of the law, implying that no crime has been committed, and has demanded that the charges be withdrawn. Due to the irregularities in the case, the provincial court of Luanda adjourned Da Cruz' trial on 14 June 2013 but did not abandon it.

**ACQUITTAL:** According to reports, the court acquitted Da Cruz of the charge on 9 September 2013, citing that the law had been revoked.

# BURKINA FASO

## RELEASED

### Lohé Issa KONATÉ:

**PROFESSION:** editor of the private weekly newspaper L'Ouragan

**DATE OF ARREST:** 31 October 2012

**DATE OF RELEASE:** 29 October 2013

**DETAILS OF TRIAL:** Konaté was convicted of criminal defamation on 31 October 2012, alongside L'Ouragan contributor **Roland Ouédraogo**, who received the same sentence in absentia. Both journalists were also sentenced a fine of 1.5 million CFA (approx. US\$2,900) and were ordered to pay a total of 4 million CFA (approx. US\$7,800) in damages to the state

prosecutor. The judge also banned the newspaper from circulation for six months. Konaté was taken straight to prison following sentencing. The authorities had reportedly issued an arrest warrant for Ouédraogo (note: he was not imprisoned as previously reported).

**APPEAL:** According to the journalists' defence lawyer, Konaté's appeal was rejected and his sentence upheld in May 2013. He was released after serving his sentence. He [filed a complaint](#) with the African Court on Human and Peoples' Rights (ACHPR) on 16 June 2013, asking it to rule that his conviction violates his right to freedom of expression, that criminal laws should never be used in a dispute about reputation, and that imprisonment and closure of a media outlet are unduly harsh sanctions. In December, PEN International and several other international and regional human rights organisations successfully petitioned the ACHPR for leave to act as amici curiae, or friends of the court, when it considers Konaté's case, as it raises the use of criminal defamation and insult laws to silence government critics (see '[Rights organisations seek to address criminal defamation before African Court](#)').

**BACKGROUND:** On 1 and 8 August 2012, L'Ouragan published articles which detailed alleged abuse of power by the prosecutor's office. Konaté is reported to have admitted that publication of the articles amounted to professional misconduct, for which he apologised.

## CAMEROON

### KILLED: MOTIVE UNKNOWN

#### \*Eric Ohena LEMBEMBE:

**PROFESSION:** executive director of the Cameroonian Foundation for AIDS (CAMFAIDS), LGBT rights activist, author of several chapters in *From Wrongs to Gay Rights*, journalist and contributor to the '[Erasing 76 Crimes](#)' blog.

**DATE OF BIRTH:** 1980

**DETAILS OF KILLING:** Lembembe was found dead, his body mutilated, on 16 July 2013. It is thought that he was murdered between 12 and 13 July. Lembembe's neck and feet appeared to have been broken, while his face, hands and feet had been burned with an iron. His murder reportedly followed several attacks on the offices of human rights defenders, including those campaigning for equal rights for LGBT people. On 20 September 2013, Cameroon's ambassador to Geneva reportedly told the United Nations Human Rights Council that Lembembe had been killed because of his personal life, suggesting that the journalist might have been a criminal killed in a "settling of scores". The ambassador's claims came despite the authorities' failure to identify any suspects two months after Lembembe's murder. He reportedly dismissed all concern that his murder was linked to his activism as "fantasy".

### IMPRISONED: MAIN CASE

#### Dieudonné Enoh MEYOMESSE:

**PROFESSION:** author, historian and president of the National Association of Cameroonian Writers. Many of his books are critical of President Paul Biya, Meyomesse is also a political activist who aspired to be a candidate for the 9 October 2011 presidential election under the banner of the United National Front (Front National Uni, FNI).

**DATE OF BIRTH:** Born 1954

**SENTENCE:** Seven years

**PLACE OF DETENTION:** Kondengui maximum security prison, Yaoundé

**DATE OF ARREST:** 22 November 2011

**DETAILS OF ARREST:** Meyomesse was arrested at Yaoundé airport on his return from a trip to Singapore and was charged with armed robbery (of gold) and organising a coup. He was accused along with three other men who had accompanied him on the trip. According to Amnesty International, on 18 November 2011, while Meyomesse was in Singapore, gendarmes broke into his house without a search warrant and took documents, compact discs, flash drives, photographs and other personal property. Several days after their arrest, Meyomesse and his three co-accused were transferred in the middle of the night to Bertoua, the capital of Eastern region, where they were held incommunicado. While there, all four were reportedly deprived of food and water for several days at a time and made to sleep on the bare floor in a dark cell infested with insects. A judicial interrogator put a gun on a table and threatened to shoot them in the thigh if they did not admit to having been involved with plotting to overthrow the government and an armed robbery. Fearing for their lives, Meyomesse and the others reportedly signed statements that they were not allowed to read. Meyomesse also says that during interrogation he was told to call his business partners and ask for 15 million Euros (approx. US\$20.5 million) which he would in turn give to investigators: he did not make the call. On 19 December 2011, while Meyomesse's family was still searching for his whereabouts, the news broke that he was being held in Bertoua. On 22 December 2011, Meyomesse and his three co-accused were presented as armed robbers at a press conference in Bertoua. The accusation of plotting to overthrow the government was not mentioned at the press conference. All four subsequently appeared before Yaoundé military court before being transferred to Kondengui prison in Yaoundé.

**DETAILS OF TRIAL:** The three men were charged with armed robbery (of gold) and organising a coup. The trial of Meyomesse and his three co-defendants began in July 2012 at Yaoundé military court. On 14 December 2012, they were found guilty of armed robbery and illegal sale of gold. The Government Commissioner requested a sentence of seven years in prison for Meyomesse and a fine of 200,000 CFA (approx. US\$418), which was confirmed on 27 December 2012. His three co-defendants were reportedly sentenced to terms of between two and nine years in prison. According to Amnesty International, the alleged victims of the armed robbery were not presented or even named during the trial, and were only referred to as "Koreans" by the military prosecutor. Meyomesse's lawyer lodged his appeal the same day.

**TREATMENT IN PRISON:** See details of arrest above. Meyomesse was held in solitary confinement and denied access to a lawyer for the first 30 days of his detention. He suffers from a degenerative eye condition provoked by the month spent in solitary confinement, in total darkness. According to reports received on 16 April 2013, Meyomesse had been prevented from using the prison computer room where he writes his books since 5 April. In addition, the computer on which he was working and saving his work while waiting to buy a CD to back it up had reportedly been declared out of use and removed from the room. Meyomesse had saved three of his recent texts on the computer in question: Poems of Hope, The Elite Against the People from 1884 to the Present Day and Cameroon, Desert of Human Rights. Meyomesse believes that the prison superintendent may have banned him from using the computer room as punishment for Cameroon, Desert of Human Rights and for his support from PEN and Oxfam-Novib. His requests to meet with the computer room manager to discuss the matter and to have his subscription fees refunded have come to nothing. As of October 2013, Meyomesse still had no access to a computer, but continued to write using paper and pen.

**APPEAL:** In April 2013, it was reported that Meyomesse's lawyers had succeeded in having his case referred to a civil court for appeal. His appeal was expected to be called to the Courts of Appeal for the first time on 20 June; however, it was postponed until 18 July. On 17 October, the appeal hearing was postponed until 20 November owing to the fact that one of the men convicted alongside Meyomesse, who was called as a witness in the appeal, failed to appear in court. The hearing was further postponed until 19 December for the same reason. On that

occasion the witness finally appeared in court but the hearing was again postponed, this time to 16 January 2014. Hence, as of 31 December 2013, Meyomesse's appeal hearing had not officially begun.

**BACKGROUND INFORMATION:** According to Amnesty International, Meyomesse says he travelled to Singapore to meet potential business partners there. His three co-accused are personal friends who have been involved in his political campaigns. Before travelling to Singapore, Meyomesse had asked them to travel to the Eastern region to gather information about opportunities, including gold mining, for prospective Australian business partners he was going to meet in Singapore. Meyomesse was reportedly carrying samples of gold when he was arrested. He was previously arrested at Yaoundé airport on 30 January 2011 when returning from Ivory Coast. Meyomesse was reportedly unable to run in the 9 October 2011 presidential elections because the Supreme Court did not validate his candidacy.

**PEN POSITION:** PEN believes that the charges against Meyomesse are politically motivated and that his imprisonment is linked to his writings critical of the government and his political activism.

**AWARDS:** Meyomesse was awarded a 2012 Oxfam Novib/ PEN Freedom of Expression Award.

**HONORARY MEMBER:** PEN American Center and Austrian

**PEN OTHER CAMPAIGNING ACTIVITIES:** He featured as the “Empty Chair” at the WiPC’s biennial Conference in Krakow, Poland in May 2013. English PEN have published an e-book of translations of his poetry, which may be downloaded [here](#). [RAN 04/12 and updates]

## ON TRIAL

### Baature EDUA MVOCHOU: (Nigerian national)

**PROFESSION:** editor of Nigerian magazine African Drum

**DATE OF ARREST:** 1 October 2012

**DETAILS OF ARREST:** Edua was arrested in Buea along with Martin Yembe Fon, editor of local newspaper The Frontier Telegraph, when they tried to cover a secessionist gathering at a local church. Police officers reportedly stopped the journalists and seized their press cards before ordering them to go inside the church. According to Fon, a large number of policemen entered the church and rounded up those gathered there.

**DATE OF RELEASE:** On 8 November 2012, it was reported that Edua was free on bail.

**DETAILS OF TRIAL:** After 10 hours of detention the journalists were taken to court and charged with unlawful assembly. According to Edua’s lawyer, the court had heard his defence and the case was adjourned until 14 March 2013. If convicted, Edua faces a maximum sentence of six months in prison and a fine of 100,000 CFA (approx. US\$200). Fon was later reported to have been cleared of all charges. No further news as of 31 December 2013: PEN is seeking an update.

## THREATENED

### \*Salomon KANKILI and Adolarc LAMISSIA:

**PROFESSION:** reporter for the independent newspaper Le Messenger and the daily paper Le Jour, respectively

**DETAILS OF THREAT:** They were reportedly threatened by officers of the Cameroonian army’s Rapid Intervention Battalion (BIR) when they tried to cover an aeroplane crash on 10 June 2013. Officers of the BIR reportedly also obstructed journalists working for private news outlets, but allowed local officials and reporters from state-controlled media to gain access to the site. A BIR officer reportedly grabbed Kankili by the neck and threw him to the ground after

he asked about the basis for the restrictions. The same officer reportedly threatened unspecified reprisals against Kankili and Lamissia if they published anything about him.

## CONDITIONAL RELEASE

### \*Charles Fils ELANGUE:

**PROFESSION:** head of the culture desk at private broadcaster ABK TV and former reporter for the now-defunct news website Kai Walai

**DATE OF ARREST:** 5 June 2013

**DETAILS OF TRIAL:** On 5 June 2013, Elangue was given a 12-month suspended prison sentence, fined 500,000 CFA (approx. US\$1,010) and ordered to pay 2 million CFA (approx. US\$4,000) in damages in a criminal defamation case. The conviction stemmed from an article published on Kai Walai in May 2011, in which he reported the arrest of the plaintiff in connection with a legal dispute involving the sale of a car. Elangue has reportedly filed an appeal and claimed to have evidence, including video footage of the arrest, to support his story.

**DATE OF RELEASE:** Initially jailed in New Bell prison following sentencing, Elangue was released on 11 June after he paid the fine.

## RELEASED

### \*Jean-Marie TCHATCHOUANG:

**PROFESSION:** editor of the weekly newspaper Paroles

**DATE OF ARREST:** 25 March 2013

**DATE OF RELEASE:** 24 May 2013

**DETAILS OF RELEASE:** He was released from prison having served his two-month prison sentence.

**DETAILS OF TRIAL:** Tchatchouang was convicted of defamation on 25 March 2013 and ordered to pay damages of 2 million CFA francs (approx. US\$3,900), along with a fine of 435,910 CFA francs (approx. US\$852), in addition to a two-month prison sentence. He was jailed immediately in New Bell Prison in Douala. The claimant, the CEO of a Douala bus company, reportedly filed two criminal defamation lawsuits against Tchatchouang in connection with a series of articles published in Paroles in November and December 2010 that covered widely reported allegations of embezzlement and abusive labour practices against him and his wife.

# CENTRAL AFRICAN REPUBLIC

## DEATH THREAT

### \*Julien BELLA:

**PROFESSION:** editor of the Bangui-based daily newspaper Centrafrique Matin

**DETAILS OF THREAT:** Bella was reportedly interrogated and threatened with death by officers of the Extraordinary Committee for the Defence of Democratic Achievements (Comité Extraordinaire de Défense des Acquis Démocratiques – CEDAD) after responding to a summons on 30 September 2013. He was questioned regarding an article published on 25 September, which revealed the existence of an alleged secret CEDAD prison. During his interrogation, CEDAD officers reportedly accused him of divulging classified information and



trying to destabilise the government before threatening to kill him. On 1 October, Centrafrique Matin published an article in which Bella apologised for revealing the prison's existence and said that CEDAD was protecting the nation.

**BACKGROUND:** Bella's interrogation preceded that of two other newspaper editors, Maka Gbossokotto and Ulrich Landry Ngopkele (see 'Harassed' below). The head of CEDAD reportedly acknowledged summoning the journalists, but denied intimidating them.

## **HARASSED**

### **\*Geoffroy DOTTE:**

**PROFESSION:** head of the Central African Journalists Union's print media section and managing editor of the weekly newspaper Dernières Minutes

**DETAILS OF HARASSMENT:** Dotte was reportedly briefly abducted in Miskine on 3 August 2013. The incident occurred after he was seen with a copy of a press release by supporters of a former government minister who had been on hunger strike since 11 July 2013. Dotte was reportedly handed over to officials from the ruling Seleka coalition who took him blindfolded to an unknown location and interrogated him for two hours before releasing him.

### **\*Maka GBOSSOKOTTO:**

**PROFESSION:** editor of Bangui-based daily newspaper Le Citoyen

**DETAILS OF HARASSMENT:** Gbossokotto was reportedly interrogated by officers of the Extraordinary Committee for the Defence of Democratic Achievements (Comité extraordinaire de défense des acquis démocratiques – CEDAD) after responding to a police summons on 4 October 2013. During his interrogation he was allegedly told that he had got his facts wrong and accused of having a hostile tone towards the Seleka rebel coalition. Le Citoyen subsequently published a retraction.

### **\*Davy KPENOUWEN:**

**PROFESSION:** managing editor of the daily newspaper Le Pays

**DETAILS OF HARASSMENT:** Kpenouwen was reportedly summoned by the Prosecutor General and threatened with arrest on 2 August 2013. It is thought that the summons was in connection with the newspaper's coverage of the so-called "Badica affair", although no libel action has been brought against it.

### **\*Ulrich Landry NGOPKELE:**

**PROFESSION:** editor of Bangui-based daily newspaper Quotidien de Bangui

**DETAILS OF HARASSMENT:** Ngopkele was reportedly subjected to interrogation by the head of the Extraordinary Committee for the Defence of Democratic Achievements (Comité Extraordinaire de Défense des Acquis Démocratiques – CEDAD) on 9 October 2013. After attending a summons, Ngopkele was reportedly interrogated twice in relation to the source of an article published on 4 October entitled 'Followers of Gen. Nouradine beaten at Roux Camp,' which referred to alleged difficulties in General Mahamat Nouradine Adam's succession to the position of security minister. The second interrogation was reportedly led by Gen. Nouradine himself. Ngopkele was held for several hours between interrogations and was forced to apologise before being released. He reportedly continues to be harassed and threatened by CEDAD members.

# CHAD

## ON TRIAL

### \*Juda ALLAHONDOUM:

**PROFESSION:** editor of the private weekly La Une

**DETAILS OF TRIAL:** he was convicted of criminal defamation on 30 July 2013 and sentenced to a suspended six-month prison sentence. The case reportedly relates to a story published on 16 April 2013 which discussed the findings of a government audit and alleged the involvement of presidential advisers in the embezzlement of funds in the organisation of an annual event of the ruling party. He is appealing his sentence.

### \*Moussaye AVENIR DE LA TCHIRÉ:

**PROFESSION:** editor-in-chief of Abba Garde bi-monthly newspaper and treasurer of the Union of Chadian Journalists

**DATE OF ARREST:** 7 May 2013

**DETAILS OF ARREST:** Avenir de la Tchiré was arrested by a group of men in civilian clothes. He was in his car in a suburb of N'Djamena when the men forced him into their vehicle. His whereabouts were not immediately known; on 8 May he was found in a former military camp known as "Camp OCAM". His arrest came in the wake of an alleged coup attempt on 1 May in which eight people were reportedly killed in unclear circumstances. A number of other journalists were arrested following the coup attempt, including Eric Topona (see Jean Laokolé's entry below).

**DETAILS OF TRIAL:** He was given a two-year suspended sentence after a conviction of "inciting hate and popular uprising" and a fine of 1 million CFA (approx. US\$2,091) on 29 August 2013. He was released the same day. At a hearing on 22 August, a court had rejected Avenir de la Tchiré's provisional release request, while the prosecutor had reportedly requested a sentence of two years in prison and a fine of 1 million CFA (approx. US\$2091). The editor was expected to appeal his sentence.

**BACKGROUND:** In December 2012, Avenir de la Tchiré received a number of threatening calls following the publication of an issue of Abba Garde that was particularly critical of the president of the ruling party, Mouvement Patriotique du Salut (MPS). On 28 December 2012, unidentified individuals entered Avenir de la Tchiré's house at night; he believes they were sent by politicians, apparently to kill him. One of his journalists, Franck Mbaidje Mbaidogotar, was reportedly abducted and beaten by men wearing gendarmes' uniforms two days earlier, on 26 December 2012. Avenir de la Tchiré is reportedly often threatened and harassed by politicians due to the freedom with which he allows his reporters to express themselves. In June 2012, he was one of a group of Chadian journalists who said they had been threatened by a government minister.

### \*Jean Etienne LAOKOLÉ:

**PROFESSION:** activist, humanitarian worker, writer and blogger

**DATE OF ARREST:** 22 March 2013

**DETAILS OF ARREST:** Laokolé was arrested by a group of men in civilian clothes in the Chadian capital N'Djamena and spent almost five months in pre-trial detention. He was reportedly driving with family members when he was stopped and forced into another vehicle. Laokolé's arrest was thought to be in connection with a series of articles he wrote denouncing

corruption, poor governance and nepotism in Chad, and posted on a well-known Chadian blog, Le Blog de Makaila, under the pseudonym Vourboubé Pierre, in 2012. Laokolé was reportedly identified as the author by the intelligence services. According to reports, earlier on the day of his arrest Laokolé had been summoned for questioning by the criminal investigation police as a result of a complaint about an article he had written.

**DATE OF RELEASE:** August 2013

**TREATMENT IN DETENTION:** Laokolé was held incommunicado for three days following his arrest, before reportedly being sighted in a former military camp in N'Djamena on 25 March 2013. He was then transferred to the Am Sinene detention centre, 30km outside the capital, where conditions amount to cruel, inhuman and degrading treatment or punishment, according to Amnesty International. He was reportedly later given access to a lawyer and his family.

**DETAILS OF TRIAL:** Laokolé appeared before a magistrate on 1 April 2013, where his lawyer stated that the procedure in the case of defamation had not been followed and that there was no reason why Laokolé should not be granted bail pending trial. On 19 August 2013, he was convicted of defamation and “abortive conspiracy against public order” and given down a three-year suspended prison sentence.

**BACKGROUND:** On 6 May 2013, Eric Topona, broadcast journalist and secretary general of the Union of Chadian Journalists (Union des Journalistes Tchadiens), was arrested after he attended a summons to testify in Laokolé’s case at the N'Djamena Magistrate’s Court. Accused of working with Laokolé and contributing to Le Blog de Makaila, he was reportedly charged with “endangering constitutional order”, detained under warrant and transferred to Am Sinene detention centre where he remained in prison pending trial. Topona was also convicted on charges of defamation and “abortive conspiracy against public order” and given a three year suspended sentence, and released, on 19 August 2013. Topona was reported to be appealing his sentence. [RAN 17/13 and updates]

### **\*Samory NGARADOUMBÉ:**

**PROFESSION:** editor of the weekly newspaper L’Observateur

**DATE OF ARREST:** 14 October 2013

**DETAILS OF ARREST:** He was reportedly arrested in connection with the publication of an article which covered alleged disturbances in the Bardai military garrison. The government deny any unrest at the garrison and believe that the article was intended to disturb public order. Ngaradoumbé is said to have agreed that the prefect of Bardai and the army general staff would be given the right to reply to the article in question in the next issue of L’Observateur. He was reportedly questioned by security police the week prior to his arrest who wanted to know his sources for the report.

**DETAILS OF TRIAL:** Ngaradoumbé was reportedly released pending trial on a charge of “inciting a revolt” after appearing before a public prosecutor on 16 October. According to reports, he was still on trial as of 12 November. No further information as of 31 December 2013; PEN is seeking an update.

**BACKGROUND:** In 2005 Ngaradoumbé was sentenced to three months in prison and a heavy fine for writing an open letter to the president criticising the arrest of members of the Kreda community.

# DEMOCRATIC REPUBLIC OF CONGO

## ON TRIAL

### \*Charly KASONGO:

**PROFESSION:** editor of the newspaper L'Intelligent

**DATE OF ARREST:** 29 May 2013

**DETAILS OF DETENTION:** he was arrested and held for a week before being released on bail on 5 June.

**DETAILS OF TRIAL:** He was facing charges of defamation filed against him by the minister of employment, labour and social welfare. The charges relate to an article published in L'Intelligent on 14 May, in which Kasongo referred to a memorandum from labour inspectors to the prime minister calling for the minister of employment, labour and social welfare to be dismissed. No further information as of 31 December 2013; PEN is seeking an update.

## BRIEF DETENTION

### \*Mag MIKOMBE:

**PROFESSION:** reporter for the daily newspaper Le Palmarès and contributor to the private newspaper Echo du Sud

**DATE OF ARREST:** 14 October 2013

**DETAILS OF ARREST:** he was reportedly abducted outside a hotel by eight unidentified individuals and illegally detained for 48 hours. Mikombe was forced into a vehicle and taken to an army jail cell belonging to the Congolese National Police. His detention was thought to be in relation to a 7 October Echo du Sud article entitled 'Roger Nsingi manages the Kinshasa Provincial Assembly like his store'. On 8 October, a close colleague of the president of the Provincial Assembly of Kinshasa, Modeste Kisema, went to the newspaper's offices in search of the author of the article. Although the article had been attributed to another journalist, Mikombe was reportedly tasked with talking to Kisema at the hotel where the abduction took place on 14 October.

**DATE OF RELEASE:** Mikombe was released on 17 October.

## HARASSED

### \*Guy KASSONGO:

**PROFESSION:** director of the private newspaper Echo du Sud

**DATE OF ARREST:** 20 May 2013

**DETAILS OF ARREST:** he was arrested at the newspaper's headquarters by three agents of the National Intelligence Agency (ANR) after he published an article critical of a national MP, the younger brother of the president. The article reportedly suggested that the MP was systematically absent from his constituency. Kassongo was questioned extensively about the article while in custody and warned off "creating a problem with the MP".

**DATE OF RELEASE:** He was unconditionally released after being held for eight hours.

## CONDITIONAL RELEASE

### \*Nicaise Kibel BEL'OKA:

**PROFESSION:** publisher of the bimonthly newspaper Les Coulisses

**DETAILS OF TRIAL:** On 20 June 2013, he was sentenced to a four-month suspended prison sentence and a fine equivalent to US\$3,000 for allegedly libeling the deputy director of the customs department in Béni in relation to a June 2012 article claiming customs fraud. Bel'Oka said he would appeal. The offending article reported that 977 tons of timber was exported on 18 May 2012 without being registered by the Béni customs department. It was originally reported that the journalist faced a possible jail term and US\$100,000 in damages if convicted.

**BACKGROUND:** Bel'Oka reportedly served a six-month prison sentence for libel in 2004.

**AWARDS:** Bel'Oka was awarded the 2009 CNN award for press freedom in Africa.

### \*Joachim Diana GIKUPA:

**PROFESSION:** editor of the private daily newspaper La Colombe

**DATE OF ARREST:** 12 February 2013

**DETAILS OF ARREST:** Arrested and taken to a local court before being transferred to Malaka central prison. In December 2012, he had been convicted of criminal defamation, sentenced to six months in prison and ordered to pay US\$20,000 in damages for publishing a 9 February 2012 report that alleged the sale of expired medication by a Chinese company that managed a local hospital. On 25 February 2013, Gikupa's appeal for provisional release, which was based in large part on the deterioration of his health, was refused by a Kinshasa court.

**DETAILS OF RELEASE:** On 4 March 2013, he was reportedly granted provisional release by the Court of Appeal.

# DJIBOUTI

## ON TRIAL

### \*Mohamed Ibrahim WAISS:

**PROFESSION:** journalist for the pro-opposition news website La Voix de Djibouti

**DATE OF ARREST:** 12 December 2013

**DETAILS OF ARREST:** According to reports, Ibrahim was arrested while covering a protest in the Balbala suburb of Djibouti City. Initially held at the Fourth District police station in Balbala, he was later transferred to Central Gabode Prison. Ibrahim was reportedly held for 78 hours over the statutory maximum pre-trial custody period of four days before, on 19 December 2013, a judge at the Court of First Instances granted him bail.

**DETAILS OF TRIAL:** He reportedly faces charges of "inciting a demonstration". His trial is expected to commence on 2 January 2014.

**BACKGROUND:** At the time of his arrest, Ibrahim was covering a demonstration staged by women demanding land plots that they had been promised by the government after their residences had been destroyed. Journalists for the La Voix de Djibouti website have been subject to previous harassment. In June 2013, Houssein Ahmed Farah was conditionally released from prison after being charged with inciting public disorder (see 'Conditional release' below). On 4 December 2013, two other colleagues, Abdourahman Houssein (see 'Harassed' below) and Sadam Ainan were reportedly beaten and detained by police while they covered a

police raid on market stall vendors in Maka Moukarama Market. On 7 December 2013, another colleague, Farah Abadid Hildid, was reportedly briefly detained by police.

## **HARASSED**

### **\*Moustapha Abdourahman HOUSSEIN:**

**PROFESSION:** journalist for news website La Voix de Djibouti.

**DATE OF ARREST:** 17 December 2013

**DETAILS OF ARREST/ATTACK:** He was reportedly arrested while he was on his way to Hodan police station to collect a number of personal belongings from a previous arrest. Houssein was held in Nagad detention centre, where he says he was tortured and went on hunger strike.

**DETAILS OF RELEASE:** Reportedly released late in the evening on 18 December.

**BACKGROUND:** On 4 December, Houssein was reportedly beaten and briefly detained by police, along with his colleague Sadam Ainan, after they attempted to cover a police raid on market stall vendors in Maka Moukarama Market. A medical certificate suggests that Houssein suffered from a ruptured eardrum following the incident. On 14 December 2013, Houssein was reportedly arrested again together with Sahal Elmi Talan, also a journalist, as they were covering the eviction of street vendors by police from Djibouti City's central market.

## **ERITREA**

### **DETAINED: MAIN CASE**

Detained before 2001:

### **Gebrehiwot KELETA:**

**PROFESSION:** reporter for the newspaper Tsigenay

**DATE OF BIRTH:** 1951

**DATE OF ARREST:** June 2000

**DETAILS OF ARREST AND DETENTION:** He was reportedly arrested after he met a US embassy official along with other journalists. He has been detained incommunicado in a secret location ever since. Keleta, who is also a former Eritrean Liberation Front officer, was 49 at the time of his arrest.

Detained in September 2001:

### **General Ogbe ABRAHA**

**PROFESSION:** Chief of Staff of the Defence Force,

### **Mahmud AHMED SHERIFFO**

**PROFESSION:** former Minister of Local Government,

### **Astier FESHATSION (f)**

**PROFESSION:** former Minister of Trade and Industry,

### **Saleh Idris KEKIA**

**PROFESSION:** former Minister of Transportation and Communication,

### **Petros SOLOMON**

**PROFESSION:** former Minister of Fisheries,

### **Haile WOLDETESNAE**

**PROFESSION:** former Minister of Trade and Industry,

### **Berhane GHEBRE EGHZABIHER, Beraki GHEBRE SELASSIE, Hamid HIMID, Germano NATI and Estifanos SEYOUM**

**PROFESSION:** Also former members of government

**DATE OF ARREST:** 18 or 19 September 2001

**DETAILS OF ARREST AND DETENTION:** they have been detained since the publication in May 2001 of an open letter critical of the government addressed to members of the ruling People's Front for Democracy and Justice (PFDJ) party. All 11 were members of the so-called G-15, a group of 15 PFDJ senior officials who signed the letter. They were arrested in Asmara on 18 and 19 September 2001 and accused of crimes against national security and sovereignty. A twelfth G15 member was also arrested but was released when he recanted. The three remaining members were abroad at the time of the arrests and have not returned to Eritrea. In February 2002, in the first parliamentary session since 2000, President Issayas Afewerki declared that the G-15 members had "committed treason by abandoning the very values and principles the Eritrean people fought for". The National Assembly therefore "strongly condemned them for the crimes they committed against the people and their country". After such statements it seems highly improbable that the eleven currently held will receive a fair trial. They have been held incommunicado ever since and it is not known whether they have been formally charged. According to Amnesty International, their family and friends have faced persecution whenever they have tried to speak out against the detentions. In April 2009, Amnesty stated that at least one of the G-15 members, General Ogbe Abraha, had reportedly died in custody due to the harsh conditions and lack of access to medical treatment. Astier Feshatsion was said to be suffering from stomach ulcers. According to Amnesty International, in early 2009 there were unconfirmed reports that nine of the former government officials known as the G-15 had died in detention since 2002.

**UN WORKING GROUP ON ARBITRARY DETENTION (WGAD) OPINION:** On 27 November 2007, WGAD adopted its opinion (No. 23/2007 Eritrea) that the politicians' detention was arbitrary under both category I ('When it is impossible to invoke any legal basis justifying the deprivation of liberty') and category II ('When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by the Universal Declaration of Human Rights and, in so far as state parties are concerned, the International Covenant on Civil and Political Rights'). WGAD requested their immediate release.

**UPDATE:** According to a report by the UN Special Rapporteur on the situation of human rights in Eritrea, published in late May 2013, the Eritrean government has still not provided any information on the fate of the G11 political leaders. In meetings with government representatives in early 2013, the Special Rapporteur asked them to confirm whether or not the political leaders were still alive, their whereabouts, state of health and access to medical treatment, and why they had not yet been brought before an independent court to be charged with a crime recognisable under international law. She had not received any response to these questions at the time the report was published. According to a May 2013 report by Amnesty International, in July 2012 it was reported that Petros Solomon had been admitted to a hospital in Asmara due to a serious illness. However, adequate medical care was not available

in Eritrea and it is known what has happened to him since. The same report by Amnesty International stated that the brother of Estifanos Seyoum, Colonel Tesfaledet Seyoum, was also arrested in 2001 and has been detained incommunicado since. He was reportedly arrested for expressing political views in opposition to the government. No further information as of 31 December 2013.

### **Emanuel ASRAT**

**PROFESSION:** editor-in-chief of Zemen (Time),

### **Temesken GHEBREYESUS**

**PROFESSION:** sports reporter of Keste Debena (Rainbow) and actor

**DATE OF BIRTH** c. 1967,

### **Mattewos HABTEAB**

**PROFESSION:** chief editor of Meqaleh (Echo)

**DATE OF BIRTH:** c.1973,

### **Dawit HABTEMICHAEL**

**PROFESSION:** co-founder and assistant chief editor of Meqaleh; also said to be a science teacher

**DATE OF BIRTH:** c. 1973,

### **Seyoum TSEHAYE**

**PROFESSION:** freelance contributor to Setit, playwright, newspaper, TV and radio journalist and photographer

**DATE OF BIRTH:** 1952

**DETAILS OF ARREST:** The detentions came in the wake of the closing down of all eight independent newspapers by the authorities on 18 September 2001 (these include the weeklies Meqaleh, Setit, Tsigenay, Zemen, Wintana, and Admas).

**SENTENCE:** They are believed to be held without charge or trial. Since then, only state-owned newspapers have been published.

**OFFICIAL POSITION:** The authorities have either denied that a clampdown took place, claiming instead that the journalists have merely been sent to carry out their national service, or that the closures and mass arrests were necessary for the sake of national unity or were carried out because of the newspapers' failure to comply with laws covering media licences. However, a more likely explanation is that the crackdown was an attempt to stamp out criticism of the Eritrean government's treatment of students and political dissenters, and of its conflict with Ethiopia. In April 2003, President Isaias Afewerki told Radio France Internationale that the journalists listed as arrested or missing had been bribed by forces opposed to the government to cause division. He stated, "You cannot say a spy is a journalist...In the middle of the war we had to check them. We had to say enough is enough." In a 2004 interview, President Afewerki commented that there had never been any independent media in Eritrea, only journalists in the pay of the CIA.

**HEALTH CONCERNS/PRISON CONDITIONS:** It was reported in April 2004 that the journalists were being held in secret security sections of the 2<sup>nd</sup> and 6<sup>th</sup> police stations in the capital Asmara. It is believed that they have since been moved to prisons in various locations, where conditions are reputed to be brutal. There are serious concerns about severe ill treatment, possible



torture, poor health and lack of access to medical care, as highlighted by the reported deaths of four journalists in custody (see below). In September 2009, Reporters Without Borders reported that many of the imprisoned journalists were being held in metal containers or underground cells in Adi Abeito military prison (northwest of Asmara), Eiraeiro prison (near the locality of Gahtelay) and in the Dahlak archipelago.

**REPORTED DEATHS IN CUSTODY:** In 2007, reports emerged that four of the journalists who were arrested in September 2001 had died in custody between 2005 and early 2007: Said Abdelkader (Admas), Medhanie Haile (Keste Debena), Yusuf Mohamed Ali (Tsigenay), Fesshaye Yohannes "Joshua" (co-owner of Setit, playwright and poet). Their deaths were attributed to harsh conditions and lack of medical attention. Some sources suggest that that Yohannes was tortured prior to his death, including by having his fingernails ripped out.

**ACTIONS BY INTERGOVERNMENTAL BODIES:** In May 2007, the African Commission on Human and People's Rights (ACPHR) of the African Union ruled that the detention of the journalists was arbitrary and unlawful and called on the Eritrean government to release and compensate the detainees. In September 2011, the European Parliament adopted a strongly worded resolution urging Eritrea to "lift the ban on the country's independent press and to immediately release independent journalists and all others who have been jailed simply for exercising their right to freedom of expression."

**MORE REPORTED DEATHS IN CUSTODY:** According to Reporters Without Borders on 30 August 2012, Dawit Habtemichael and Mattewos Habteab died in Eiraeiro prison camp, Habtemichael in the second half of 2010. PEN is seeking confirmation of these reported deaths.

**UPDATE:** According to a report by the UN Special Rapporteur on the situation of human rights in Eritrea published in May 2013, the Eritrean government has still not provided any information on the fate of the journalists detained in 2001. In meetings with government representatives in early 2013, the Special Rapporteur asked them to confirm whether or not the journalists were still alive, their whereabouts, state of health and access to medical treatment, and why they had not yet been brought before an independent court to be charged with a crime recognisable under international law. She had not received any response to these questions at the time the report was published. No further information as of 31 December 2013.

**HONORARY MEMBERS:** PEN American Center and PEN Canada.

## **Dawit ISAAC**

**PROFESSION:** co-owner of Setit, playwright and writer. Isaac, who spent a number of years in Sweden during the Eritrean war of independence and the border dispute between Eritrea and Ethiopia, holds Swedish citizenship.

**DATE OF BIRTH:** 1964

**DATE OF ARREST:** In the days following 23 September 2001, along with Emanuel Asrat, Temesken Ghebreyesus, Mattewos Habteab and Seyoum Tsehaye (see above).

**SENTENCE:** It is thought that Isaac, like his colleagues, has yet to be put on trial.

**DETAILS OF ARREST:** See case listing above.

**OFFICIAL POSITION:** As above. In a TV interview in June 2009, President Afewerki said that he did not know what crime Isaac had committed but that he had made a "big mistake". He added that the Eritrean authorities would not release Isaac or put him on trial and that they have their "own ways of dealing with that".

**PRISON CONDITIONS/HEALTH CONCERNS:** Isaac reportedly suffers from a diabetic condition that requires medical supervision. In November 2001, the Swedish local consul held a brief meeting with Isaac in jail. In April 2002, it was reported that Isaac had been hospitalised suffering from injuries sustained through his torture. In November 2005, Isaac was briefly released for a medical check-up and was allowed to call his family and friends in Sweden. This was due to pressure by groups in Sweden but did not lead to Isaac's release: he was returned

to prison two days later with no explanation. Since then Isaac has reportedly been moved to various prisons around the country. In January 2009, he was reportedly transferred from prison to an Air Force hospital in Asmara as a result of serious illness, but was later returned to prison. The most recent reports indicate that Isaac is being held at Eiraeiro prison camp, 10 miles north of the capital Asmara, along with a number of the other detained journalists. In August 2009, he was among the subjects of a communication from the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the UN Special Rapporteur on the situation of human rights defenders to the Eritrean authorities, to which they had received no response by March 2011. As of January 2010, Isaac was reportedly being kept in solitary confinement, in a tiny cell with no windows, and was in very poor physical and mental health. He and the other inmates are reportedly not allowed any contact with each other or the outside world, are routinely shackled and receive almost no medical care. In May 2011, Amnesty International reported that Isaac remained in detention, allegedly in Eiraeiro prison camp. He was reportedly in poor mental and physical health. However in May 2012, Amnesty stated that it had received reports in October 2011 that Isaac may have died in detention, as he was no longer in the prison where he had been held. The Eritrean government did not confirm these reports.

**LEGAL ACTION:** In July 2011, Isaac's brother, Esayas Isaac, reportedly filed a writ of habeas corpus with Eritrea's Supreme Court calling for information on the journalist's location and a review of his imprisonment. The writ was not supported by the Swedish government; Foreign Minister Carl Bildt reportedly said the country's goal was to have Isaac released on humanitarian grounds rather than stand trial. The Supreme Court did not respond. As a result, three European jurists referred Isaac's case to the African Commission on Human and People's Rights (ACHPR), according to Reporters Without Borders on 27 October 2012.

**SWEDISH DIPLOMACY:** In September 2012, Swedish Foreign Minister Carl Bildt said that the Swedish government was working for Isaac's release, but that it could not reveal details of its diplomatic efforts. However, a few months earlier, in an interview with Swedish newspaper Aftonbladet in May 2012, President Afwerki reportedly denied that Sweden was using any form of silent diplomacy to get Isaac out of prison and refused to comment on suggestions that Isaac may be dead.

**UPDATE:** Isaac's case was due to be heard by the ACHPR during the Commission's extraordinary session from 18 to 25 February 2013 in Banjul, The Gambia. It was reported that Isaac's lawyer would attend the session. According to a report by the UN Special Rapporteur on the situation of human rights in Eritrea published in May 2013, the Eritrean government has still not provided any information on the fate of the journalists detained in 2001. In meetings with government representatives in early 2013, the Special Rapporteur asked them to confirm whether or not the journalists were still alive, their whereabouts, state of health and access to medical treatment, and why they had not yet been brought before an independent court to be charged with a crime recognisable under international law. She had not received any response to these questions at the time the report was published. No further news as of 31 December 2013.

**HONORARY MEMBER:** PEN American Center, PEN Canada, Finnish PEN and Swedish PEN

**AWARDS:** Isaac was awarded the 2009 Tucholsky Award by Swedish PEN, the 2009 Norwegian Authors' Union Freedom of Expression Prize and the 2011 Golden Pen of Freedom, the annual press freedom prize of the World Association of Newspapers and News Publishers (WAN-IFRA). An award in his name was established in 2007 by the Swedish National Press Club.

**WRITINGS:** A collection of Isaac's writings, entitled Hope - the Tale of Moses and Manna's Love, was launched at Sweden's Gothenburg book fair in September 2010. [RAN 51/05 and updates]

Detained after September 2001:

### **\*Idris ABA'ARE**

**PROFESSION:** writer and disabled Eritrean Liberation Front veteran

**DATE OF ARREST:** October 2001

**DETAILS OF ARREST:** Reportedly arrested after questioning the G-15 arrests (see above), according to a May 2013 report by Amnesty International.

**DETAILS OF DETENTION:** He has been detained incommunicado without charge since his arrest, in a secret location.

**BACKGROUND:** Aba'are was reportedly a department head at the Ministry of Labour at the time of his arrest.

### **Yirgalem ASFHA (f)**

**PROFESSION:** essayist and journalist, staff member at Radio Bana, and former art critic for the independent weekly newspaper Zemen,

### **Yirgalem FISSEHA MEBRAHTU (f)**

**PROFESSION:** poet and journalist for Radio Bana,

### **Meles Negusse KIFLU**

**PROFESSION:** writer, poet and journalist for Radio Zara and Radio Bana, formerly worked for Tsigenay,

### **Bereket MISGHINA ("Wedi Misghina")**

**PROFESSION:** playwright and actor, and staff member at Radio Bana.

**DATE OF ARREST:** 22 February 2009

**DETAILS OF ARREST:** they were arrested during a raid on Radio Bana, based in Asmara, during which at least 50 employees were arrested by the security forces. By April 2009, most had been released but a number of them, around 12 in total, are thought to remain in detention. Those listed here are known to be writers or print journalists.

**REASONS FOR ARREST:** No reason has been given for the journalists' arrest and they have apparently not been charged with any offence. However, it is thought that Asfha and Misghina might have been arrested due to their close working relationship with foreigners and a programme broadcast on Radio Bana in January 2009 about participatory government. Radio Bana produces educational programs for the Ministry of Education.

**PLACE OF DETENTION:** various (see below).

**OTHER INFORMATION:** Kiflu and Misghina were reportedly first held at the Doboziro detention centre and then at the military prison in Adi Abeito, to the northwest of Asmara. Fisseha, who was 27 at the time of her arrest, was initially taken to Adi Abeito but was subsequently transferred to the nearby May Srwa prison. Misghina is said to come from a very prominent family in Keren in northern Eritrea. He was reportedly tortured in 2002 after a screening of his film Fistametat. Asfha, who is thought to have been aged 30 at the time of her arrest, is from Adi Keyih in the south of the country. Kiflu is married with two children. Fisseha, Kiflu and Misghina were still detained as of 16 September 2011, according to Reporters Without Borders; no mention of Asfha. Yirgalem Fisseha Mebrahtu was admitted to hospital in the Eritrean capital Asmara in a serious condition in January 2012. She was under permanent guard and was allowed no visitors. Her family and friends were not told of the nature of her illness but her treatment requires the purchase of medication abroad.

**REPORTED DEATH IN CUSTODY:** According to a 30 August 2012 report by Reporters Without Borders, a journalist identified only as Bereket has reportedly died as a result of appalling conditions in Adi Abeito military prison and this journalist may be Bereket Misghina, but this has not been confirmed. The same report stated that Meles Negusse Kiflu was still being held at Adi Abeito and that Yirgalem Fisseha Mebrahtu was still detained at a hospital in Asmara.

**UPDATE:** According to a May 2013 report by Amnesty International, the Radio Bana journalists remain in detention; they have not been charged or brought before a court and their families have not been told where they are being held. No further information as of 31 December 2013.

## **Mulubrhan HABTEGEBRIEL**

**PROFESSION:** journalist for the independent newspapers Meqaleh and Setit, as well as an essayist, commentator and translator for Radio Zara and the state-run newspaper Hadas Eritrea.

**DATE OF ARREST:** 2008

**REASON FOR ARREST:** Not known

**PLACE OF DETENTION:** Adi Abeito military prison

**OTHER INFORMATION:** Along with other prisoners (including Bereket Misghina and Meles Negusse Kiflu – see above), reportedly taken to an unknown destination in armoured cars on the night of 22 May 2009 before being sent back to Adi Abeito. According to a 30 August 2012 report by Reporters Without Borders, Habtegebriel was still being held at Adi Abeito. No further information.

## **\*Petros TEFERI (Wedi Qeshi)**

**PROFESSION:** writer and poet

**DATE OF ARREST:** February 2009

**DETAILS OF ARREST:** At the time of his arrest in February 2009, Teferi was working for the state media radio 'Dimtsi Hafash' & 'ERI-TV' as well as contributing to the Ministry of Education-run 'Radio Bana' as a freelancer, according to Article 19.

**PLACE OF DETENTION:** Teferi's whereabouts is not known.

## **Sahle TSEGAZAB (previously listed under pen name of Wedi ITAY)**

**PROFESSION:** freelance journalist, former journalist for Keste Debena; writer and essayist.

**DATE OF ARREST:** October 2001

**PLACE OF DETENTION:** Eiraeiro prison camp.

**OTHER INFORMATION:** Itay was in his 40s at the time of his arrest and as of 2009 was said to be seriously ill. He is reportedly a former member of the Eritrean People's Liberation Front (EPLF).

**REPORTED DEATH IN CUSTODY:** According to a Reporters Without Borders report dated 30 August 2012, Itay had died in Eiraeiro prison camp from an unidentified illness and from the lack of medical treatment; PEN is seeking confirmation.

## **DETAINED: INVESTIGATION**

## **\*Miriam HAGOS (f):**

**PROFESSION:** Director of Cinema in the Ministry of Information and former employee of the Eritrean Liberation Front information department, Hagos was reportedly the organiser of the Asmara Film Festival for a number of years.

**DATE OF ARREST:** Late 2001/early 2002, according to a May 2013 report by Amnesty International.

**PLACE OF DETENTION:** Unknown. PEN is seeking to confirm whether Hagos is also a writer.

### **\*Idris MOHAMED ALI:**

**PROFESSION:** popular singer in the Tigris language

**DATE OF ARREST:** November 2005, according to a May 2013 report by Amnesty International.

**DETAILS OF DETENTION:** No reason was given for his arrest, but according to Amnesty's sources he was suspected of opposition to the government. He has never been charged, brought before a court or been given access to a lawyer.

**PLACE OF DETENTION:** His family do not know where he is being held and have had no news of him since his arrest. PEN is seeking to confirm whether Mohamed Ali is also a songwriter.

### **RELEASED**

### **\*Zemenfes HAILE:**

**PROFESSION:** journalist for the now defunct private newspaper Megaleh, freelance writer for the state media

**DATE OF ARREST:** February 2009

**DETAILS OF ARREST AND DETENTION:** Arrested during a 2009 round-up of journalists and held for over four years.

**DATE OF RELEASE:** He was reportedly released in March 2013, according to Article 19.

### **\*Mohammed Said OSMAN:**

**PROFESSION:** journalist (former Vice Director of Radio Bana, head of Tigre branch of Radio Bana), and well known poet among the Tigre people.

**DATE OF ARREST:** February 2009

**DETAILS OF ARREST AND DETENTION:** According to Article 19, Osman was arrested while working for Radia Bana and remained in detention for four years

**DATE OF RELEASE:** March 2013.

## **ETHIOPIA**

### **IMPRISONED: MAIN CASE**

### **Reeyot ALEMU (f)**

**PROFESSION:** contributor to the independent weekly newspaper Feteḥ

**DATE OF ARREST:** 21 June 2011

**SENTENCE:** 14 years in prison

**DETAILS OF ARREST:** Alemu was arrested two days after Woubshet Taye (see below), on 21 June 2011, at a secondary school where she taught English in Addis Ababa; her home was also searched by police. She was initially detained incommunicado without charge.

**REASONS FOR ARREST:** The authorities did not disclose the reason for the arrests, but it was suspected that both were detained under Ethiopia's 2009 Anti-Terrorism Proclamation.

Alemu's arrest was thought to be related to her articles criticising the ruling EPRDF party. Her 17 June 2011 column in Feteah was reportedly critical of the EPRDF's public fundraising methods for the Abay Dam project, and drew parallels between Prime Minister Meles Zenawi and the late Libyan leader Muammar Gaddafi.

**DETAILS OF TRIAL:** On 6 September 2011, Taye and Alemu appeared before Ethiopia's High Court and were charged under the Anti-Terrorism Proclamation. Their lawyers said they did not have any details about the charges as they were not notified of the hearing and as a result could not attend. Terrorism charges were also filed in absentia against Elias Kifle, editor of the US-based anti-government website Ethiopian Review, who lives in exile in the USA. On 19 January 2012, Taye and Alemu were convicted and sentenced to 14 years in prison for 'lending support to terrorist groups.' Kifle was sentenced in absentia to life imprisonment.

**APPEAL:** On 3 August 2012, it was reported that an appeals court in Addis Ababa had reduced the 14-year prison sentence given to Alemu in January to five years and dropped most of the terrorism charges against her. The court upheld one of the charges against her, that of "participating in the promotion or communication of a terrorist act". Her lawyers said that they were seeking to have her acquitted of this final charge. On 9 January 2013, Ethiopia's Court of Cassation, the last resort for legal appeals in the country, rejected Alemu's appeal and ordered that she serve her five-year term. On 18 October 2013 it was reported that an appeal had been filed with the African Commission on Human and Peoples' Rights on Alemu and Eskindeh Nega's behalf; no news on this appeal as of 31 December 2013.

**PLACE OF DETENTION:** Alemu was held at the federal investigation centre at Maekelawi Prison in the capital Addis Ababa, before being transferred to Kality prison, on the outskirts of Addis Ababa.

: Alemu's physical and psychological state of health was said to have seriously deteriorated in prison, and as of early September 2011 she was said to be extremely weak. Her relatives had been allowed to visit her and bring her medicines but she had not received any treatment from doctors. According to reports in April 2013, Alemu was denied access to medical treatment after she was diagnosed with a tumour in her breast. As of 1 December 2013, she was reported to be suffering from chronic gastritis and sinusitis as well as her breast tumour. She had recently complained of severe pain and bleeding. According to her lawyer, Alemu was due to have a check-up in November 2013, but the authorities refused to take her to the hospital.

**TREATMENT IN PRISON:** Alemu said that she had been denied access to a lawyer during their interrogation. According to reports in April 2013, Alemu was threatened with solitary confinement for two months as a punishment for alleged bad behaviour toward the prison authorities and for threatening to publicise human rights violations by prison guards. On 11 September 2013, Alemu reportedly began a hunger strike to protest an order by prison officials to turn in a list of visitors. In response to the hunger strike, the authorities forbade her from having any visitors except her parents and a priest. Two days later officials reportedly removed the visitation sanctions, with the exception of her younger sister and her fiancé, journalist Sileshi Hagos. Hagos was reportedly detained for four hours at the prison on the same day when he attempted to visit her. Alemu was reported to have stopped her hunger strike on 15 September 2013, but decided not to receive any visitors until the restrictions on her fiancé and sister were lifted. The visitation sanctions imposed run in contravention to the Ethiopian Constitution. According to her lawyer, visitation restrictions remained in place as of December 2013. It remains unclear whether the restrictions were in connection with an article critical of anti-terrorism legislation written by Alemu and published by the International Women's Media Foundation in August.

**BACKGROUND:** The managing editor of Awramba Times, Dawit Kebede (see below), is reportedly the target of on-going harassment by the authorities and by the pro-government media.

**AWARDS:** Alemu was awarded the International Women's Media Foundation Courage in

Journalism Award in 2012 and the UNESCO/ Guillermo Cano World Press Freedom Prize in May 2013. Taye is a recipient of Human Rights Watch's Hellman-Hammett Award 2012 and CNN's Free Press Africa Award 2013.

**HONORARY MEMBER:** PEN Canada [RAN 34/11 and updates]

### **\*Asfaw BERHANU**

**PROFESSION:** former contributor to the private bilingual newspaper The Reporter

**SENTENCE:** two years and nine months' imprisonment

**DATE OF ARREST:** Unclear

**PLACE OF DETENTION:** Hawassa Prison

**DETAILS OF TRIAL:** Berhanu was reportedly convicted on 25 December 2013 of "spreading false rumours" and thereby "creating a danger of public disturbances" under Article 486/1 of Ethiopia's criminal code. He reportedly plans to appeal the sentence. Berhanu's conviction follows the 4 September 2013 publication of an article in which he claimed that three state government officials had been removed from their posts – allegations that later proved to be false, according to news reports. The newspaper issued a front-page retraction on 8 September and dismissed Berhanu.

**OTHER INFORMATION:** on 9 October 2013, three policemen arrested Reporter Managing Editor Melaku Demissie in connection with the 4 September article. His release was ordered the same day (see 'Brief detention' below).

**BACKGROUND:** Together the English and Amharic-language versions of The Reporter constitute Ethiopia's leading independent newspaper. The Amharic-language website gets up to 30,000 visitors a day. The newspaper and its employees have reportedly been the target of intimidation in the past. In August 2008, editor-in-chief Amare Aregawi was illegally arrested and transferred outside Addis Ababa, and subsequently suffered a serious attack a few months after his release (see previous case lists).

### **Yusuf GETACHEW**

**PROFESSION:** editor of the now-defunct weekly newspaper Ye Muslimoch Guday (Muslim Affairs)

**DATE OF ARREST:** 20 July 2012

**DETAILS OF ARREST:** Arrested in the capital, Addis Ababa, following a raid on his house and taken to the Maekelawi Federal Detention Centre. The police reportedly confiscated four of Getachew's mobile telephones, his wife's digital camera, some books and 6,000 birr (approx. US\$334). The editor spent weeks in pre-trial detention at Maekelawi, with no access to his family and only limited contact with his lawyer. He was held for more than three months before being charged.

**PLACE OF DETENTION:** Kality Prison, Addis Ababa

**DETAILS OF TRIAL:** On 29 October 2012, Getachew appeared in court and was charged under the Anti-Terrorism Proclamation 2009 with plotting acts of "terrorism, intending to advance a political, religious or ideological cause" by force; and the "planning, preparation, conspiracy, incitement and attempt of terrorist acts." Getachew's trial is part of a wider trial of at least 29 Muslim protest leaders and others charged under Ethiopia's Anti-Terrorism Proclamation. The trial has reportedly been marred by serious due process violations, including undermining the defendants' presumption of innocence. On 8 August 2013 it was reported that the trial, which was closed to the public, was on-going. On 1 December 2013, it was reported that Getachew was being held at Kality Prison in Addis Ababa. During his trial, Getachew has told the court that he had been beaten while in custody – a complaint that has not been adequately investigated as both the first instance court and the high court have claimed not to have the

jurisdiction over such matters. It is not clear whether the trial has concluded or not; PEN is seeking an update.

**BACKGROUND:** Local journalists believe that Muslim journalists and newspapers were being harassed as part of an attempt to quell media coverage of protests which began in 2011 by Ethiopian Muslims relating to government policies that they said interfered with their religious practices. Ye Muslimoch Guday provided extensive coverage of the protests. Other Ye Muslimoch Guday journalists have gone into hiding, and the publication ceased operations following Getachew's arrest. According to reports, many journalists attempting to cover or report on the protests were detained or intimidated. Despite these arrests, protests continued throughout the country in 2013. In February 2013, the managing editor of Ye Muslimoch Guday, Solomon Kebede, was detained by the authorities (see below).

### **\*Solomon KEBEDE**

**PROFESSION:** managing editor of the now-defunct weekly newspaper Ye Muslimoch Guday (Muslim Affairs)

**DATE OF ARREST:** 17 January 2013

**DETAILS OF ARREST:** Kebede was arrested by the Ethiopian security forces in Addis Ababa under the Anti-Terrorism Proclamation. Local journalists believe that his arrest is linked to his columns criticising perceived government intrusion in religious affairs. Kebede had recently covered demonstrations staged in 2012 by Muslims protesting alleged interference in Islamic Council elections.

**DETAILS OF TRIAL:** Kebede was arrested and reportedly held for over two months without charge, at least some of the time in solitary confinement. The Anti-Terrorism Proclamation permits pre-trial detention for up to four months without charge. A court date was set for 13 February 2013. On 15 March, the first instance court reportedly granted the police an additional 28 days for further investigation in Kebede's case. As of 2 April he reportedly still had no access to a lawyer. He was eventually charged with "incitement to terrorism" along with 27 others. The trial was reportedly ongoing in late 2013. The authorities are reported not to have disclosed any evidence against him.

**PLACE OF DETENTION:** Maekelawi Federal Detention Centre

**OTHER INFORMATION:** Ye Muslimoch Guday was reportedly forced to stop publishing in July 2012, following the arrest of its editor Yusuf Getachew (see above). Local journalists reportedly suspected that Kebede is being held so that the authorities could question him on the whereabouts of two of his colleagues from the paper, senior editor Akemel Negash and copy editor Isaac Eshetu, who fled into hiding in August 2012 after their homes were kept under surveillance for several weeks.

: Kebede's health is said to be poor. [RAN 15/11 update #3]

### **Eskinder NEGA**

**PROFESSION:** journalist for now-defunct political magazine Change

**DATE OF ARREST:** 9 September 2011

**SENTENCE:** 18 years

**PLACE OF DETENTION:** Kality Prison, Addis Ababa

**DETAILS OF TRIAL:** Nega was arrested under Ethiopia's sweeping Anti-Terrorism Proclamation. He was officially charged under the same legislation on 11 November 2011. He was accused of having a relationship with the leaders of Ginbot 7, 'planning terrorist acts' (article 4) and inciting the public to overthrow the government encouragement of terrorism – article 6), passing such information to Ginbot 7 and the enemy state of Eritrea and calling, organising and leading a meeting that was summoned for the purpose of terrorist goals. Local journalists



suspect that some of Nega's recent writings criticising the government's arrest of the famed Ethiopian actor Debebe Eshetu on terrorism charges triggered his arrest. Nega appeared before a court on 15 September 2011, where he was remanded in custody for 28 days. He was charged under the Criminal Code and the Anti-Terrorism Proclamation on 11 November 2011 although some of the initial charges were later dropped, according to the government. His trial began on 5 March 2012 on charges of “committing a terrorist act” (article 3 [1,2,3,4,and 6] of the Anti-Terror Proclamation); “serving as a leader in a terrorist organisation (article 7 [2] of the Anti-Terror Proclamation), “treason” (articles 32[1a] and 248 [b] of the Criminal Code, and “espionage” (articles 32[1a] and 252[1a] of the Criminal Code. He was convicted on 27 June 2012; the prosecutor asked for a life sentence. On 13 July 2012, he was sentenced to 18 years in jail.

**APPEAL:** At the beginning of November 2012 Nega appeared briefly in court to appeal the charges of terrorism against him. According to reports, his appeal was cut short and he was not allowed to read his defence statement. His appeal hearing was then repeatedly rescheduled. On 2 May 2013, the Ethiopian Federal Supreme Court upheld Nega’s conviction and sentence. One of the charges against him, “serving as a leader of a terrorist organisation”, was dropped, but his sentence was not reduced. On 18 October 2013, it was reported that an appeal was lodged on behalf of Nega and Reeyot Alemu (f) (see above) with the African Commission on Human and Peoples’ Rights; no news on this appeal as of 31 December 2013.

**OTHER INFORMATION:** An opinion handed down by the UN Working Group on Arbitrary Detention (WGAD) in December 2012 found that the Ethiopian government’s continued detention of Nega constituted a violation of international law, violating Nega’s rights to free expression and due process, recognising “several breaches of Mr. Nega’s fair trial rights”. According to WGAD’s panel of five independent experts, Nega’s imprisonment came “as a result of his peaceful exercise of the right to freedom of expression” and called for his immediate release. However, the WGAD’s opinion is not binding.

**BACKGROUND:** Nega was previously briefly arrested and detained by the federal police on 11 February 2011 after leaving an internet café in Addis Ababa. He was accused of attempting to incite protests similar to those that took place in Egypt and Tunisia in early 2011 in articles he had recently posted online - in particular one posted a week earlier in which he defended the right to peaceful protest. He was warned that this article was viewed as an attempt to undermine the army and that he would be held responsible for any protests that took place in Ethiopia. Nega was jailed along with his wife, journalist Serkalem Fasil, between 2005 and 2007 on treason charges for their coverage of protests that followed the 2005 legislative elections.

**AWARDS:** PEN American Center named Eskinder Nega as its 2012 PEN/Barbara Goldsmith Freedom to Write Award Winner on 12 April 2012.

**HONORARY MEMBER:** PEN USA, PEN Canada.

## **Woubshet TAYE**

**PROFESSION:** deputy editor of the independent weekly Awramba Times

**DATE OF ARREST:** 19 June 2011

**SENTENCE:** 14 years in prison

**DETAILS OF ARREST:** Taye was arrested at his home in Addis Ababa on 19 June 2011 by security agents who confiscated various documents, cameras, CDs and copies of Awramba Times, which provides in-depth political coverage. He was initially detained incommunicado without charge and later said that he had been denied access to a lawyer during his interrogation. The authorities did not disclose the reason for his arrest, but it was suspected that he was detained under Ethiopia’s 2009 Anti-Terrorism Proclamation due to his alleged sympathy for the banned political party Ginbot 7, which the Ethiopian government had recently designated as a terrorist organisation.

**DETAILS OF TRIAL:** On 6 September 2011, Taye appeared before Ethiopia's High Court along with Reeyot Alemu (see above). Both were charged under the Anti-Terrorism Proclamation. Their lawyers said they did not have any details about the charges as they were not notified of the hearing and as a result could not attend. Terrorism charges were also filed in absentia against Elias Kifle, editor of the US-based anti-government website Ethiopian Review; Kifle lives in exile in the USA. On 19 January 2012, Taye and Alemu were convicted and sentenced to 14 years in prison for 'lending support to terrorist organisations' (article 5 of the Anti-Terror Proclamation). Kifle was sentenced in absentia to life imprisonment. In September 2013, Taye's application for a presidential pardon was rejected, according to news reports.

**PLACE OF DETENTION:** Taye was held at the federal investigation centre at Maekelawi Prison in the capital Addis Ababa, before being transferred to Kality prison, on the outskirts of Addis Ababa. He was reportedly transferred to a detention facility in the town of Ziway, about 83 miles southeast of the capital, on 19 April 2013.

**TREATMENT IN DETENTION:** During a court hearing in August 2011, Taye said that he had been tortured by state officials while he was being interrogated in prison; the court did not investigate his complaint.

: As of early September 2011 he was reportedly suffering from pain in his ear and stomach as a result of beatings, but had not been given any medical treatment. Taye is also said to have suffered from a kidney infection following his transfer to Ziway prison in April 2013.

**AWARDS:** Taye is a recipient of Human Rights Watch's Hellman-Hammett Award 2012 and CNN's Free Press Africa Award 2013.

## **DETAINED: INVESTIGATION**

### **\*Manyazewal ESHETU:**

**PROFESSION:** a first year Information Technology student in Addis Ababa

**DATE OF ARREST:** 28 March 2013

**DETAILS OF ARREST:** He was reportedly arrested in Arba Minch by police, and taken to a prison in the city.

**DETAILS OF TRIAL:** Eshetu was reportedly charged with criminal defamation after posting articles on Facebook about alleged corruption in the Arba Minch City Administration, Arba Minch University and in Gamo Gofa town. He reportedly appeared in court on 29 March, where the police sought additional time for further investigation. According to reports, the head of the Gamo Gofa police station claimed that Eshetu was arrested for posting "imbalanced, defamatory and unconfirmed information that dishonoured individuals by naming them 'thieves'" and for defaming the University and City Administrators. It would appear that Eshetu's Facebook account has been deactivated. No further news as of 31 December 2013; PEN is seeking an update.

## **ON TRIAL**

### **Temesgen DESALEGNE:**

**PROFESSION:** editor of the now defunct independent Amharic-language weekly newspaper Feteḥ and managing director of the bi-monthly magazine Addis Times, which was created after the authorities closed Feteḥ in August 2012.

**DATE OF ARREST:** 24 August 2012

**DATE OF RELEASE:** 28 August 2012

**DETAILS OF TRIAL:** Desalegne was jailed in 2012 in connection with articles published in Feteḥ which criticised the late Prime Minister Meles Zenawi. He was reportedly charged under three

articles of Ethiopia's Criminal Code: Article 613, "defamation and calumny"; Article 486, "inciting the public through false rumours"; and Article 238, "outrages against the Constitution or the Constitutional Order". The company that publishes Feteah was also charged with inciting the public to violence. Four days later, Desalegne was released and all charges against him and the publishing company were dropped. The authorities did not explain why the charges had been dropped. On 8 February 2013, it was reported that the charges faced by Desalegne in 2012 had been reinstated.

## **BRIEF DETENTION**

### **\*Million DEGNEW and Getachew WORKU:**

**PROFESSION:** editors of the independent Amharic weekly newspaper Ethio-Mihdar

**DATE OF ARREST:** 2 and 4 November 2013 respectively

**DETAILS OF ARREST:** Degnew and Worku were arrested and briefly detained in connection with a story published in October 2013, which alleged corruption in the administration of Legetafo, a town to the northeast of Addis Ababa.

**DATE OF RELEASE:** The editors were reportedly released on bail on 6 November 2013.

**OTHER INFORMATION:** The newspaper's secretary, Muna Ahmedin, was arrested along with Degnew, but was released on the same day.

**BACKGROUND:** Ethio-Mihdar has been subjected to government harassment in the past. Degnew and Worku are reportedly being sued for defamation by officials at the state-run Hawassa University, who are seeking 300,000 birr (US\$15,000) and the closure of the newspaper over a report alleging corruption in the university's administration. In May 2013, reporter Muluken Tesfaw was detained for 10 days while reporting on evictions before being released without charge (see below).

### **\*Darsema SORI:**

**PROFESSION:** senior editor for online Radio Bilal and former columnist for the now-defunct Ye Muslimach Guday (Muslim Affairs) magazine.

**DATE OF ARREST:** 2 August 2013

**DETAILS OF ARREST:** He was arrested by security officials outside his home. Sori was taken to court the following day and remanded into custody while police continued their investigations. His colleague Khalid Mohammed, news editor for Radio Bilal, was also arrested the same day.

**DETAILS OF TRIAL:** It is thought that his court hearing due to be held on 14 August did not take place.

**PLACE OF DETENTION:** Sori was thought to be held at Sostegna (third) police station in Addis Ababa and not permitted visitors.

**DATE OF RELEASE:** released on an unspecified date prior to 14 August 2013.

**BACKGROUND:** Radio Bilal, which has offices in Washington, Johannesburg and Addis Ababa, has provided extensive coverage of Ethiopia's Muslim community, including a series of peaceful [mass protests](#) against alleged government interference in religious affairs. The authorities have tried to silence the demonstrations by arresting protesters, community leaders and independent journalists and [shutting down news outlets](#). [Ye Muslimach Guday](#) magazine, for which Sori used to write, has come under particular attack, with its editors Yusuf Getachew and Solomon Kebede imprisoned since July 2012 and January 2013 respectively (see above).

### **\*Muluken TESFAW:**

**PROFESSION:** reporter for the private weekly newspaper Ethio-Mihdar

**DATE OF ARREST:** 24 May 2013

**DETAILS OF ARREST:** He was reportedly arrested by local security forces in the village of Dobi and detained in a prison in the town of Asosa for a week. Police confiscated his reporting equipment. His arrest followed his attempt to interview people evicted from their homes in a region where the government is building a contentious hydro-electric dam.

**DATE OF RELEASE:** Tesfaw was released without charge on 31 May 2013.

## **ATTACKED**

### **\*Bisrat WOLDEMICHAEL:**

**PROFESSION:** editor-in-chief of Ebony magazine, political reporter for various private news outlets and blogger for Addismedia and Ethiopiahot

**DETAILS OF ATTACK:** He was reportedly attacked and threatened with death by suspected security agents on 28 August 2013. Woldemichael was returning home from work in the early hours of the morning when four people, two of whom were dressed in black with their faces covered, approached him. Threatened at knifepoint, Woldemichael was directed away from the main road to a quieter, less visible location. His attackers stated that they were disappointed in his recent articles, which dealt with the wealth of the late Prime Minister Meles Zenawi. Woldemichael was reportedly held for over an hour, interrogated, beaten and threatened with death if he did not stop writing. According to reports, it took several days for Woldemichael to get the case registered with the police as it was not taken seriously. He reported being under surveillance since the attack.

## **HARASSED**

### **\*Melaku DESMISSE:**

**PROFESSION:** editor of the Amharic-language version of the independent weekly newspaper The Reporter

**DATE OF ARREST:** 9 October 2013

**DETAILS OF ARREST:** He was reportedly arrested in Addis Ababa, taken to a city police station and subsequently illegally transferred to Awasa, capital city of the Southern Nations, Nationalities and People's Regional State (SNNPR).

**DATE OF RELEASE:** 10 October 2013

**DETAILS OF RELEASE:** Desmissem was reportedly released without being taken before a court or being notified of the charges that led to his arrest. His detention may have been linked to a 4 September 2013 Reporter article wrongly reporting the dismissal of three of SNNPR's vice-presidents. The newspaper retracted the story and officially apologised on 8 September. The author, Asfaw Berhanu, is now serving a prison sentence of two years and nine months for "spreading false rumours" (see above).

## **CASE CLOSED**

### **Wesenseged GEBREKIDAN and Dawit KEBEDE:**

**PROFESSION:** editors of Harambe and Awramba Times respectively

**DATE OF ARREST** 7 August 2008

**DETAILS OF TRIAL:** released on bail on the same day they were subsequently put on trial for "incitement." At the beginning of August 2008, Awramba Times had been warned by police that they would block the distribution of the newspaper if it persisted in covering the banned

opposition party Ginbot 7. Awramba Times was charged in connection with an editorial, interview and opinion piece that had appeared in five different issues, while Harambe was charged in connection with an editorial and opinion piece that had appeared in three separate issues. In late February 2009, it was reported that the public prosecutor had filed criminal charges against both Kebede and Gebrekidan at the federal court. Both were granted bail. Gebrekidan was unable to post bail and was detained for a few weeks until local journalists raised the money. If convicted, the journalists face a possible prison sentence. Kebede went into exile in mid-November 2011; he said that he was forced to leave the country after he received a tip about alleged government plans to re-imprison him. Kebede also said that the paper was unlikely to continue publishing. He returned to Ethiopia in October 2013. No further news on the trial as of 31 December 2013; case closed due to lack of information.

**BACKGROUND:** Kebede and Gebrekidan were imprisoned in 2005 and spent 21 months in jail before being released on a conditional pardon in August 2007.

**AWARDS:** On 23 November 2010, Kebede was given the Committee to Protect Journalists' International Press Freedom Award for "risking his freedom and security to report the truth as he sees it in his country."

## GABON

### CASE CLOSED

**Guy Pierre BITÉGHÉ, Désiré ENAME (F), Marc Ona ESSANGUI, Blaise Mengue MENNA (F), Maximin MEZUI and Jean de Dieu NDOUTOUME-EYI**

**PROFESSION:** five editors, Bitéghé for Le Mbandja, Ename for Echos du Nord, Menna of La Nation, Mezui for La Une, Ndoutoume-Eyi for Edzombolo, and Essangui an independent journalist

**DETAILS OF HARASSMENT:** Beginning in the first week of March 2012, they all received police summons to appear for questioning in the capital Libreville in relation to articles raising critical questions about the use of a presidential plane by the chief of staff of Gabon President Ali Bongo Ondimba for an unofficial trip to Benin in November 2011. PEN International has no information suggesting that any of the journalists was ever formally charged. However, if the state prosecutor were to authorise charges such as criminal defamation or contempt to the Republic, convictions would reportedly carry prison terms. No further news as of 31 December 2013; case closed due to lack of information.

## GAMBIA

### ENFORCED DISAPPEARANCE

**"Chief" Ebrimah MANNEH:**

**PROFESSION:** reporter and sub-editor with the pro-government Daily Observer

**DATE OF ARREST:** 7 July 2006

**DETAILS OF ENFORCED DISAPPEARANCE:** he was reportedly arrested by two National Intelligence Agency (NIA) officers and has been held in incommunicado detention by the NIA at

various sites ever since, seemingly without having been charged with any offence. The NIA has repeatedly denied that they have the journalist in their custody; the government also denies any knowledge of his case. It is believed that the reason for Manneh's arrest is that he is alleged to have had contact with a foreign journalist before the July 2006 African Union Summit held in the Gambian capital Banjul. Manneh apparently gave this journalist information deemed by the Gambian government to have been damaging to the country's image.

According to a former colleague, Ousman Darboe, Manneh reprinted a BBC story critical of President Yahya Jammeh's democratic credentials; his decision was later overruled by editors and the relevant issue of the Observer withdrawn. Manneh has reportedly been moved around the country throughout his detention and although the local media has reported seeing him on several occasions, the government remained silent on the subject until April 2009 (see below).

**LAST SIGHTING:** Manneh was reportedly seen on 26 July 2007 at Gambia's main hospital where he was receiving treatment for high blood pressure. He was said to be very weak and was accompanied by members of the Police Intervention Unit (PIU), a paramilitary wing of the Gambian Police Force and Prison Service. Prior to the sighting Manneh had apparently been detained at Mile Two Central Prison on the outskirts of Banjul, before being briefly admitted to Gamtel Ward Hospital and then being transferred to a military clinic in Banjul.

**ECOWAS RULING:** On 5 June 2008, the Community Court of Justice of the Economic Community of West African States (ECOWAS) in Nigeria declared Manneh's arrest and detention illegal and ordered the Gambian authorities to release him. The court also awarded Manneh US\$100,000 in compensation from the Gambian government. The government refused to cooperate throughout the court proceedings and has yet to comply with the ruling.

**OFFICIAL POSITION:** On 6 April 2009, the Gambian authorities finally broke their silence with regards to Manneh's disappearance when the Attorney General and Minister of Justice publicly stated that the journalist was not in police custody and rejected the ECOWAS ruling.

**UN OPINION:** In November 2009, the United Nations Working Group on Arbitrary Detention issued an opinion stating that the Gambian government's arrest and continued detention of Manneh are without legal justification and in violation of international law, and called for Manneh to be released immediately.

**RECENT INFORMATION:** According to the Committee to Protect Journalists (CPJ), in a 16 March 2011 meeting with the Gambian media that was broadcast on state television, President Jammeh suggested that Manneh may have died. "Let me make it very clear that the government has nothing to do with the death of Chief Manneh or Deyda Hydara or the disappearances of so many people," said the President. He also suggested that Manneh may have disappeared after attempting to illegally migrate to Europe or the United States. On 6 July 2011, a Gambian National Police spokesman told CPJ that the police had no information about Manneh. In an interview on 6 October 2011 with the Daily News, Gambia's justice minister, Edward Gomez, denied Manneh was in state custody and declared that he is alive. According to officials from the British Foreign and Commonwealth Office, there will be an investigation into the disappearance of Chief Ebrimah Manneh. On 28 September 2012 it was reported that President Jammeh had given the United Nations permission to investigate Manneh's disappearance. According to an 11 July 2013 report, the government has still failed to respect the 2008 ECOWAS ruling and has yet to implement the subsequent 2010 ruling to provide the former editor-in-chief of The Independent newspaper with compensation. No further news as of 31 December 2013.

## **ON TRIAL**

### **\*Alhagie JOBE:**

**PROFESSION:** deputy editor-in-chief of Daily Observer newspaper

**DATE OF ARREST:** 8 February 2013

**DETAILS OF ARREST:** Jobe was arrested and taken to the NIA offices in Banjul.

**DETAILS OF TRIAL:** He is reportedly facing a five-count charge of carrying out an act with seditious intention, seditious publication and possession of seditious publication, giving false information to a public servant, recklessness and negligence. The first three charges are thought to relate to the publication on 19 December 2012 of an article entitled, 'Major Lamin Touray on the run for imminent re-arrest and detention and charged in absentia for breach of office ethics and code by refusing to take orders in the execution of some people'. According to news reports, Jobe testified on 4 December 2013 that he was not guilty.

**TREATMENT IN DETENTION:** During his trial, Jobe stated that when he was arrested and taken to the National Intelligence Agency (NIA) offices he was tortured until he confessed that he was the author of a document found in his vehicle. The hearing was expected to continue on 17 December 2013 for continuation of cross-examination of the defense. No further information; PEN is seeking an update.

**BACKGROUND:** The Managing Director and author of the article of the newspaper have fled, according to news reports. The recklessness and negligence charge appears to relate to a traffic offence from the day he was arrested.

## **BRIEF DETENTION**

### **\*Abdoulie JOHN:**

**PROFESSION:** editor of banned online news website Jollof News and contributor to Associated Press

**DATE OF ARREST:** 7 January 2013

**DETAILS OF ARREST:** Summoned to and questioned at the headquarters of the NIA in Banjul, agents reportedly took John to his home where they conducted a search before returning him to custody. According to members of the Gambian Press Union, agents demanded access to his computer and personal emails and told him he would have to continue reporting to the NIA until he grants them access to his emails. John was unable to leave the country since the NIA had reportedly seized his passport. Local journalists believe that security agents were focusing on John's reporting for Jollof News, which is banned in the Gambia and known to be critical of the government.

**DATE OF RELEASE:** 10 January 2013

**OTHER INFORMATION:** After his release without charge, John was required to return to the NIA on 14 January and remained under investigation, according to media reports. Released three hours prior to the deadline at which officers would have been required to either charge or release him, it remains unclear what John's alleged crime might have been.

**BACKGROUND:** NIA agents previously arrested John on 9 December 2012 in connection with an argument between John and the official photographer for the president. He was reportedly detained overnight at NIA headquarters.

# **GHANA**

## **RELEASED**

### **\*Ken KURANCHIE:**

**PROFESSION:** editor-in-chief of the Daily Searchlight

**DATE OF ARREST:** 2 July 2013

**DETAILS OF TRIAL:** Kuranchie was convicted of criminal contempt by Ghana's Supreme Court and sentenced to 10 days in prison on 2 July 2013. His conviction relates to his 27 June 2013 editorials, which discussed the court's handling of a challenge by the opposition party to the results of the December 2012 presidential elections. In the articles, Kuranchie questioned the judge's ruling to bar an official of the opposition party from attending the hearings after he had publically criticised the court.

**DATE OF RELEASE:** Kuranchie was released on 11 July 2013 and publically apologised for his articles.

## GUINEA

### DEATH THREAT

#### \*Nouhou BALDÉ:

**PROFESSION:** deputy chief of the Guineenews website, director of the privately-owned weekly newspaper L'Observateur and investigative journalist

**DETAILS OF THREAT:** Reportedly received a death threat via an SMS message sent to his mobile telephone on 20 May 2013. The message – from a foreign telephone number – followed the publication on Guineenews of a purported death threat against the head of the Guinean Opposition Parties and reportedly warned Baldé to “start paying his debts.” Baldé had reportedly been receiving anonymous death threats by telephone since 16 May 2013.

### ATTACKED

#### \*Aissatou BAH and Mamadou Aliou DIALLO:

**PROFESSION:** journalists for the news website Africa Guinée

**DETAILS OF ATTACK:** Reportedly had stones thrown at them by unidentified men while they were travelling in a taxi after covering 19 June 2013 clashes in the capital Conakry. The assailants had laid road blocks in the local area. Diallo was said to have received a minor injury to his neck. No official complaint was filed.

#### \*Mamadou Sire DIALLO:

**PROFESSION:** reporter with the privately-owned satirical newspaper Le Lynx

**DETAILS OF ATTACK:** He was reportedly beaten by a group of policemen in Conakry on 19 June 2013. Diallo was covering a confrontation between political party supporters when police officers shouted that he was a spy and attacked him. Two police officers reportedly beat him, tearing his clothes and seizing his dictaphone and camera, despite Diallo informing them that he was a journalist and showing his press card. He was admitted to hospital with injuries to his head.

#### \*Daouda Taban SYLLA:

**PROFESSION:** reporter for the news website Conakry Express

**DETAILS OF ATTACK:** He was reportedly attacked by supporters of the opposition party on 19 June 2013. His assailants, armed with knives, sticks and stones, beat him, insulted him for being from the Malinke ethnic group, and seized his equipment and money. Sylla had been on



his way home from a journalism seminar prior to the attack. No official complaint was filed.

## IVORY COAST

### KILLED: MOTIVE UNKNOWN

#### \***Désiré OUE:**

**PROFESSION:** editor of the Christian publication Tomorrow Magazine

**DATE AND DETAILS OF DEATH:** He was reportedly killed in unclear circumstances on the night of 14 November 2013. According to reports, Oué (40) was shot in the chest at his home in Abidjan by unidentified armed men. According to some media reports, the assailants then took computers and documents from the house.

**DETAILS OF INVESTIGATION:** On the basis of a preliminary investigation the authorities stated that the murder was the result of a burglary gone wrong. One press report said that Oué was known in his area for being an activist in support of former president Laurent Gbagbo in the 2010 presidential elections. The Ivory Coast Private Press Union (le Syndicat de la Presse Privée de Côte d'Ivoire - Synapp-CI) has called for a full investigation.

### ENFORCED DISAPPEARANCE

#### **Guy-André KIEFFER (French-Canadian national):**

**PROFESSION:** writer and independent reporter

**DATE OF BIRTH:** c.1950

**DETAILS OF DISAPPEARANCE:** According to Reporters Without Borders, he was “abducted from the car park of an Abidjan supermarket on 16 April 2004 after falling into a trap set for him by a member of [former] President Laurent Gbagbo's entourage”. He is assumed to have been killed. For information on Kieffer’s journalistic work, see previous case lists.

**INVESTIGATION:** The investigation into Kieffer’s disappearance, led by French judge Patrick Ramaël, has dragged on since 2004 with no conclusion. Judge Ramaël has reportedly faced constant obstruction by the Ivorian authorities, although they have denied this. Key suspects have included Michel Legré – the brother-in-law of former President Gbagbo’s wife, Simone Gbagbo – who was detained for 18 months in connection with the case before being granted provisional release in October 2005. Jean-Tony Oulaï, an Ivorian army captain who claims to have belonged to the Ivorian special services, was detained for two-and-a-half years from 2007 on suspicion of kidnapping and illegally detaining Kieffer before being provisionally released in April 2010. In October 2009, it was reported that a man claiming to be a soldier in the Ivorian army said that Kieffer had been killed by members of Simone Gbagbo’s entourage, without her knowledge, during a botched interrogation within the presidential compound. However, in apparent response to the new testimony, the then Ivorian state prosecutor Raymond Tchimou stated that Kieffer had been taken out of the country and was still alive. Tchimou offered no other explanations or details on the journalist’s purported whereabouts. On 14 April 2011, Kieffer’s wife and daughter met with the Ivorian ambassador in Paris to ask what possibilities there were of further investigation into Kieffer’s case following the departure of former president Laurent Gbagbo. After the meeting the ambassador reportedly stated that the “whole truth” would be revealed about Kieffer’s disappearance and that he would speak to the minister of justice about the matter the same day. He added that President Ouattara wanted to put an end to impunity and establish the rule of law in Côte d'Ivoire. Kieffer’s wife

noted that President Ouattara had backed the family from the time the journalist disappeared.

**UPDATE:** In a letter sent in April 2013, Kieffer's family, along with the head of the Truth for Guy-André Kieffer Association and the secretary-general of Reporters Without Borders, asked French President François Hollande to raise Kieffer's abduction with his Ivorian counterpart at their meeting on 11 April. The letter reported that while positive developments have been seen with regards to the case – including the appointment of a new investigating judge and a prosecutor, as well as the facilitation of the work of the Judge Ramaël – the case has failed to advance adequately, with Kieffer's fate still unknown. The family and civilian parties were scheduled to meet with French foreign ministry officials on 16 April, the ninth anniversary of Kieffer's abduction. In September 2013, Judge Ramaël was discharged from the case, owing to a statutory rule which decrees that no one may hold the same position for longer than 10 years.

## **ABDUCTED**

### **\*Dieusmonde TADÉ:**

**PROFESSION:** reporter with Le Nouveau Réveil

**DETAILS OF ABDUCTION:** Was reportedly kidnapped on 18 November 2013 and released the following day 60km outside of Abidjan. Prior to his abduction, Tadé had received death threats related to an article in which he referred to a former warlord in the pro-Ouattara rebellion.

## **BRIEF DETENTION**

### **\*Wenceslas ASSOYOU and Valéry BONY (f):**

**PROFESSION:** editor-in-chief and editor respectively of the weekly satirical journal L'Eléphant Déchaîné

**DATE OF ARREST:** 28 June 2013

**DETAILS OF DETENTION:** They were arrested and held for questioning for more than six hours in relation to an article published on 21 June, which the defence minister allegedly considered to include leaks of sensitive information regarding the security of Ivory Coast. The article alleged that the ministry of defence was in debt by 3.7 billion CFA (approx. US\$7.2 million) to contractors hired to rebuild military infrastructure damaged or destroyed during post-election conflict in 2011. According to the journalists' lawyer, Assouyou and Bony were questioned about copies of correspondences that were reproduced in the article. They were released without charge, but could reportedly be summoned back at any time.

## **CONDITIONAL RELEASE**

### **Ousmane SY SAVANÉ:**

**PROFESSION:** director of Cyclone, a company that publishes opposition dailies Le Temps and LG Info

**DATE OF ARREST:** 27 March 2012

**DETAILS OF ARREST:** Savané was arrested by the Directorate for Territorial Surveillance or DST (a police intelligence agency). According to witnesses, agents confiscated computer equipment from Savané's office when they arrested him. The reason for his arrest was unknown and the DST denied that he was in their custody. However, numerous witnesses said that he was taken to DST headquarters and that his car was parked in the building's courtyard. Savané was subsequently transferred to Abidjan's main prison, the MACA.

**DETAILS OF TRIAL:** Savané was later charged with endangering state security, but by 18 December 2012 had still not been brought before an investigating judge for questioning on the substance of the charge against him. At that point the authorities had yet to produce any concrete evidence that Savané was involved in activities aimed at destabilising the country, according to Reporters Without Borders, who claimed that “everything suggests that he is being held because of his close association with Nady Bamba, Cyclone’s former sponsor and former President Gbagbo’s second wife.”

**DATE OF RELEASE:** Savané was conditionally released from detention on 3 May 2013, having spent more than 13 months in custody, but could still face trial in the future.

## KENYA

### REPORTED MISSING

#### \*Dickson BOGONKO BOSIRE:

**PROFESSION:** editor of the Jackal News blog

**DETAILS OF DISAPPEARANCE:** According to a 15 October 2013 report by Reporters Without Borders, Bogonko’s family had not heard from him since 18 September while his mobile phone had remained on voicemail. The police were reportedly investigating his disappearance. There was speculation that Bogonko had gone into hiding after the website revealed the name of an International Criminal Court witness, but his family have reportedly ruled this out. Bogonko reportedly went missing two days before the start of the terrorist attack on the Westgate shopping Centre in the capital Nairobi, where he is based. No further information as of 31 December 2013.

**BACKGROUND:** Bogonko worked for Agence France-Presse before launching Jackal News, a website which covers a spectrum of stories from corruption to gossip and scandals. The content of the blog has reportedly led to confrontation and threats by the subjects of critical articles. Bogonko has reportedly had to flee Nairobi and go into hiding on several occasions previously. The website has also been hacked and shut down twice.

### ATTACKED

#### \*Dennis OKEYO and John OTANGA:

**PROFESSION:** journalists from Nation Media Group

**DETAILS OF ATTACK:** They were reportedly physically assaulted and injured by General Service Unit officers as they were covering riots in Kibera slums in Nairobi on 20 January 2013. Officers reportedly confiscated memory cards from their cameras along with other valuables during the incident.

#### \*Godfrey WAMALWA:

**PROFESSION:** journalist for the news website African Press International

**DETAILS OF ATTACK:** he was reportedly attacked by four unidentified men at his home in Webuye, Bungoma County, on 13 June 2013. He sustained injuries to both legs after he was attacked with an iron bar and a panga (a machete-like blade). His assailants reportedly hit him and slashed him with the panga as he entered his home. The attack followed the 6 June 2013

publication of an article drawing attention to alleged corruption, mismanagement and harassment at the Lugulu Mission Hospital. Wamalwa reported the incident to Webuye police.

## **HARASSED**

### **\*Cast of *Shackles of Doom*:**

**PROFESSION:** students at the Butere Girls High School (BGHS)

**DETAILS OF HARASSMENT:** They were disqualified from competing in the Kenyan National Drama Festival (NDF) by the executive secretary of the NDF on 1 April 2013 after the play that they were due to perform, *Shackles of Doom*, was deemed to be against Rule 12.3 (vii) of the rules and regulations governing the Kenya Schools and Colleges Drama Festival (2013), banning "Hate statements targeting communities, personalities...both on stage and in social media". The play, which deals with the themes of power and inequality among ethnic groups in the country, was deemed likely to incite hatred. On 11 April, Kenyan PEN member Okiya Omtatah Okoiti filed a petition with the Kenyan High Court on behalf of the BGHS, seeking a reversal of the disqualification. The respondents did not attend the hearing. The presiding judge lifted the ban on 17 April. The judge ruled that the disqualification of the BGHS from the NDF constituted a ban on the play and as such a violation of Article 33 of the Constitution, noting that the play had made it through zonal, district and provincial level scrutiny in order to qualify for the national festival. The BGHS performed the play at the NDF on 21 April 2013.

## **LIBERIA**

### **JUDICIAL HARASSMENT**

### **\*Rufus PAUL and Octavian WILLIAMS:**

**PROFESSION:** journalists with the daily news website FrontPage Africa and The Monitor newspaper respectively

**DATE OF ARREST:** 19 September 2013

**DETAILS OF ARREST:** Arrested and detained for a few hours at Monrovia's maximum security prison.

**DETAILS OF TRIAL:** Their arrest related to comments the journalists made as guests on a local radio talk show 'The Costa Show' on HottFM. During the show they alleged corruption in the allocation of construction contracts in Liberia. The construction company owner brought a case against them. According to reports, the writ of arrest stated that they had "with malice and wicked intent, purposely did accuse the private prosecutor of being a rogue and criminal, and that the said defendant also accused private prosecutor of soliciting bribes and stealing from government", charges which the journalists denied. Williams and Paul both pled not guilty and argued that their comments were made in the public interest. According to the Press Union of Liberia for 2010-2013 the charges against the journalists were eventually dropped following the intervention of Solicitor General Betty Lamin-Blamo on the grounds of insufficient evidence.

## **RELEASED**

### **\*Rodney Sieh:**

**PROFESSION:** editor of the daily news website FrontPage Africa

**DATE OF ARREST:** 21 August 2013

**DETAILS OF ARREST:** Sieh was jailed after Liberia's Supreme Court upheld a decision ordering him to pay a former government minister US\$1.5 million dollars in libel damages (see below for details of lawsuit). The judge ordered the website's closure and Sieh's detention pending payment on 20 August. Unable to pay the fine, Sieh was incarcerated in Monrovia Central Prison. Given the size of the fine, he faced effective life imprisonment.

**COMPASSIONATE LEAVE:** On 7 October, Sieh was granted 30 days' compassionate release by the Ministry of Justice in accordance with Article 34.2 of the criminal procedural law, following a request by his lawyers. The circumstances behind his release remain unclear, but it is suspected that they were related to his health.

**HOUSE ARREST:** Placed under house arrest on 18 October 2013 for the remainder of the 30-day parole period. According to press reports, the grant of compassionate leave went before the Supreme Court. In the meantime, Sieh was confined to his home, his passport confiscated, and he was under 24-hour police surveillance. The change reportedly came a few days after Justice Minister Christina Tah and another lawyer defending Sieh, Beyan Howard, were summoned by the Supreme Court and charged with contempt for granting Sieh compassionate leave and threatened with debarment if they did not apologise to the court. On 22 October, FrontPageAfrica reported that Justice Minister Tah had made an apology.

**DETAILS OF PERMANENT RELEASE:** On 8 November 2013, Sieh was briefly returned to Monrovia Central Prison before being permanently released. Following negotiations enabled by former interim president Amos Sawyer, the Liberian Council of Churches, the National Muslim Council of Liberia and the Inter-Religious Council, among others, former minister Chris Toe agreed not to pursue the payment of US\$1.5 million in libel damages owed him, according to his lawyer and local news reports. The release was formalised in a court hearing on 18 November. : Sieh began a hunger strike upon his imprisonment on 21 August. According to reports, he was admitted to hospital on 28 August after vomiting and fainting in his prison cell; he was said to be suffering from a fever. He was subsequently diagnosed with malaria. He was reportedly returned to Monrovia Central Prison on 17 September.

**DETAILS OF LAWSUIT:** Former agriculture minister Chris Toe sued Sieh, FrontPageAfrica, and FrontPageAfrica reporter Samwar Fallah for US\$2 million in February 2010 after the paper reported on an official government inquiry that accused Toe of corruption. Toe, who denies all the allegations against him and has never been charged – though he did resign from his government position – claims that FrontPageAfrica's articles were libellous because he was never convicted. Sieh, the website and Fallah were found guilty in February 2011 and ordered to pay US\$1.5 million in damages and US\$90,000 in court costs. FrontPageAfrica requested a retrial but this was rejected despite reports that the jury had been bribed. On 15 July 2013, the Supreme Court upheld the judgment, stating that the appeal process had not been completed. According to Sieh's lawyer, this was due to the fact that in Liberia an appeal can only be heard if the defendant pays a bond of two per cent of the total amount owed, which Sieh could not afford. The whereabouts of Fallah, who has resigned from FrontPageAfrica, were unknown. The newspaper was reportedly appealing the case before the Community Court of Justice of the Economic Community of West African States (ECOWAS).

**OTHER CHARGES:** FrontPage Africa was reportedly also being sued by National Port Authority chief Matilda Parker. Parker is seeking US\$1 million in damages for insulting comments about her posted by visitors to the website, despite the fact that Sieh has reportedly made a formal apology and suspended the editor who allowed the comments to be posted. This case was also heard on 20 August 2013.

**OTHER INFORMATION:** FrontPageAfrica has a track record of reporting on corruption, official misconduct and human rights violations. The 18 November hearing also ordered the re-opening of FrontPageAfrica, which will, according to Sieh, continue its reporting on corruption.

[RAN 29/13 and updates].

## MALAWI

### CASE CLOSED

#### Clement CHINOKO:

**PROFESSION:** journalist with one of Malawi's major publishing houses, Blantyre Newspapers

**DATE OF ARREST:** 26 May 2012

**DETAILS OF ARREST:** He was arrested in connection with a story that appeared in The Sunday Times on 20 May 2012. The story stated that two women from Blantyre were engaged to be married. According to reports, a police spokesperson confirmed the arrest, saying Chinoko had been charged with "conduct likely to cause breach of peace" and that he would be taken to court soon. He also alleged that the article was fabricated.

**DATE OF RELEASE:** Reportedly released on bail on 29 May 2012.

**OTHER INFORMATION:** In a press statement, President Banda reportedly said that she regretted that Chinoko was not charged and brought before the courts within the 48-hour period as prescribed by law. No further news as of 31 December 2013; case closed due to lack of information.

## MALI

### ATTACKED

#### \*Abdramane KEITA:

**PROFESSION:** managing editor of privately-owned bi-weekly newspaper L'Aurore

**DETAILS OF ATTACK:** He was violently attacked by unknown armed men in the capital Bamako on 2 July 2012. He had gone to meet a supposed informer who had promised to give him information about the conflict situation in the north of the country. According to reports, the supposed informer took Keita to a nearby place and immediately a pick-up truck pulled up with masked men who stepped out of the vehicle, forcibly pushed Keita in and sped off. The men accused him of "causing confusion in the country" and abandoned him in another place after seizing all his possessions, including an unspecified amount of money.

### HARASSED

#### \*Sega DIARRAH:

**PROFESSION:** editor of the news portal Maliactu

**DETAILS OF HARASSMENT:** He was forced to remove an Associated Press (AP) article after receiving two separate telephone calls and an email from Mali's defence and communications ministries, it was reported on 10 December 2013. On 8 December, AP circulated a report, the culmination of a six-month investigation, which implicated Malian soldiers in extrajudicial killings of ethnic Arab residents of Timbuktu. The editor claimed that the ministries threatened

to block the website if the article was not removed. According to reports, spokesmen from Mali's defence ministry denied any censorship orders being given.

## JUDICIAL HARASSMENT

### \*Boukary DAOU:

**PROFESSION:** editor for the daily newspaper Le Républicain

**DATE OF ARREST:** 6 March 2013

**DETAILS OF ARREST AND DETENTION:** He was arrested by members of the state security service at Le Républicain's offices hours after the newspaper published an open letter addressed to then interim president Dioncounda Traoré, in which an individual claiming to be a Malian army officer protested the salary awarded to coup leader Captain Amadou Sanogo. The author of the letter, an officer identifying themselves as Captain Touré, claimed to be fighting in the on-going French-led war against Islamist militants and warned that soldiers on the front line would stop fighting within two weeks if the government failed to withdraw Sanogo's 'reward' for organising the coup d'état. Daou was held without charge for 12 days, during eight days of which he was reportedly held incommunicado prior to being transferred to the custody of the Judicial Investigation Squad. Officials initially denied that Daou was being detained. He was reportedly held without access to lawyers or his family, After being charged, he was transferred to Bamako's central prison where he shared a cell with 50 other detainees.

**DETAILS OF TRIAL:** On 18 March he was charged with "inciting disobedience" and "publishing false news". Interim president Traoré reportedly declared that Daou would remain in detention for going "beyond his press freedom rights", according to media reports. Daou was released pending trial on 2 April. On 30 April all charges of "inciting disobedience" and "publishing false news" were dropped.

**TREATMENT IN PRISON:** He was reportedly beaten and interrogated about the source of the letter while in detention.

**SUPPORT FOR DAOU:** On 11 March 2013, it was reported that Mali's newspapers and radio stations would stop publishing and broadcasting until the authorities release him. A strike was held between 12-15 March, which had the support of all of the country's newspapers and 98 per cent of radio stations, according to the president of Mali's press association. Following the strike, Mali's media announced that it would not cover official government business in news reports until Daou's release.

**BACKGROUND:** Captain Amadou Sanogo led a military coup in March 2013, declaring that the army was ill-equipped to fight a rebellion led by Tuareg separatist fighters in northern Mali. Captain Sanogo ceded power to interim president Traoré's government three weeks after the coup. He was later made head of a committee for the interim government to oversee reforms to the army. [RAN 12/13 and updates]

## MAURITIUS

### ON TRIAL

### Dharmanand DOOHARIKA:

**PROFESSION:** editor-in-chief of the private weekly Samedi Plus

**DATE OF ARREST:** 20 October 2011

**DATE OF CONDITIONAL RELEASE:** 31 October 2011

**SENTENCE:** Three months in prison

**DETAILS OF TRIAL:** Convicted of contempt of court on 17 October 2011, owing to stories he ran in the newspaper reporting corruption allegations made about the judiciary. The conviction stems from press coverage in July and August 2010 of the activities of a businessman and disbarred lawyer, who represented a car leasing company in a fraud lawsuit against the local subsidiary of the United Kingdom-based global financial services provider Barclays. The Supreme Court ruled against him. He then made public allegations of partiality against Supreme Court Chief Justice Bernard Sik Yuen. In response to the accusations, the chief justice asked the Mauritian president to take steps to sanction the businessman/disbarred lawyer, according to news reports. The government's Director of Public Prosecutions then brought complaints against Samedi Plus for covering the remarks. In its complaint against Dooharika, the Director of Public Prosecutions cited a 14 August 2010 editorial that suggested the allegations against the chief justice should be given credence. Samedi Plus devoted extensive coverage to the case and the allegations, including the front page, the complaint said. The director accused the journalist of "publicly scandalising the Supreme Court," "bringing the administration of justice into disrepute," and "thereby committing a contempt of court." Shortly after the announcement of the verdict Dooharika reportedly suffered a stroke and was hospitalised under police guard. He was imprisoned on 17 October 2011 until his release two weeks' later pending his appeal against his conviction and sentence. According to reports, the editor's lawyers made a request to appeal before the Privy Council in May 2012, seeking to suspend the sentence. This request was rejected. In August 2012 it was reported that Dooharika had applied to the Judicial Committee of the Privy Council for special leave to appeal against his sentence. In December 2012, the Privy Council granted him leave to appeal, which is due to be heard in February 2014.

## MOZAMBIQUE

### ON TRIAL

#### Falume CHABANE:

**PROFESSION:** former editor of the online news journal O Autarca (The Mayor)

**SENTENCE:** 16-month suspended prison term and damages of 150,000 meticaïs (approx. US\$4,600)

**DETAILS OF TRIAL:** On 20 July 2012, he was convicted of criminal libel after he wrote about a disagreement between a private school and the family of a disabled student. Chabane published a series of columns in the spring of 2011 that reportedly criticised the Beira International Primary School. The parents of a fourth-grader who is in a wheelchair, had complained that the school had not built a handicapped access ramp in compliance with a 2008 Mozambican children's rights law. The school later expelled the student, citing academic performance and other reasons. The parents have said the expulsion was in retaliation for their complaint about the school's lack of handicapped access. A lawyer for the primary school filed a complaint accusing Chabane of defaming both the school and himself and for "abusing freedom of the press." The trial took place behind closed doors. Chabane is reportedly appealing. No further news as of 31 December 2013.



# NIGER

## THREATENED

### \*Moussa AKSAR:

**PROFESSION:** managing editor of the bi-weekly newspaper L'Evenement

**DETAILS OF THREAT:** He reportedly received a threatening note on 3 September 2013. The note is reported to have been delivered by an officer in the Nigerian army who was implicated in an alleged coup attempt. On 2 September, L'Evenement had published a story narrating the officer's arrest on 30 August, together with other persons linked to the alleged failed coup. In the note the officer warned that Aksar alone would be responsible for anything he wrote about the officer.

# NIGERIA

## KILLED: MOTIVE UNKNOWN

### \*Ikechukwu UDENDU:

**PROFESSION:** editor of Anambra News, a monthly newspaper in Anambra state

**DATE AND DETAILS OF DEATH:** He was shot dead by unknown assailants on the evening of 12 January 2013. Udendu's brother, publisher of the paper, reportedly received an anonymous telephone call in which he was told to retrieve the journalist's body from in front of a local restaurant. Local journalists reportedly suspect that Udendu was killed in connection with his reporting.

**INVESTIGATION:** According to reports, the state's police commissioner promised to investigate the murder personally. According to a 10 February 2013 report, Udendu's family suspect that the gunmen were hired assassins. No further news on the investigation; PEN is seeking an update.

## DETAINED: INVESTIGATION

### \*Taka LAIFYA ('Rabi'u'):

**PROFESSION:** Hausa singer

**DATE OF ARREST:** unclear

**DETAILS OF TRIAL:** Reportedly on trial before the Kano State Censorship Tribunal for allegedly releasing a blasphemous and uncensored song entitled 'Barhama Nake Bautawa' (I Worship Barhama) on 31 May 2013. In the song Rabi'u allegedly says that he worships the founder of the Tijjaniyya sect. The prosecution claims that the production and release of an uncensored song is in violation of Sections 100 (2) and 99(l) (a) of the Kano State Cinematography (Licensing) Regulations Law 2001. Rabi'u pleaded not guilty to the charges. A senior magistrate adjourned the case to 3 June for ruling on the bail application, ordering that Rabi'u be remanded in prison custody. No further news as of 31 December 2013; PEN is seeking to confirm whether he is still detained.

## ON TRIAL

### \*Tony AMOKEODO and Chibuzor UKAIBE:

**PROFESSION:** news editor and political reporter respectively for the independent daily newspaper Leadership

**DATE OF ARREST:** 8 April 2013 and 15 April 2013

**DETAILS OF ARREST:** Amokeodo and Ukaibe were summoned to police headquarters, along with two colleagues, and were reportedly detained incommunicado at an Abuja police station. Police demanded to know the sources for the article. Prior to their arrest, the police had reportedly visited the newspaper's offices three times to see the journalists who wrote the story.

**DATE OF RELEASE:** 9 April and 16 April 2013

**DETAILS OF RELEASE:** Amokeodo and Ukaibe were released on 9 April, but were required to report to police headquarters daily; their colleagues were released on 8 April. Amokeodo and Ukaibe were then re-arrested and detained on 15 April and taken to the Special Anti-Robbery Squad (SARS) headquarters detention facility in Abuja. The journalists were released on bail on 16 April and remained free at the end of the year.

**DETAILS OF TRIAL:** On 16 April 2013, Amokeodo and Ukaibe were charged with forgery and other offences, stemming from the publication of a memo reported to be from President Goodluck Jonathan along with a companion article in the paper's 3 April 2013 edition. The offending article, entitled 'Outrage Trails Presidential Directive on Tinubu, APC', reported on public criticism of the president following an article published in Leadership the previous day which provided details of an alleged presidential memorandum in which the president laid out plans to increase petrol prices and sabotage a merger of opposition political parties ahead of the 2015 elections. The president's office reportedly initially dismissed the article. The journalists stand by their story and believe the memorandum to be genuine. Abuja's Federal High Court withdrew all charges against them on 2 May, after Leadership challenged the federal court's jurisdiction to hear the case. On 19 June the federal government's prosecutor filed new charges, comprising 11 counts, before an Abuja High Court. On 27 June 2013, Amokeodo and Ukaibe appeared in court facing 11 charges including forgery, conspiracy to commit a felony, inciting feelings of disaffection against the president and inducement to commit an offence against public peace, amongst others. A court date was set for 16 July. Upon resumption of the hearing, Amokeodo and Ukaibe's lawyer told the court that he had filed a motion to suspend further proceedings indefinitely to await the end of President Jonathan's term; the journalists wish to call him to testify as a witness, but are unable to do so while he enjoys the immunity afforded to him by his office. The petition was refused by the Abuja High Court in Kubwa on 29 July 2013. The judge adjourned the trial until 24 October 2013. On 30 July, the journalists' lawyer reportedly filed a motion to appeal the Abuja high court ruling. On 26 November 2013, the presiding judge reportedly withdrew from the case following the publication of two articles in Leadership on 25 November. The judge stated that he was stepping down owing to the concerns raised in the articles that justice would not be served if he was the presiding judge as he came from the same state as the president. He was the third judge to have presided over the case. No further news as of 31 December 2013.

### \*Tukur MAMU:

**PROFESSION:** publisher of the Desert Herald newspaper and author of FCT Administration: The Rot Within

**DATE OF ARREST:** 4 September 2013

**DETAILS OF ARREST:** Mamu was arrested by plain-clothes police and was taken to Kaduna's

Criminal Investigation Department (CID), before being transferred to Abuja where he was held at the CID in Garki. He was reportedly held in the same cell as hardened criminals and suspected terrorists.

**DATE OF RELEASE:** On 19 September, the Wuse Magistrates' Court granted Mamu bail in the sum of N1million (approx. US\$6,000) with one surety.

**DETAILS OF TRIAL:** He is being sued for criminal defamation and attempted bribery in a case brought by the minister of the Federal Capital Territory (FCT), the subject of Mamu's book. A preliminary hearing was held at an Abuja court on 5 September 2013. The hearing was postponed until 9 September and again until 15 October and the trial was ongoing as of 31 December 2013.

: Mamu was hospitalised following his collapse during the hearing. He is believed to suffer from a health condition for which he is required to take prescribed medication daily but was reportedly deprived of this medication while detained.

**BACKGROUND:** According to reports, unknown men broke into the Desert Herald offices on the night of 4 September, following Mamu's arrest, stealing three laptops, one external hard drive, some CDs and official files. Mamu was reportedly arrested under similar circumstances in 2009 for writing articles deemed to "harm the government's interests".

## **BRIEF DETENTION**

### **\*Musa Muhammad AWWAL:**

**PROFESSION:** editor for the weekly Hausa-language newspaper Al-Mizan

**DATE OF ARREST:** 14 February 2013

**DETAILS OF ARREST:** He was arrested by armed officers of Nigeria's Joint Task Force and members of the State Secret Service (SSS) at his home and detained for more than a week.

**DETAILS OF DETENTION:** The officers reportedly did not cite a reason for his detention or produce a warrant when they appeared at Awwal's home and seized his laptop and telephone. Local journalists believe that his arrest was related to the newspaper's publication on 21 December 2012 of allegations of extrajudicial detentions being carried out by the Joint Task Force.

**DATE OF RELEASE:** 22 February 2013

**BACKGROUND:** Awwal has been harassed in the past. On 24 December 2012, he and a reporter from the newspaper, Aliya Saleh, were held for eight days without charge by the SSS in Abuja. Following his release, Awwal was interrogated about the whereabouts of Al-Mizan editor-in-chief Ibrahim Musa, who had reportedly gone into hiding after his home was raided, also on 24 December (see case list June-December 2012).

## **ATTACKED**

### **\*Chris ATSAKA:**

**PROFESSION:** chairman of the Nigeria Union of Journalists (NUJ)

**DETAILS OF ATTACK:** He was reportedly physically assaulted by a police officer and a State Security Service (SSS) officer on 2 July 2013. Atsaka had reportedly gone to the government house in Makurdi, Benue state, on the invitation of the chief of staff to the governor in order to deliver a letter to him about a planned NUJ Press Week. After being informed that the chief of staff was not there and that someone would collect the letter at the gate, an SSS officer reportedly ordered a police officer to attack Atsaka as he made his way to the press centre to wait, flogging him with a horsewhip as he walked from the gate to the press centre. The police officer was then reported to have been joined by the SSS officer who gave the order, who

repeatedly hit Atsaka with the butt of his gun. Security men then reportedly dragged Atsaka from the press centre before trying to force him into a truck, at which point members of the governor's staff intervened.

**BACKGROUND:** In an apparently unrelated incident, reporter for The Sun Newspaper, Rose Ejembi (f), was reportedly threatened with a gun by a police officer when she was covering an event at the Benue State House around 12 June 2013.

## **HARASSED**

### **\*Mallam Nasir EL-RUFAl:**

**PROFESSION:** former Minister of the Federal Capital Territory and author

**DETAILS OF HARASSMENT:** He is facing a lawsuit in connection with the publication of his memoir entitled The Accidental Public Servant, according to reports published on 8 February 2013. El-Rufai was said to be under investigation and may face prosecution over alleged breaches of the Official Secrets Act. The authorities reportedly contend that the sections of the book constitute a mass reproduction of restricted and classified government documents.

### **\*Patrick ODEY, Aniefiok MACAULEY and Aniefiok UDONQUAK:**

**PROFESSION:** reporters for the Daily Trust, Daily Independent and BusinessDay respectively

**DETAILS OF HARASSMENT:** They were reportedly briefly detained on 6 February 2013 by four men in plain clothes claiming to be police officers. The journalists had made an appointment with the principal of a federal government-run college in Aka Offot in order to discuss allegations of mismanagement at the college, when agents arrived and detained them in the office for two hours. The journalists were reportedly released following intervention by members of the Nigeria Union of Journalists.

### **\*Segun OLATUNJI:**

**PROFESSION:** Ogun state correspondent for The Punch newspaper

**DETAILS OF HARASSMENT:** He was reportedly harassed by the State Security Service (SSS) on 27 May 2013. Olatunji arrived at the offices of the SSS at the director's request. He was questioned by the director regarding his academic qualifications, work experience and a story published by the Sunday Punch, in which two members of Nigeria's ruling party alleged that the ex-president maintains a murder squad. Over the course of the day Olatunji was reportedly made to write three statements, give members of the SSS access to his emails and held in an unlit room, deprived of food. He was released approximately eight hours later and asked to report back to the office the following day.

## **RWANDA**

### **IMPRISONED: MAIN CASES**

#### **Agnes UWIMANA (f)**

**PROFESSION:** editor of the now-defunct independent weekly tabloid newspaper Umurabyo

**DATE OF ARREST:** 8 July 2010

**SENTENCE:** 17 years in prison, reduced to four years on appeal

**DETAILS OF ARRESTS:** Uwimana was arrested on 8 July 2010 while her colleague Saidati Mukakibibi (f), assistant editor/reporter for Umurabyo (see under 'Released' below) was detained the following week, allegedly for comparing the President with Adolf Hitler. The authorities denied that the journalists' arrest was linked to elections scheduled for August 2010. Umurabyo, which rose to prominence in April 2010 following the government's closure of leading private newspapers Umuseso and Umugizi, had in its recent editions raised questions about a number of sensitive topics, including the murder of journalist Jean-Léonard Rugambage (see July-December 2010 case list), the fallout between Kagame and two now-exiled military leaders, as well as reports alleging extravagant government spending on luxury aeroplanes.

**DETAILS OF TRIAL:** On 4 February 2011, Uwimana was sentenced to 17 years in prison and Mukakibibi to seven years on charges of "sedition", "inciting public disorder", "ethnic divisionism" and "promoting genocide ideology". The charges were based on a series of articles that were critical of President Paul Kagame. According to Amnesty International, Uwimana acknowledged that some of her articles may have lacked professionalism. However, Amnesty also said that the government had failed to adequately demonstrate how the articles could be interpreted as a threat to national security or were intended or were likely to incite violence. Both journalists are detained in a prison in Kigali.

**APPEAL:** In April 2012, Uwimana and Mukakibibi's sentences were reduced to four and three years respectively. On 11 December 2012 it was reported that, having exhausted domestic appeals, a team of defence lawyers was pursuing a complaint with the African Commission on Human and People's Rights (ACHPR) on the grounds that Rwanda has violated its obligations to ensure freedom of expression and the right to fair trial.

**UN WORKING GROUP ON ARBITRARY DETENTION'S (WGAD) OPINION:** On 13 March 2012, WGAD ruled that the detention of both Uwimana and Mukakibibi was arbitrary and that they should be released immediately; it also requested that the Rwandan government ensure their good health and provide them with adequate reparations. According to WGAD, their detention fell under two of the five categories referred to when considering cases submitted to them: category II ('When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed' by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights); and III ('When the total or partial non-observance of the international norms relating to the right to a fair trial...is of such gravity as to give the deprivation of liberty an arbitrary character').

**BACKGROUND:** In June 2010, the chairman of Rwanda's Media High Council Board accused Uwimana of publishing "defamatory articles and falsehoods" in an article that suggested that all Rwandans were both victims and perpetrators of the 1994 genocide. In 2007-08, she served a one-year prison sentence on charges of ethnic divisionism and libel after she published an opinion piece on ethnic violence in Rwanda. [RAN 06/11]

## RELEASED

### Stanley GATERA:

**PROFESSION:** editor of the private weekly newspaper Umusingi

**DATE OF ARREST:** 1 August 2012

**DETAILS OF ARREST:** An opinion piece Gatera published in the paper in June 2012 which reportedly suggested that men may regret marrying Tutsi women solely for their beauty led to Gatera's arrest after police received complaints from women's groups. The state prosecutor argued that the article broke the nation's laws about referring to ethnic identities. The paper reportedly ran an apology from Gatera in a subsequent issue, but the police dismissed the apology as "denial of wrongdoing".

**PLACE OF DETENTION:** Kimironko Prison in Kigali.

**DETAILS OF TRIAL:** He was sentenced to one year in prison and fines of 30,000 Rwandan francs (approx. US\$50) on 14 November 2012 after a conviction of inciting divisionism and gender discrimination. On 25 March 2013, an appellate court judge upheld Gatera's criminal conviction, ruling that he should be held accountable for the opinion piece published in Umusingi.

**DETAILS OF RELEASE:** He was released from prison on 26 July 2013, having completed his year-long jail term.

### **Saidati MUKAKIBIBI (f):**

**PROFESSION:** assistant editor/ reporter for the now-defunct independent weekly tabloid newspaper Umurabyo

**DATE OF ARREST** 8 July 2010

**SENTENCE:** Three years in prison

**DETAILS OF RELEASE:** She was released from prison on 25 June 2013, on completion of her three-year jail sentence (reduced from seven years) for alleged sedition, inciting public disorder, ethnic "divisionism" and promoting genocide ideology. The charges were based on a series of articles that were critical of President Paul Kagame. Mukakibibi was imprisoned alongside the editor of Umurabyo, Agnes Uwimana (f), who remains in prison serving her four-year sentence (reduced from 17 years). (See Uwimana's entry above for further details of the case.) [RAN 06/11]

## **SENEGAL**

### **ON TRIAL**

#### **\*Madiambal DIAGNE:**

**PROFESSION:** editor of the privately-owned newspaper Le Quotidien

**SENTENCE:** One month in prison and damages payment of 10 million CFA (approx. US\$21,000)

**DETAILS OF TRIAL:** Convicted on 29 August 2013 of criminal libel for a 20 June 2013 article criticising a former foreign minister. One of the newspapers reporters, Mamadou Biaye, and a French intern who was no longer in Senegal were also each given a one-month jail term in connection with the article. The court also ordered Le Quotidien's closure for three months. Le Quotidien was not presented at the trial and reportedly intended to appeal.

**BACKGROUND:** The case led to Biaye's dismissal and the French intern's return to France. Diagne was imprisoned in July 2004 for "spreading news liable to provoke serious political turmoil and discredit government institutions".

### **HARASSED**

#### **\*Makaila NGUEBLA:**

**PROFESSION:** Chadian [blogger \(http://makaila.over-blog.com\)](http://makaila.over-blog.com)

**DETAILS OF HARASSMENT:** On 7 May 2013, Nguebla was reportedly expelled from Senegal – where he had been living in exile since 2005 and was seeking asylum – to Guinea Conakry, where he was reportedly allowed to remain provided he did not publish anything about Chad. Arrested after attending a summons by a police commissioner in the Senegalese capital Dakar on 7 May 2013, Nguebla was reportedly accused of communicating with activists including

journalist Eric Topona (See Jean Laokolé's entry above under Chad - 'Conditional release') and "raising the population against the Chadian government using social media". His blog that day had reportedly criticised the Chadian government for alleged arbitrary arrests and persecution of the opposition and concluded that the president should resign. He was subsequently expelled from Senegal. In July 2013, Nguebla left Guinea Conakry for France, where he was given a long-term visa and applied for refugee status.

**BACKGROUND:** Nguebla's blog reportedly receives nearly 16,000 unique visitors per month and has become a collective platform through which to share information and opinions. Chadian writer Jean Laokolé was a regular contributor to the blog prior to his arrest and detention (see above under Chad - 'On trial'). It is reportedly the most viewed Chadian blog both inside and outside the country. Chad has reportedly refused to grant Nguebla a passport since 2005.

## SIERRA LEONE

### ON TRIAL

#### \*Jonathan LEIGH and Bai Bai SESAY:

**PROFESSION:** managing editor and editor, respectively, of the opposition daily newspaper Independent Observer

**DATE OF ARREST:** 18 October 2013

**DETAILS OF ARREST AND DETENTION:** Arrested by the Criminal Investigation Department (CID) in the capital Freetown, Leigh and Sesay were detained for five days without charge, in violation of the Constitution which specifies that detainees must be brought before a court within 72 hours.

**PLACE OF DETENTION:** Pademba Road maximum-security prison in Freetown.

**DETAILS OF RELEASE:** Leigh and Sesay were granted bail on 4 November and released the next day after their bail conditions (\$115,000 and two sureties) had been met.

**DETAILS OF TRIAL:** On 23 October they were officially charged on 26 counts, including "conspiracy to commit acts of seditious intent" and defamatory libel against President Koroma under sections 33 and 46 of the Sierra Leonean Public Order Act of 1965 in connection with the publication, on 17 October, of a column likening the president's behaviour to that of a rat and which also criticised his widely reported poor relationship with his deputy. According to Reporters Without Borders, the president demanded that the paper publish a retraction and apology but the editors were arrested before they could respond. If found guilty, the pair face up to three years in prison. According to reports, the editors' defence team did not receive a copy of the charge sheet by the time the hearing had concluded. Both journalists were denied bail pending trial. Their case was adjourned until 18 November 2013. No further information as of 31 December 2013.

**SUPPORT:** The Sierra Leone Association of Journalists (SLAJ) staged a media shutdown on 29 October in protest at Leigh and Sesay's detention and the harassment of other journalists.

**OTHER LEGAL ACTION/ SANCTIONS:** On 21 October, the ruling All People's Congress political party reportedly brought a civil lawsuit against Leigh, Sesay and the Independent Observer on behalf of President Koroma. On 22 October, the Independent Media Commission (ICM), the state media regulatory body, reportedly issued a summons to the journalists to appear for questioning.

**BACKGROUND:** Police reportedly harassed other journalists and media outlets between 21 and 23 October, including the newspapers Premier News, Concord Times, Global Times and

Salone Times, in an attempt to identify the printing press that the Independent Observer used to print the offending article. Some journalists were interrogated and detained.

## ATTACKED

### \*Alie Mozart SESAY:

**PROFESSION:** reporter for the privately-owned Torchlight newspaper

**DETAILS OF ATTACK:** He was reportedly attacked by a group of workers of the state-owned Sierra Leone Water Company (SALWACO) in Makeni on 19 June 2013. Sesay had reportedly been invited to the SALWACO offices by the manager in order to answer his enquiries into the alleged sale of water by SALWACO to Aqua Max, a private company that produces sachet water. However, when Sesay arrived, workers reportedly accused him of taking photographs of them in the past and assaulted him. The incident reportedly came a few months after the Northern Resident Minister said at a press briefing that there was evidence that water was being illegally sold to hotels and some private organisations by SALWACO's Makeni office.

## SOMALIA

### KILLED: IMPUNITY

### Abdirahman Mohamed ALI:

**PROFESSION:** reporter for the sports news website Ciyaarahamaanta

**DATE AND DETAILS OF DEATH:** He was found murdered next to Suqa Holaha, a local livestock market, in the Huriwa district of Mogadishu on 27 September 2012. According to local journalists, unknown gunmen abducted Ali (26) on the evening of 26 September as he was visiting his mother's house. Ali was found with his hands tied behind his back and his severed head on his chest. The motive for the killing was not clear; no group initially claimed responsibility.

**UPDATE:** According to The Journalists Memorial, the Islamist militant group Al-Shabaab claimed responsibility for Ali's murder, claiming that he did not live in Suqa Holaha and that he had gone there to spy on Al-Shabaab members. No further news as of 31 December 2013; PEN is calling for an investigation into the murder.

### Warsame Shire AWALE:

**PROFESSION:** poet, playwright, radio actor and singer-songwriter

**DATE AND DETAILS OF DEATH:** was shot several times by unidentified armed men near his home in the capital Mogadishu on 29 October 2012. He was taken to hospital but was declared dead on arrival. According to the National Union of Somali Journalists (NUSOJ), he had recently received threats in connection with comments he had made about gunmen who targeted civilians. At the time of his death Warsame, who was in his 60s, was working at Radio Kulmiye where his plays were known for their criticism of the extremist Islamist group Al-Shabaab. According to NUSOJ and other sources, he was the 18th media worker to be killed in Somalia in 2012. No further news as of 31 December 2013; PEN is calling for an investigation into the murder.



## BRIEF DETENTION

### \*Daud Abdi DAUD:

**PROFESSION:** blogger, freelance journalist working for a variety of media outlets and secretary general of Somali Environmental Journalists Association and African Environmental Journalists (AFEJ)

**DATE OF ARREST:** 5 February 2013

**DETAILS OF ARREST:** He was arrested on after speaking out at the sentencing of reporter Abdiaziz Abdinur Ibrahim (see below). Shortly before his arrest, Daud was heard to say that “journalists have a right to interview people”. He was held at the Criminal Investigation Department (CID) until he was transferred to a central prison in Mogadishu on 11 February. During his detention the attorney general ordered the journalist’s to be continued to be held at the CID for what he termed as “discipline”.

**DATE AND DETAILS OF RELEASE:** He was released on 12 February 2013 after having been held for a week without charge.

## RELEASED

### \*Abdiaziz Abdinur IBRAHIM (also known as “Koronto”):

**PROFESSION:** freelance journalist who has reported for several local and international news outlets including Dalsan Radio, Badri Media Productions and the UK-based Daily Telegraph.

**DATE OF ARREST:** 10 January 2013

**DETAILS OF ARREST:** Summoned for questioning by the Criminal Investigation Department on 10 January and arrested the same day when he complied. The police reportedly searched Ibrahim’s home twice, removing his laptop and digital voice recorder.

**PLACE OF DETENTION:** a central Mogadishu prison

**DETAILS OF RELEASE:** 17 March 2013

**DETAILS OF TRIAL:** Ibrahim was convicted on 5 February 2013 of insulting a government body, “spreading false news” and inducing false evidence, amongst other charges, and sentenced to one year in prison. His sentence was reduced to six months on appeal on 3 March. On 17 March, a Supreme Court judge ruled that there was “no proper reason” for Ibrahim’s continued detention and ordered that his conviction be quashed. Ibrahim was released immediately.

**BACKGROUND:** Ibrahim interviewed a woman who had been raped. Although his interview had not been published by any media outlet, Somali police believed him to be responsible for a story addressing the alleged rape of internally displaced women in Mogadishu camps by government soldiers, published on Al Jazeera English on 6 January 2013, a claim that Al Jazeera publicly dismissed. The alleged rape victim whom Ibrahim interviewed was also arrested; she was also sentenced to a year in prison on the same insult charge, before being acquitted. According to reports, at least three other journalists were questioned by the Central Investigation Department in connection with the Al Jazeera report. In addition, Daud Abdi Daud was held for seven days after speaking out following the sentencing of Ibrahim (see above).

**OTHER INFORMATION:** On 14 April, two of Ibrahim’s lawyers, Professor Mohamed Mahmoud Afrah and Abdikarin Hussein Gorod Lower, were killed when a group of armed men in army uniform detonated explosives at the main court complex in Mogadishu. Al-Shabaab reportedly claimed responsibility for the attack. Ibrahim subsequently fled the country for Uganda fearing for his safety following threats. [For more information see RAN 06/13 and updates.]

# SOMALILAND

## IMPRISONED: INVESTIGATION

### \*Jama Said ELMI:

**PROFESSION:** contributor to the independent daily newspaper Hubaal

**DATE OF ARREST:** 27 March 2013

**REASON FOR ARREST:** Elmi was arrested in connection with his columns alleging corruption and nepotism in the Silanyo administration.

**DETAILS OF TRIAL:** He was convicted on charges of insulting the nation and sentenced to six months in prison along with a fine of 1 million Somaliland shillings (approx. US\$700).

**POSSIBLE RE-IMPRISONMENT:** However, according to an unconfirmed media report, on 20 August 2013 Elmi was sentenced to four years in prison and a fine of one million Somaliland shillings (approx. US\$700) for defaming the president in an article. The same report states that he had been secretly detained since July 2013. PEN is seeking confirmation of Elmi's re-conviction and imprisonment.

## ON TRIAL

### \*Abdiaziz BASHIR:

**PROFESSION:** reporter for the news website Hadhwanaag

**DATE OF ARREST:** 3 December 2013

**DATE OF RELEASE:** Released on bail on 9 December.

**DETAILS OF TRIAL:** He is facing charges of holding an illegal protest. A court date had not been set by the end of the year.

**BACKGROUND:** The protest was staged by journalists in connection with the release of a police officer alleged to have attacked the Hargeisa offices of Hubaal newspaper on 24 April 2013 (see below Mohamed Ahmed JAMA under 'Attacked').

## BRIEF DETENTION

### \*Mustafa MOHAMED:

**PROFESSION:** reporter for the independent daily newspaper Hubaal

**DATE OF ARREST:** 13 December 2013

**DETAILS OF ARREST:** Was reportedly arrested, along with an IT specialist, during a police raid on the newspaper's offices to close the paper down.

**DATE OF RELEASE:** Both Mohamed and the IT specialist were released on 16 December without explanation.

**BACKGROUND:** On 13 December 2013, police entered Hubaal's offices in Hargeisa following a court order which allowed them to close the offices. It is thought that the order followed publication of stories which the authorities viewed as dangerous. Hubaal had reportedly recently published a story that claimed that the police were divided into two rival factions. The police commissioner denied the allegations on national television the day before the raid. It was unclear when the newspaper would resume publication.

## ATTACKED

### \*Mohamed Ahmed JAMA:

**PROFESSION:** owner and manager of the Hubaal Media Network which publishes the independent daily newspaper Hubaal and the English daily paper The Independent

**DETAILS OF ATTACK:** He was shot at when two masked gunmen entered the offices of Hubaal on 24 April 2013. Although the gunman missed him, Jama sustained a broken arm and finger when he subdued one of the assailants. Police took one gunman into custody, but the second fled the scene when his weapon jammed. Jama said he had not received any threats prior to the attack. Hubaal had recently published articles critical of the president's administration and had alleged corruption in the finance ministry. On 29 April, the interior minister reportedly confirmed that both gunmen were police officers and that they would be prosecuted; a presidential spokesman denied any government involvement in the attack. In December 2013, a police officer reportedly recognised as one of the gunmen was released without charge, sparking protests in the capital.

**OTHER INFORMATION:** Jama was released on appeal on 7 July 2013 following his earlier conviction on charges of defamation, falsification and publishing false news (see below under 'Released').

## RELEASED

### \* Hassan Hussein ABDULLAHI ('Keefkeef') and Mohamed Ahmed JAMA ('Aloley'):

**PROFESSION:** editor-in-chief and director, respectively, of Hubaal newspaper

**DATE OF ARREST:** 3 July 2013

**DATE OF RELEASE:** 7 July 2013 on appeal

**PLACE OF DETENTION:** Hargeisa's Central Prison

**DETAILS OF TRIAL:** On 3 July, Jama was sentenced to a one-year jail term and a fine of one million shillings (approx. US\$150), while Abdullahi was sentenced to two years in prison and a fine of two million shillings (approx. US\$300). The journalists were convicted on charges of defamation, falsification and publishing false news, amongst other charges, in connection with two articles published in Hubaal. The judge also ordered the continued suspension of the newspaper for the duration of the journalists' sentences. The journalists were imprisoned on the day of the sentencing but were released on appeal four days later. The newspaper received a presidential pardon on 18 August. Jama is thought to have gone into hiding following the 13 December 2013 raid on Hubaal's offices (see above Mustafa Mohamed under 'Brief Detention').

**BACKGROUND:** One of the offending articles, published on 21 January 2013, accused Hargeisa-based Ethiopian diplomats of smuggling drugs, while the other, published on 10 June, reported that the Somaliland President was in poor health and had relinquished responsibilities to the state minister for presidency. In an interview with the Committee to Protect Journalists published on 28 August 2013, Abdullahi claimed that Hubaal's coverage of Ethiopia-Somaliland relations, regarding the Somaliland government's relation with the Arab world and Egypt, was partly to blame for angering the authorities.

**OTHER INFORMATION:** On 24 April 2013, two assailants broke into Hubaal's offices and injured Jama (see above under 'Attacked'). One of the assailants was captured by the newspaper's staff and recognised as a policeman with close ties to the presidential palace, while the other two were subsequently identified by the authorities as police officers. Despite the identification and capture of one of the suspects, no charges have been laid against them.

## **\*Jama ELMI (known as JIIR):**

**PROFESSION:** contributor to newspaper Gufaan Times and scholar

**DATE OF ARREST:** April 2013

**DETAILS OF ARREST:** He was arrested by plainclothes police in Hargeisa and taken to the central police station. Denied bail, he spent nine days in custody without access to a lawyer.

**PLACE OF DETENTION:** Hargeisa Central Prison

**DATE OF RELEASE:** 11 August 2013

**DETAILS OF TRIAL:** On 14 April, Jiir was charged with, and convicted of, “insulting the state” and sentenced to six months in Hargeisa Central Prison and a fine equivalent to nearly US\$500. The charges were linked to articles alleging corruption and nepotism in President Silanyo’s administration. These include an article published in Gafaan Times 5 February 2013 entitled “The Somaliland people demand better public sector services”, in which Jiir argued that the ruling party had failed to live up to its electoral promises in the provision of public services and reduction in corruption. In other articles Jiir criticised what he termed the unfair and biased distribution of resources Jiir was acquitted on appeal and was released.

# **SOUTH AFRICA**

## **ON TRIAL**

### **\*Cecil MOTSEPE:**

**PROFESSION:** former Sowetan journalist

**SENTENCE:** A fine of R10,000 (approx. US\$888) and 10 months in prison, suspended for five years.

**DETAILS OF TRIAL:** He was convicted of criminal defamation at a magistrates’ court in Gauteng on 21 June 2013. In 2009, Motsepe reportedly published a series of articles about a Gauteng magistrate, accusing him of abusing his position. Motsepe reported that the magistrate handed out different punishments to black and white defendants accused of the same crime, inaccurately citing specific cases in which he alleged that a white woman had received a lighter sentence than a black man for drunk driving. According to reports, his defence based their argument on the fact that Motsepe had not intentionally set out to defame the magistrate, but believed that the facts were correct, emphasising that he had taken steps to verify the accusations and presented the information to the magistrate for comment prior to publication, at which point the magistrate reportedly declined to comment. According to reports, the sentences were written in Afrikaans, a language that Motsepe does not understand; as a result he had to reply on translations by two separate sources. An appeal was lodged and was before the Johannesburg High Court as of 1 November. No further information as of 31 December 2013.

## **ATTACKED**

### **\*Zolile MENZELWA:**

**PROFESSION:** reporter for the weekly newspaper The Rep

**DETAILS OF ATTACK:** He was reportedly attacked by unidentified assailants while walking home in Queenstown on 3 March 2013. The journalist suffered injuries to his face and ankle after two assailants knocked him down, stood on his chest and dropped a brick on his ankle, but was

not seriously hurt. During the attack Menzelwa was warned to stop writing about the mayor. According to reports, neither Menzelwa's editor nor the journalist himself are sure which mayor was being referred to, due to the fact that the recently ousted – and allegedly corrupt – mayor has since been replaced. No charge has been laid as the journalist was unable to identify his attackers.

## SOUTH SUDAN

### KILLED: IMPUNITY

#### Isaiah Diing Abraham Chan AWUOL:

**PROFESSION:** contributor to news websites including Sudan Tribune, Gurtong and SudaneseOnline

**DETAILS OF DEATH:** was shot dead by unidentified men at his home in the capital Juba on 5 December 2012. The gunmen arrived at Awuol's house, asked him to step outside, then shot him dead and took his mobile telephone. Awuol had reportedly been threatened several times in the past and been warned to stop writing. Local journalists believe that he could have been targeted in connection with his online columns. Awuol was known for his opinion articles critical of the South Sudanese leadership and their relationship with the Sudanese authorities. In his most recent article, published on 27 November 2012 in the Sudan Tribune, Awuol had urged the authorities to foster a better relationship with Sudan and refrain from supporting Sudanese rebel groups.

**INVESTIGATION:** The police said that they would investigate the murder.

**UPDATE:** No progress has been reported on Awuol's case following his murder. The authorities reportedly arrested a number of unnamed suspects in December 2012, but as of mid-2013 no one had been brought forward for prosecution. No further information as of 31 December 2013.

### BRIEF DETENTION

#### \*Michael KOMA:

**PROFESSION:** managing editor of the Juba Monitor

**DATE OF ARREST:** 2 May 2013

**DETAILS OF DETENTION:** His detention followed the publication of an article critical of the deputy security minister, which included a statement by members of the Nuer ethnic community implicating him in the killing of a traffic officer. The article was reportedly published under Koma's by-line. He was released on bail pending a final investigation into the case involving the deputy minister.

**DATE OF RELEASE:** Released without charge on 6 May.

**BACKGROUND:** In April 2013, Koma and Juba Monitor chief editor Alfred Taban were twice summoned by national security after publishing another statement.

# SUDAN

## REPORTED MISSING

### Adam Ali ADAM: (Chadian national)

**PROFESSION:** journalist for the Chadian newspaper N'Djamena Al Djadida

**DATE AND DETAILS OF ABDUCTION:** He was reportedly kidnapped in the Sudanese capital Khartoum, where he was studying at university, on 15 December 2012. Adam's family and friends have not heard from him since. On 31 December 2012 Adam's whereabouts and the identity of his kidnappers remained unknown, but there were rumours that he had been taken to N'Djaména.

**BACKGROUND:** In the months leading up to his disappearance he had reportedly received threats linked to his writings critical of the Chadian government. No further news as of 31 December 2013; PEN is seeking an update.

## DETAINED: MAIN CASE

### \*Tajeldin Ahmed ARJA:

**PROFESSION:** blogger

**DATE OF ARREST:** 24 December 2013

**DETAILS OF ARREST:** He has reportedly been detained incommunicado since his arrest at a conference on the situation in Darfur, after he stood up at the start of the conference and criticised both the Sudanese and Chadian presidents, accusing them of being liars and responsible for human rights violations in Darfur. Eight security guards are reported to have seized him.

**PLACE OF DETENTION:** According to news reports, Arja is being held in the Kafouri area of Khartoum.

**CONDITIONS OF DETENTION:** He has not been allowed access to his family or a lawyer and there are concerns that he may be subjected to torture.

**BACKGROUND:** Arja, from North Darfur, was displaced with his family during the early years of the Darfur conflict, and has, since then, reportedly voiced his criticism of the Sudanese government through his writings and blogs about the situation in Darfur.

## DETAINED: INVESTIGATION

### \*Mohamed Ali HAMATO

**PROFESSION:** journalist

**DATE OF ARREST:** September 2013

**DETAILS OF ARREST:** arrested while covering a protest in Khartoum. The charges were not known and he was being held in an unknown location. PEN is seeking information as to whether he was released or is still held.

### \*Ameer HASSAN:

**PROFESSION:** correspondent for Al-Hurra

**DATE OF ARREST:** September 2013

**DETAILS OF ARREST:** Arrested while covering a protest in Khartoum. PEN is seeking information as to whether he was released or is still held.

### **\*Mohammed Ali MOHAMMADO:**

**PROFESSION:** journalist with al'Akhbar newspaper

**DATE OF ARREST:** 25 September 2013

**DETAILS OF DETENTION:** Has reportedly been detained since following popular protests which broke out across the country on 23 September. Mohammado is said to be from Darfur.

**BACKGROUND:** Protests broke out on 23 September 2013 following President Omar al-Bashir's announcement that the government would lift fuel and other subsidies. Protests in some areas turned violent and the authorities are widely reported to have responded with excessive force, firing live ammunition and teargas into demonstrations and detaining a number of people without charge.

### **ON TRIAL**

### **Abuzar AL-AMIN:**

**PROFESSION:** deputy editor of the opposition daily newspaper Rai al-Shaab

**DATE OF ARREST:** 16 May 2010

**DETAILS OF ARREST:** Al-Amin was arrested along with Rai al-Shaab reporter and political editor Ashraf Abdelaziz and Altahir Ibrahim (known as Abo Jawharah) during a raid by the National Intelligence and Security Services (NISS) on the newspaper's offices in Khartoum on 16 May 2010. NISS agents confiscated equipment and copies of the latest issue of the paper and closed the newspaper down until further notice. Two other Rai al-Shaab employees were reportedly also arrested. All three journalists were detained incommunicado.

**DATE OF RELEASE:** 22 August 2011

**DETAILS OF TRIAL:** On 15 July 2010, the three journalists were convicted under the 1991 Criminal Act of "undermining the constitutional system" (article 50) and "publishing false news" (article 66). Al-Amin was sentenced to five years in prison while Abdelaziz and Ibrahim received two-year sentences. A fourth Rai al-Shaab reporter on trial, Ramadan Mahjub, was acquitted. The court also ordered the newspaper's closure and the seizure of all the assets of the company that owns it. Both Abdelaziz and Ibrahim were subsequently released on 6 February 2011 after their sentences were reduced on appeal. For background, see previous case lists.

**FURTHER CHARGES:** In May 2011, Al-Amin's prison sentence was reduced from five years to one year. He was due to be released on 3 July 2011. However, in late June 2011 prison officials informed him that he would instead be transferred to the custody of State Security Prosecution for further investigation. Two new complaints had been brought against him by the NISS. The first related to articles written for Rai al-Shaab before his imprisonment, for which he faced the charges of: criminal conspiracy (article 21 and 24 of the 1991 Criminal Act), assisting an offence (article 26), attacks on the state aimed at "undermining the constitutional system" (article 50) and publication of false news (article 66). He was also reportedly facing charges under article 24 of the press law (on the responsibilities of editors) and article 26 (on the duties of journalists). Offences under article 50 of the 1991 Criminal Act can carry the death penalty or life imprisonment. The second complaint was lodged by a security officer whom Al-Amin claimed had tortured him during his pre-trial detention in May 2010. The officer says that Al-Amin inflicted "grievous bodily harm" upon him. According to Al-Amin's family, the journalist was simply defending himself. Al-Amin was released on bail on 22 August 2011; however the new charges brought against him were still pending.

**TREATMENT IN PRISON:** Al-Amin and Ibrahim were reportedly tortured and otherwise ill-treated by NISS agents while in detention. The torture allegations were denied by the security forces and were reportedly never investigated.

**UPDATE:** As of January 2013, the charges had reportedly not been dropped, meaning that Al-Amin could still face a death sentence if convicted. No further information at 31 December 2013; PEN is seeking an update. [RAN 36/10 and updates]

## **BRIEF DETENTION**

### **\*Khalid AHMED:**

**PROFESSION:** reporter for the independent weekly newspaper Al-Sudani

**DATE OF ARREST:** 4 June 2013

**DETAILS OF ARREST:** He was detained for three days in connection with a complaint filed by the Sudanese armed forces regarding an article published in Al-Sudani, which is no longer available. According to reports, Sudanese authorities interrogated Ahmed on the basis of broad allegations that he had “harmed the morale of the armed forces” and denigrated its leaders. He has also been interrogated three times since his release in relation to the same complaint. Ahmed’s article is thought to have detailed a visit of a top military official to South Kurdofan, reporting that rebels attacked the convoy resulting in the injury of several soldiers and destruction of a military aircraft.

**DATE OF RELEASE:** 7 June 2013

### **\*Amal HABANI (f):**

**PROFESSION:** reporter for online news website Al-Taghyeer (Change)

**DATE OF ARREST:** 28 September 2013

**DETAILS OF ARREST:** She was reportedly arrested by police while attending the funeral of Salah Sanهوري, a young pharmacist who was killed by the security forces during widespread protests and detained for eight days.

**DATE AND DETAILS OF RELEASE:** Initially held without charge in an unknown location, she was freed on 6 October after President Bashir ordered the release of all women arrested in connection with the protests; she was reported to be well. Habani’s arrest followed violent protests in Sudan. The Sudanese authorities had requested that journalists refrain from publishing news that could be considered to disturb the public or cause sedition. According to reports, Al-Taghyeer reported critically about the government handling of the protests.

**BACKGROUND:** Habani was reportedly banned from travelling outside of the country in May 2013 without explanation. Various news outlets were shut down after reporting critically on the protests.

### **Abdalla Mahmoud HIABU and Haroun ADAM: (Eritrean nationals)**

**PROFESSION:** journalists for the Sudan-based Eritrean Centre for Media Services, an online resource that analyses Eritrean news coverage targeting the Eritrean diaspora in Sudan. Both journalists had gone to Sudan to seek asylum.

**DATE OF ARREST:** 24 December 2012

**DETAILS OF ARREST:** The journalists were reportedly summoned to Sudan’s National Intelligence Security Services on 24 December 2012. According to reports, Hiabu called his brother to tell him that he was inside a police car and his telephone was about to be confiscated; afterwards his phone was turned off.



**DETAILS OF RELEASE:** The journalists' whereabouts were unknown until their reported release on 10 January 2013.

## **ATTACKED**

### **\*Michael GUNN: (UK national)**

**PROFESSION:** political and economic news correspondent for Bloomberg working in Sudan

**DETAILS OF ATTACK/THREAT:** He was reportedly threatened and arbitrarily detained by Sudanese authorities on 29 June 2013. Gunn was reportedly covering a meeting held by the Umma opposition party in Omdurman when he was picked up by plainclothes police. He reported being hit several times and searched before being taken by truck to a building in which several men were dressed in police uniforms. He was reportedly told by one plainclothes policeman that if it were up to him the journalist would be killed, but that they were awaiting instructions from security personnel. Gunn was reportedly blindfolded and interrogated for three hours, during which time he was slapped and ordered to unlock his telephone. Afterwards he was released into a nearby street. Gunn fled the country on 2 July, fearing for his life.

## **HARASSED**

### **\*Salah AWOODA, Zuhair ELSRAG and Rishan OSHI:**

**PROFESSION:** journalist for the pro-government newspaper Alkir Lahza, columnist for Al-Jareeda newspaper and journalist for Al-Tayyar newspaper respectively

**DETAILS OF HARASSMENT:** they were reportedly banned from writing for between five and 15 days by National Intelligence Security Services (NISS) in August 2013 after Awooda suggested that the Sudanese government's criticism of the Egyptian military was hypocritical.

**BACKGROUND:** Awooda was reportedly suspended on three separate occasions between July and September 2013 following telephone calls by NISS agents to his editor-in-chief; he was initially banned from writing for a month and then an additional two days.

### **\*Okail Ahmed NAEM:**

**PROFESSION:** reporter for Ahram Today

**DATE OF ARREST:** 27 September 2013

**DETAILS OF ARREST:** Arrested while covering the protests in Khartoum in September

**DATE OF RELEASE:** 28 September 2013.

## **CASE CLOSED**

### **Faisal SALEH:**

**PROFESSION:** independent journalist

**DATE OF ARREST:** 8 May 2012

**DETAILS OF ARREST:** Arrested by the National Intelligence and Security Services (NISS), who took him to an unknown location where he was denied access to his family or a lawyer. He had been summoned for questioning by the NISS on 25 April 2012 after he made comments about President Omar al-Bashir during an interview with Al-Jazeera.

**DETAILS OF TRIAL:** On 31 May 2012, Saleh was acquitted on a charge of refusing to cooperate

with the authorities. He was due to appear in court on another unknown charge on 11 June 2012. No further news as of 31 December 2013; case closed due to lack of information.

## SWAZILAND

### ON TRIAL

#### **\*Bheki MAKHUBU:**

**PROFESSION:** editor of the privately-owned magazine The Nation

**DETAILS OF TRIAL:** Makhubu was charged with criminal defamation on 14 December 2010 in a case brought by the Attorney General. He was convicted by the Swaziland High Court on two counts of contempt of court on 17 April 2013 and sentenced to a fine of 200,000 Emalangeni (approx. US\$18,500) or two years in prison, with the jail sentence to take immediate effect if the fine was not paid within three days. His sentence is reportedly on hold pending an appeal to the Swaziland Supreme Court.

**BACKGROUND:** The charges were in connection with the publication of two articles, the first published in November 2009 and the second in February 2010, that questioned the independence of the country's judiciary. During the trial, Makhubu denied that the content of the articles constituted criminal defamation or contempt of court. (For more information see July-December 2011 case list.) No further news as of 31 December 2013; PEN is seeking an update.

## TANZANIA

### ON TRIAL

#### **Absalom KIBANDA, Theopil MAKUNGA, Samson MWIGAMBA:**

**PROFESSION:** respectively managing editor of daily tabloid Tanzania Daima and chair of the Tanzania Editors Forum, senior editor at Mwananchi Communications and feature writer of daily tabloid Tanzania Daima. Mwigamba is also an opposition leader.

**DATE OF ARREST:** Mwigamba was arrested on 8 December 2011.

**DATE OF RELEASE:** Mwigamba was released on 13 December 2011 after he satisfied bail conditions.

**DETAILS OF TRIAL:** Mwigamba was initially charged with "sedition" under the Newspaper Act, but this was changed in March 2012 to incitement to mutiny - a charge under the penal code that can result in a year and a half imprisonment. The charges relate to an article published on 30 November 2011, which the prosecution said was published "with intent to excite disaffection against the lawful authority of the United Republic of Tanzania contrary to sections 46(b), 55 (1)(a) and 35 of the Penal Code. On 6 March 2012, Mwigamba, Kibanda and Makunga were all charged with the amended charge of "sedition" under section 32(1)(c) and 31(1)(a) of the Newspaper Act (2002). All three began giving their defence testimonies on 2 September 2013. Following the hearing, the case was reportedly adjourned until 23 September. Makunga was expected to give his testimony on 23 October. Both the prosecution and defence counsel were reportedly instructed to submit their case in writing by 29 November. A ruling is expected to be delivered on 29 January 2014.

**AWARDS:** Absalom Kibanda received the Daudi Mwangosi Heroic Journalism and Servanthood Excellence Award 2013.

**OTHER INFORMATION:** Kibanda was attacked and seriously injured in March 2013 (see below).

## **ATTACKED**

### **\*Absalom KIBANDA:**

**PROFESSION:** managing editor of Tanzania Daima and chairman of the Tanzania Editors' Forum

**DETAILS OF ATTACK:** he was attacked outside his home in Dar es Salaam in the early hours of 6 March 2013. According to reports, three unidentified assailants smashed the window of Kibanda's car before pulling him from the vehicle. They then proceeded to attack him with a gun and sharp metal objects. The journalist reportedly suffered a severe eye injury – resulting in the eventual loss of the eye – a severed fingertip and broken teeth during the attack. According to Kibanda, one of his assailants had wanted to shoot him before being dissuaded by his fellow attackers. Kibanda was rushed to hospital following the attack, where he received treatment, but was subsequently transferred to a hospital in Johannesburg, South Africa, to receive further treatment. He reportedly suspects that he was targeted for his work as a journalist as only his mobile telephone and national identity card were taken; his car, iPad and wallet were left behind after the attack.

**INVESTIGATION:** According to various statements, the police assigned between four and 12 officers to investigate the case, but no arrests had been made by the end of the year. Police offered a reward of 5-million shilling (US\$3,100) reward for information leading to the arrest of those responsible. According to a 6 August report, little progress had been made in the investigation. A local journalist who is leading an independent inquiry on behalf of local press associations asserted that officers were nowhere near making any arrests in the case. No further information as of 31 December 2013.

**BACKGROUND:** Kibanda and two former colleagues are on trial for alleged sedition (See above under 'On trial').

## **HARASSED**

### **\*Erick KABENDERA:**

**PROFESSION:** freelance journalist and former reporter for the Dar es Salaam-based Guardian newspaper

**DETAILS OF HARASSMENT:** According to a 26 February 2013 report, Kabendera had been the target of harassment and intimidation attempts since his return to Tanzania after testifying in a libel suit in the UK in December 2012. Kabendera's home had reportedly been ransacked three times and immigration officials had allegedly been casting doubt on his nationality. Kabendera's elderly parents were also escorted to a regional immigration office where they were interrogated for eight hours and asked to sign documents without being allowed to read them. One official is reported to have remarked that Kabendera is suspected of selling state secrets to "European powers".

**BACKGROUND:** In December 2012 Kabendera testified for the defence in a libel suit that Tanzanian businessman and owner of the Guardian brought against British blogger Sarah Hermitage.

# TOGO

## ON TRIAL

### \*Zeus AZIADOUVO:

**PROFESSION:** editor of the Liberté newspaper

**DETAILS OF TRIAL:** He was charged with complicity in the destruction of public property and complicity with a criminal group after refusing to reveal his sources for an article published on 18 March 2013, in which he accused the police of torturing alleged arsonists involved in the burning down of two markets at the beginning of January. Aziadouvo was reportedly briefly detained for questioning by members of the intelligence services on 21 March

**BACKGROUND:** In January 2013 fires destroyed the Kara and Lomé markets in the midst of opposition protests. The 18 March article denounced the physical and mental torture allegedly used against Toussaint Tomety, the suspected arsonist. Tomety was reportedly manipulated into starting the fires by supporters of the political opposition. No further news as of 31 December 2013.

# UGANDA

## KILLED: MOTIVE UNKNOWN

### \*Thomas PERE:

**PROFESSION:** journalist for New Vision covering society stories for the entertainment and supplements sections

**DATE OF BIRTH:** c.1975

**DETAILS OF DEATH:** Was killed by unknown assailants on 16 June 2013. Pere (38) reportedly left work to go home on the evening of 16 June; his body was found the following morning in a field in Masajja, where he lived. An interim post mortem established the cause of death to be blunt force trauma. Pere reportedly suffered two broken collar bones and a blow to the head.

**INVESTIGATION:** According to reports, the police do not believe he was killed at the place where the body was found due to the absence of signs of a struggle at the scene. Two commuter taxi operators, arrested in July with a taxi that had blood stains in it, were released on 17 September after three months' detention at Katwe Police Station after DNA results were negative. No further information as of 31 December 2013.

## ON TRIAL

### \*Norman TUMUHIMBISE:

**PROFESSION:** author

**DATE OF ARREST:** 27 June 2013

**DETAILS OF ARREST:** Arrested shortly before the publication of his book Behind The Devil's Line. According to reports, the police intended to file charges of "publication of defamatory matter" in relation to his book, which is critical of the regime of President Museveni. Tumuhimbise was initially taken to the Criminal Investigation and Intelligence Department (CIID) in Kibuli for questioning before being detained at Jinja Road Police Station. Three plain-

clothes police detectives reportedly searched the writer's home on 28 June.

**DATE OF RELEASE:** 28 June 2013 on bail

**DETAILS OF TRIAL:** charged with publication of inflammatory matter.

**FURTHER INFORMATION:** He reportedly carried on selling his book through trusted local contacts after book stores refused to stock it. He launched his book on 21 November 2013, and reported receiving threatening phone messages beforehand. No further information as of 31 December 2013.

### **BRIEF DETENTION**

#### **David CECIL: (UK national)**

**PROFESSION:** playwright and theatre producer

**DATE OF ARREST:** 13 February 2013

**DETAILS OF ARREST:** Held for five days in detention at a Kampala police station before being deported to the United Kingdom on 18 February 2013. His arrest occurred as the Ugandan parliament prepared to debate a strict new anti-homosexuality bill. According to Cecil, during his most recent detention, in February 2013, he was held in one of two, four by four metre cells which held 42 criminals, including murderers and rapists. He was reportedly detained and deported without being given the opportunity to say goodbye to his partner and their two young children. He planned to appeal against his deportation in Uganda's high court.

**BACKGROUND:** Cecil was previously detained for five days in September 2012 for staging a play about gay people without permission. Charged with "disobeying lawful orders" for staging *The River and the Mountain* by Beau Hopkins, in which a group of Ugandan employees kills their boss when they learn he is gay, Cecil faced up to two years in prison if convicted; however all charges were dropped on 2 January 2013 due to lack of evidence. Homosexuality is illegal in Uganda and the authorities had tried to block the play, which was staged in Kampala.

#### **\*Keith PROSSER: (UK national)**

**PROFESSION:** actor

**DATE OF ARREST:** 13 February 2013

**DETAILS OF ARREST:** Arrested after appearing in *The River and the Mountain* by Beau Hopkins, a play about gay people and homophobia and held for 15 days in Kampala before being deported to the United Kingdom. He was arrested for a visa irregularity, but the play's producer David Cecil (see above) claims that the motivation behind Prosser's detention was the anger caused by the play. Prosser played an evangelical Pastor who "spreads the gospel of homophobia," according to Cecil. Prosser, who is in his fifties and in ill-health, was reportedly forced to share a crowded detention cell with no beds while he awaited deportation. Friends of Prosser's reportedly raised funds to pay for the flight to London which secured his release. His removal to London provoked concern as Prosser reportedly has no family in the UK and had nowhere to live.

### **ATTACKED**

#### **\*Pascal LUTABI and John Bosco MUYOWA:**

**PROFESSION:** reporters for the Daily Monitor and government-owned newspaper Bukedde; both also work for broadcast media

**DETAILS OF ATTACK:** Lutabi and Mulyowa were reportedly attacked and detained by prison officers on 18 March 2013 when attempting to cover news of the escape of 10 inmates from

Kalisizo prison. Having been turned away from the prison, the journalists were interviewing local residents when they were reportedly attacked by prison warders. Lutabi claims that he was kicked, punched, and beaten with sticks and the butt of a gun by five warders for 30 minutes. Medical reports indicate that he sustained bruising to the head caused by a blunt object. His video camera, photographic camera and a bag containing personal belongings were all reportedly seized by police. Mulyowa said that a prison warder threw stones at him and chased him from the scene. Upon his return he was arrested and detained for over an hour, but was later released without charge. The prison officers filed an assault charge against Lutabi, who was released on bail owing to the fact that he too had been assaulted.

**INVESTIGATION:** Three prison officers, Robert Ssemata, Frank Kyomwiru and Alex Mukasa appeared before the Kalisizo Grade Two Magistrate in May 2013. They were charged with assaulting the journalists while in line of duty and with confiscating and maliciously damaging their equipment. They were remanded in custody.

### **\*Geoffrey Wokulira SSEBAGGALA and Mulinda MUKASA:**

**PROFESSION:** national coordinator and board chairperson, respectively, of the Human Rights Network for Journalists – Uganda (HRNJ-Uganda)

**DETAILS OF ATTACK:** On the morning of 28 May 2013, journalists led by HRNJ-Uganda reportedly camped outside the offices of the Daily Monitor to show solidarity following its closure by the government on 20 May. The protestors were tear-gassed by police who also briefly arrested Ssebaggala.

### **THREATENED**

### **\*Samuel KAWEEESI:**

**PROFESSION:** correspondent for the Daily Monitor newspaper and journalist with UBC radio

**DETAILS OF THREAT:** According to reports, a group of over 20 men armed with arrows surrounded him while he was covering a land dispute story in Nakasongola district on 20 September 2013. Police fired shots into the air in order to disperse them. The men reportedly threatened to shoot Kaweesi, accusing him of working for the police. They reportedly confiscated his identity card and recording equipment.

**INVESTIGATION:** Kaweesi reported the incident to the police, however it was reportedly not investigated because he did not provide the police with concrete evidence of the attack.

### **HARASSED**

### **\*Don WANYAMA, Richard WNAMBWA and Risdell KASASIRA:**

**PROFESSION:** journalists for the Daily Monitor newspaper

**DETAILS OF HARASSMENT:** They were reportedly questioned for nine hours on 14 May 2013 by police trying to identify the sources for a 7 May report. The journalists were reportedly questioned again on 15 and 16 May.

**BACKGROUND:** On 7 May the Daily Monitor published a confidential letter allegedly relating to a plot by a general to assassinate senior Ugandan officials. On 20 May armed police raids were reportedly conducted on orders from the Criminal Investigations and Intelligence Directorate, forcing the closure of two newspapers, including the Daily Monitor, and two radio stations. The raids reportedly followed a government announcement that no further stories relating to the letter would be tolerated.

## CASE CLOSED

### \*Moses AKENA:

**PROFESSION:** reporter for The Daily Monitor

**DETAILS OF TRIAL:** Charged with criminal defamation of the Deputy Resident Commissioner of Gulu District in a case brought on 10 August 2009. On 23 April 2013 Gulu Chief Magistrates' Court dismissed the case owing to the government's apparent failure to appoint Supreme Court judges and the absence of both the complainant and witnesses since the case began. The charges reportedly related to a story Akena wrote on corruption. His petition to suspend his trial pending the outcome of a constitutional challenge of criminal libel statutes before the Supreme Court was rejected but then quickly reversed by a higher Magistrate Court on appeal.

# ZAMBIA

## ON TRIAL

### \*Clayson HAMASAKA:

**PROFESSION:** journalist suspected of contributing to news website *Zambian Watchdog*

**DATE OF ARREST:** 9 July 2013

**DETAILS OF ARREST:** Hamasaka was initially arrested along with Thomas Zgambo (see below) on suspicion of sedition. Both of the journalists' homes were raided separately, the police claiming to be searching for drugs and seditious material and accusing them of publishing stories for the *Zambian Watchdog*. According to Hamasaka's lawyer, the police confiscated documents and computers from Hamasaka's home including past articles.

**DATE AND DETAILS OF RELEASE:** released under caution on 10 July

**DETAILS OF TRIAL:** More than three weeks after his release, he was charged with "possession of obscene material" on his computers. Hamasaka pled not guilty and the trial was continuing at the end of the year.

**BACKGROUND:** *Zambian Watchdog* is a privately owned news website that is registered outside of the country. It publishes content written by Zambian journalists and edited by journalists in exile, and documents alleging Zambian government corruption. It has reportedly been the target of harassment by the Zambian government. In August 2012, Zambia's minister of tourism reportedly called for the banning of the *Watchdog*, arguing that the website's critical coverage could affect the country's image in the lead-up to the UN World Tourism Organisation meeting, which Zambia was hosting. In September 2012, news accounts reported that Sata had ordered government agencies to explore ways to block access to the site. After domestic access to *Zambian Watchdog*'s website was blocked by the government on 24 June 2013, Reporters Without Borders hosted a mirror of the site, however, it was only accessible until mid-July 2013, when this was also blocked in Zambia, by the authorities.

### \*Wilson PONDAMALI:

**PROFESSION:** freelance journalist and former reporter for The Post

**DATE OF ARREST:** 16 July 2013

**DATE OF RELEASE:** 31 July, after spending almost a week in hospital

**DETAILS OF TRIAL:** Charged on 19 July with “unlawful possession of a restricted military pamphlet”, among other charges. The charge reportedly carries a two-year jail term. It is thought that his arrest was connected to those of *Zambian Watchdog* contributors Thomas Zgambo and Clayson Hamasaka (see below); Pondamali is suspected by the government of involvement with the news website. During proceedings, the judge ordered his release, however the police refused to comply with the order claiming that he had attempted to escape from custody. On 23 August it was reported that Pondamali had briefly appeared in court earlier that week on additional charges, including theft of a library book and being in possession of military supplies. The court reportedly received no instructions from the director of public prosecution for the matter to proceed, so the case was adjourned until the end of September 2013. This appearance in court was Pondamali’s fourth since his initial arrest in mid-July. He was expected to appear in court sometime in October to answer the charges.

**HEALTH CONCERN:** On 22 July, while still detained, Pondamali contracted pneumonia and was transferred to a hospital.

**TREATMENT IN DETENTION:** He was reportedly held chained to his hospital bed under police guard. No further information as of 31 December 2013.

### **\*Richard SAKALA and Simon MWANZA:**

**PROFESSION:** managing editor and production editor of the opposition newspaper *The Daily Nation*, respectively

**DATE OF ARREST:** 10 December 2013

**DETAILS OF ARREST:** They were arrested in connection with the publication of an interview with former journalist and executive director of Foundation for Democratic Process (FODEP) MacDonald Chipenzi.

**DATE OF RELEASE:** 13 December 2013

**DETAILS OF TRIAL:** Sakala and Mwanza, along with Chipenzi, were reportedly accused of “publication of false information with intent to cause public alarm” under section 67 of the *Zambian penal code* on 12 December 2013. The journalists were released after they met bail conditions of 10,000 kwacha (approx. US\$1,300) and two guarantors who were employed by the government or a para-governmental organisation. Their trial is expected to commence on 26 January 2014.

**BACKGROUND:** In the interview in question, Chipenzi questioned the reasons behind a change in the police recruitment process in Zambia after concerns were raised that a secret militia was being recruited within the police force that could be used for political purposes.

### **\*Thomas ZGAMBO:**

**PROFESSION:** contributor to news website *Zambian Watchdog*

**DATE OF ARREST:** 9 July 2013

**DETAILS OF ARREST:** Zgambo was initially arrested and detained on along with journalist Clayson Hamasaka, who is also thought to be a contributor to *Zambian Watchdog* (see above under ‘On trial’). Police reportedly raided the journalists’ homes that same day in separate operations, claiming to be searching for drugs and seditious material and accusing them of publishing stories for the *Zambian Watchdog*.

**DATE OF RELEASE:** released on bail on 11 July 2013

**DETAILS OF TRIAL:** Zgambo was reportedly charged with “sedition” and “being in possession of seditious material with intent to publish”. The charge of sedition, made in connection with documents found at Zgambo’s home about how President Sata started his Patriotic Front party, carries a minimum seven-year jail sentence. Zgambo was expected to appear in court again on 6 August. According to reports on 2 August, Zgambo was called back for further



questioning at police headquarters, where he was asked to re-write a document that the police suspect was authored by him, but he refused. According to 3 October 2013 news reports, the sedition charge has been dropped; PEN is seeking confirmation of this and whether the other charge still stands. No further news as of 31 December 2013. For background on *Zambian Watchdog*, see above under Clayson Hamasaka – ‘On trial’.

## ZIMBABWE

### ON TRIAL

#### **Nevanji MADANHIRE and Patience NYANGOVE (f):**

**PROFESSION:** respectively editor and reporter for the independent weekly newspaper *The Standard*

**DATE OF ARREST:** 29 June 2011

**DETAILS OF ARREST:** They were arrested following the publication of an article by Nyangove about the police’s alleged detention of the minister of state in the prime minister’s office.

**DATE OF RELEASE:** Nyangove was released on bail later on 29 June; Madanhire was released on 30 June.

**DETAILS OF TRIAL:** On 1 July 2011, both were charged with criminal defamation against the head of the Harare Central Police Station’s Law and Order unit for "publication of false statements prejudicial to the state" and "communicating statements that undermine public confidence in law enforcement agents." On 31 August 2011, the Attorney General’s Office decided not to proceed with the charges under Section 31(a) (iii) of the Criminal Law (Codification and Reform) Act. The section criminalises the "publishing or communication of false statements prejudicial to the State and statements undermining public confidence in a law enforcement agency, the Prison Service or the Defense Forces of Zimbabwe." The State, however, was said to be proceeding with the charge of criminal defamation. The Harare Magistrates Court adjourned the trial on 1 August 2012 until 4 December 2012. The case was still pending in the courts as of 3 May 2013.

**UPDATE:** According to news reports, on 10 October 2013, their defence lawyer Eric Morris argued against the use of criminal defamation legislation before the Constitutional Court. The presiding judge reportedly indicated that the court would make a determination in the case after examination of both the old and new constitution. The judge made it clear that the new constitution provides for the protection of individuals’ integrity and criminalises defamation of any person.

#### **\*Dumisani MULEYA and Owen GAGARE:**

**PROFESSION:** respectively editor and chief reporter of the privately-owned weekly newspaper *Zimbabwe Independent*

**DATE OF ARREST AND RELEASE:** held for seven hours on 7 May 2013

**DETAILS OF TRIAL:** Both men were charged under Section 31 of the Criminal Law (Codification and Reform) Act for publishing or communicating false statements prejudicial to the state. If convicted they could face up to 20 years in prison or a fine. The charges follow the 26 April publication of a story alleging that the opposition Movement for Democratic Change had engaged in private talks with Zimbabwe’s security chiefs ahead of general elections this year. During their detention, the police reportedly attempted to pressurize the journalists into revealing their sources for the article. No further news as of 31 December 2013.

## ATTACKED

### \*Mashudu NETSIANDA:

**PROFESSION:** reporter for the daily Chronicle Newspaper

**DETAILS OF ATTACK:** He was reportedly assaulted by the prime minister's bodyguards on 6 June 2013. The bodyguards reportedly seized his notebook and deleted recordings he had made on his mobile telephone.

### \*Paul PINDANI:

**PROFESSION:** reporter for the Harare-based daily newspaper NewsDay

**DETAILS OF ATTACK:** He was reportedly abducted from his home and attacked on 14 June 2013. Pindani was reportedly woken by a knocking on his door. When he opened it, three masked men reportedly put a cloth in his mouth and took him to a shopping centre where they beat him with unknown objects. His assailants reportedly accused him of writing an un-bylined report in NewsDay about the arrest of a ruling party member for the murder of a local businessman. The journalist managed to return home and explain to his wife what had happened before falling unconscious. He was reportedly taken to hospital in a serious condition having suffered a broken arm and multiple lacerations. Pindani had reportedly received threats in the days leading up to the attack, but denies authorship of the article. An investigation into both the assault and kidnap was reportedly underway. No further news as of 31 December 2013.

## HARASSED

### \* Wonai MASVINGISE and Wendy MUPERI (f):

**PROFESSION:** journalists with the privately-owned newspapers NewsDay and Daily News respectively

**DETAILS OF HARASSMENT:** They were reportedly briefly detained by ZANU-PF security personnel while covering a demonstration at the party's headquarters on 21 June 2013. According to reports, five journalists were initially detained, but three were released after it was established that they were from the state media. Muperi and Masvingise were reportedly held, questioned and threatened to stop being "traitors." They were released following the intervention of the minister of media, information and publicity.

## JUDICIAL HARASSMENT

### \*Obey MANAYITI:

**PROFESSION:** reporter for NewsDay Manicaland

**DATES OF ARREST:** 18 February and 19 February

**DATES OF RELEASE:** 18 February and 20 February

**DETAILS OF ARREST:** Manyiti was initially arrested for allegedly insulting the suspended Zanu PF provincial youth chairman. Manayiti approached the police because he was reportedly facing death threats from the ousted chairman, but was taken into custody because the latter had filed a criminal insult complaint prior to Manayiti's arrival. He was released on the same day but was re-arrested the following day and detained overnight at the Mutare Central police station. According to reports, Manayiti had recently published articles which the chairman felt dealt negatively with his political circumstances. He was released from police custody on 20

February 2013 after being charged with criminal insult. The State reportedly decided not to pursue to matter in court and instead to proceed by way of summons.

**BACKGROUND:** The chairman and four other Zanu PF provincial leaders were reportedly suspended from the party in early February for alleged fraud involving an estimated US\$1 million.

## CASE CLOSED

### **Nevanji MADANHIRE and Nqaba MATSHAZI:**

**PROFESSION:** editor and reporter for The Standard

**DATE OF ARREST:** mid-November 2011

**DETAILS OF ARREST:** Arrested in connection with a story alleging that a Harare-based medical aid company was facing financial collapse and detained overnight by police

**DETAILS OF TRIAL:** charged with criminal defamation and theft of documents from the company, before being released on bail. They were remanded until 20 December 2011 when their trial was expected to commence. Madanhire and Matshazi have both denied ever being in possession of original documents or on the premises of the medical aid company and have signed warned and cautioned statements denying the charges of theft. No further information as of 31 December 2013; case closed

# AMERICAS

## BRAZIL

### KILLED

#### **\*Rodrigo NETO DE FARIA:**

**PROFESSION:** host of the “Plantão Policial” (“Police Shift”) show on Radio Vanguardia, press aide for the local mayor and reporter for the daily newspaper Vale do Aço

**DATE OF DEATH:** 8 March 2013

**DETAILS OF DEATH:** Neto was shot dead by two men on a motorcycle. Neto (38) was reportedly getting into his car after leaving a local bar he often frequented with a colleague in Ipatinga, Minas Gerais, when he was shot twice; he died later in hospital. His attackers did not take any of the professional equipment he had with him. Neto had only started work for Vale do Aço the week before his murder. According to reports, the journalist had aggressively covered police corruption throughout his career and had frequently received threats, especially in relation to his coverage of cases in which police officers were suspected of being involved in local murders. At the time of his death he was reportedly working on a book entitled The Perfect Crimes, which investigated several murders in which he suspected police involvement. Neto had recently reported being followed. His reporting had led to his giving testimony to the Minas Gerais state assembly’s human rights committee in which he accused police officers of

involvement in criminal activity. Local journalists believed that Neto's murder could be related to his work. Local news reports confirmed that local authorities had not ruled out his journalistic work as a possible motive. A tweet by the human rights minister suggested that the federal authorities regarded Neto's murder as an execution-style killing probably linked to his work.

**DETAILS OF INVESTIGATION:** On 19 April, the chief of police in Minas Gerais confirmed the participation of police officers in Neto's murder. Five police officers had been arrested and were under investigation for Neto's killing and that of his colleague, Walgney Carvalho, a Vale do Aço photojournalist who was shot dead on 14 April 2013; Carvalho took the photos that accompanied Neto's investigative articles. Investigations revealed that both men were killed by the same gun. The police officers are reportedly suspected of belonging to militia groups that operate in the region, whose activities Neto had reportedly been investigating; Carvalho is said to have taken the photographs that accompanied the investigation.

**UPDATE:** In July it was reported that Carvalho's murder had been confirmed as a witness elimination; he had publicly claimed, including on social media, to know who was responsible for Neto's death. The motive for Neto's murder was not yet confirmed. It was believed that the person behind the both journalists' murders is Alessandro Neves Augusto (known as Pitote), while policeman Lucio Lirio Leal was identified as a co-conspirator. It was also believed, but not yet confirmed, that four other policemen arrested for alleged involvement with a death squad in the region may have been responsible for carrying out the shootings; they reportedly have connections to Neves. On 22 August 2013, Neves and Leal were charged with Neto's murder. Leal, the policeman, is considered an accomplice to the crime, having provided the assassin with information as to Neto's whereabouts. Neves was also charged with the murder of Carvalho

**TRIAL:** The trial began on 9 December 2013. As of year-end the trial was ongoing; both suspects were detained. An investigation was ongoing into the motive behind the crime and its intellectual author.

### **KILLED: MOTIVE UNKNOWN**

### **\*José Roberto ORNELAS DE LEMOS:**

**PROFESSION:** director of the daily newspaper Jornal Hora H

**DATE OF DEATH:** 11 June 2013

**DETAILS OF DEATH:** Ornelas was reportedly gunned down by four masked men on 11 June 2013. According to reports, Ornelas (45) was shot at least 40 times while he was at a bakery in Nova Iguaçu, Rio de Janeiro. Ornelas had reportedly received constant threats related to the newspaper's reporting.

**DETAILS OF INVESTIGATION:** The police were reported to be considering all lines of enquiry and had not ruled out his work as a possible motive. No further information as of 31 December 2013.

**BACKGROUND:** Jornal Hora H is known for its reporting on political and police corruption. Ornelas had reportedly been investigated for three murders committed in the 1990s, but was never formerly charged. In 2003, he was imprisoned for the murder of a local official; however, he was later acquitted. In 2005, he reportedly survived an attempt on his life, which was suspected to be in retaliation for complaints that were published in the newspaper.

## **KILLED: IMPUNITY**

### **Paulo Roberto CARDOSO RODRIGUES (known as Paulo ROCARO):**

**PROFESSION:** editor of the local daily Jornal Da Praça and the news website Mercosul News

**DATE OF DEATH:** the night of 12 February 2012

**DETAILS OF DEATH:** He was shot dead in Ponta Porã . He had been driving home when he was attacked by two armed men riding a motorcycle, who fired at least five bullets into him. Rocaro (51) reported on politics. According to reports, he had been critical of the local mayor and had publicly lent his support to a rival mayoral candidate. On the night he was killed, the journalist had been returning home after a meeting with the opposition candidate. The killing took place near the Paraguayan border, a region of Brazil known for organised criminal activity and for political corruption.

**DETAILS OF INVESTIGATION:** Police were reportedly investigating the crime as a possible contract killing, and were looking into political motives, among others. On 4 October 2012, the owner of Jornal Da Praça, Luis Henrique Georges, was reportedly shot dead by unknown individuals. One of the newspaper's employees was also killed in the incident, while another member of staff remained in a critical condition in hospital. Jornal Da Praça had recently published articles highly critical of candidates for the municipal elections held in Ponta Porã on 7 October 2012.

**UPDATE:** On 7 May 2013, police in Mato Grosso do Sul state reportedly presented the results of the investigation into Rocaro's murder: they believe the motive to be political. Rocaro, a member of the Workers' Party, had a disagreement with another member of the party, Claudio Rodrigues de Souza, about who should run for Ponta Porã mayor two days before the shooting. During the argument, Rocaro reportedly threatened to publish stories on alleged irregularities involving Rodrigues' businesses. The police believe that Rodrigues hired two hit men to kill Rocaro. The whereabouts of Rodrigues and the hit men was unknown at the time the results of the investigation were made public. Rodrigues reportedly has a previous conviction for homicide in São Paulo state. Luis Henrique Georges' murder remained unsolved as of mid-February 2013 and no evidence had been produced indicating whether or not the two murders were related. No further information as of 31 December 2013.

### **Eduardo CARVALHO:**

**PROFESSION:** editor and owner of the website Última Hora News

**DATE OF DEATH:** 21 November 2012

**DETAILS OF DEATH:** Carvalho (52) was arriving home with his wife in Campo Grande, capital of Mato Grosso do Sul state, when an unidentified man on a motorcycle shot him three times before fleeing. According to Última Hora News, Carvalho, a retired military police officer, often criticised the local police and politicians and denounced local corruption in his articles. He had reportedly been receiving threats in connection with his journalism since 2011 and had also survived an assassination attempt, as a result of which he was authorised to carry a gun. According to the police, Carvalho had been the subject of many libel lawsuits related to his reporting. His last article, published on the day of his murder, accused an unnamed military police official of abusing his authority to intimidate local citizens.

**DETAILS OF INVESTIGATION:** The police reportedly intend to focus their investigation on whether the murder was related to Carvalho's journalistic work.

**UPDATE:** On 7 February 2013, it was reported that the investigations into Carvalho's murder were on-going, with initial material evidence and telephone records under review. The police had reportedly received more than 30 formal complaints against the journalist alleging defamation and libel, but they added that the motive of the murder had not been proven. No

further information as of 31 December 2013.

### **Francisco GOMES DE MEDEIROS:**

**PROFESSION:** contributor to newspaper Tribuna do Norte, internet writer and news director of a local radio station

**DATE OF DEATH:** 18 October 2010

**DETAILS OF DEATH:** He was shot dead by a man on a motorbike in front of his house in Caicó, Rio Grande do Norte state. Gomes had reported on a variety of local topics, including government corruption, crime and drug trafficking. He had recently received death threats after publishing a piece on his blog accusing local politicians of being involved in buying votes in exchange for drugs during the first round of the Brazilian general elections on 3 October 2010.

**DETAILS OF INVESTIGATION:** On 19 October 2010 the police arrested João Francisco dos Santos and claimed that he had admitted killing Gomes in reprisal for his coverage of Santos' 2007 conviction on armed robbery charges. Despite this, state police said that they were still investigating the case and had not ruled out further leads. On 3 December 2010 the Diário de Natal reported that Gomes' killing was carried out on the orders of a jailed drug trafficker, according to local police. Valdir Souza do Nascimento, who was arrested in 2007 and was then serving a sentence for drug trafficking, allegedly ordered Santos to shoot Gomes because the journalist's reporting was affecting the criminal activities that Souza was continuing to run from prison. On 13 April 2011, it was reported that the investigation into Gomes' murder was complete and that the trial of the suspects was due to begin on 3 May 2011. The businessman Lailson Lopes was now accused of having ordered the crime while João Francisco dos Santos was accused of carrying it out.

**UPDATE:** On 23 October 2012, Globo reported that the charges against Souza had been dropped. On 6 August 2013, João Francisco dos Santos was sentenced to 27 years in prison for the shooting and killing of Gomes. Five other men including Lopes, as well as a local army lieutenant colonel, a military police officer, a lawyer and a former pastor, were reportedly also facing charges and awaiting trial. All five men deny any involvement in the murder. No further information as of 31 December 2013.

### **Mario Randolfo MARQUES LOPES:**

**PROFESSION:** editor-in-chief of the news website Vassouras na Net

**DATE OF DEATH:** 8 February 2012

**DETAILS OF DEATH:** Along with his companion, Marques (50) was abducted from his home in Barra do Piraí, Rio de Janeiro state. Both were found the following day, shot dead. Marques had frequently accused local officials of corruption in articles on his website, according to news reports. His most recent article on his website accused local judges and courts of being corrupt and too powerful. Marques had been attacked before. In July 2011, an unidentified gunman entered the Vassouras na Net newsroom in Vassouras, and shot him five times in the head, which left him in a coma for three days.

**DETAILS OF INVESTIGATION:** An investigation is underway. Marques' body was reportedly exhumed on 25 February 2013 in order to extract DNA samples for use in testing against blood stains found in three vehicles seized at the time of his murder; one of the vehicles was reported to be that of a taxi driver who worked in the city centre. The exhumation of the body came in response to a request filed eight months previously by the principal delegate of the civil police of Barra do Piraí. The case remained unsolved as of 31 December 2013.

## **Décio SÁ:**

**PROFESSION:** reporter for local newspaper O Estado do Maranhão and blogger at Blog do Décio

**DATE OF DEATH:** 23 April 2012

**DETAILS OF DEATH:** Sá was shot dead in a bar in what police said was a contract killing. Sá, who reported on politics and crime, was shot six times in the head and back. According to colleagues at O Estado do Maranhão, Sá's reporting, both for his newspaper and for his blog, had made him several enemies. His blog was one of the most popular in Maranhão.

**DETAILS OF INVESTIGATION:** The police arrested seven people in June 2012, including a businessman (a former local councillor) and a police officer. Jhonatan de Souza Silva, one of those arrested, reportedly confessed to the killing. Police believe that the motive for the killing was Sá's reporting, especially his reports on the businessman's alleged connection to loan-sharking and racketeering.

**UPDATE:** The trial of 11 suspects began in late January 2013. The attorney general of Maranhão reportedly claimed that the defence for the accused in Sá's murder trial was attempting to "delay the course of proceedings". The accusation came in response to the defence's request for an order to suspend the reading of the accusations on 29 January, on the grounds that it had not been given access to the content of the wiretaps used by the prosecution, a claim which the attorney general has denied. The defence's request was granted by the judge after only three of the 15 accusations scheduled for the day had been heard. On 20 February it was reported that the second witness to Sá's murder, Ricardo Santos Silva, had died after being shot seven times during an attack in January. Santos Silva was the principal witness of Sá's murder and had links with the loan sharks that allegedly planned the murder. He was reportedly due to give evidence in court shortly before he was shot. The undersecretary for intelligence and strategic affairs of the Ministry of Public Security reportedly believes that the murder was a targeted assassination. Seven suspects were apprehended. Mayors and former mayors of the municipalities of Maranhão were expected to appear in court in May 2013 to aid in investigations into their alleged connection with the money lenders thought to be responsible for Sá's murder. The trial was on-going as of 31 December 2013.

## **ON TRIAL**

### **\*Luis Carlos BORDONI:**

**PROFESSION:** journalist and blogger

**DETAILS OF HARASSMENT:** He was ordered to pay R\$200,000 (approx. US\$95,000) in damages to the governor of Goiás on 28 May 2013. In his blog, Blog do Bordonni, he accused the governor of using money from a corrupt businessman to pay off the debt from his 2010 political campaign. The judge reportedly ruled that Bordonni, who had worked on some of the governor's campaigns, did not have any evidence to back up his claims and ordered that he remove all interviews with and any statements against the governor from his blog. In the case of noncompliance, the penalty was the suspension of Bordonni's website and a daily fine of R\$500 (approx. US\$250). Bordonni planned to appeal the ruling. No further information as of 31 December 2013.

## **BRIEF DETENTION**

### **\*Pedro RIBEIRO NOGUEIRA:**

**PROFESSION:** reporter for the website Portal Aprendiz

**DATE OF ARREST:** 11 June 2013

**DETAILS OF ARREST:** Ribeiro was arrested while he was covering protests in São Paulo. There were conflicting reports as to the reason for his arrest, one report suggesting that he had been charged with “formation of a criminal gang” (formação de quadrilha), others that police had accused him of vandalising a police car, another that he had intervened when police were arresting two women.

**DATE OF RELEASE:** 14 June 2013, after three days in custody.

## **DEATH THREAT**

### **\*Rodrigo LIMA:**

**PROFESSION:** political reporter for the newspaper Diário da Região

**DETAILS OF THREAT:** he was reportedly threatened with death by a city councillor on 5 February 2013. The threats followed publication of articles by Lima calling the councillor “the living-dead of politics” and including him in a list of officials charged with failing to pay back-dated taxes. According to reports, the politician told Lima that he would split his skull during a legislative session at the São José do Pio Preto city hall. The councillor also reportedly alluded to the reporter’s death.

## **ATTACKED**

### **\*Fábio BRAGA and Guillian VALLONE (f):**

**PROFESSION:** reporters for the newspaper Folha de São Paulo

**DETAILS OF ATTACK:** They were shot in the face with rubber bullets by police on 13 June 2013. Vallone was hospitalised due to the injuries she sustained to her eye. Braga and Vallone were two of a number of journalists injured while covering protests in São Paulo which began on 6 June following an increase in public transportation fares. Seven reporters from Folha de São Paulo were reportedly injured by rubber bullets or were affected by pepper spray and teargas.

### **\*Vladimir PLATONOW:**

**PROFESSION:** reporter for the press agency Agência Brasil

**DETAILS OF ATTACK:** He was reportedly punched and kicked by a security officer at a bus terminal in Niterói, Rio de Janeiro state, on 19 June 2013 while documenting protesters fleeing from police during a night of protests in the region. A spokesman for the bus terminal said the assailant was not affiliated with the company.

### **\*Pedro VEDOVA:**

**PROFESSION:** reporter for GloboNews

**DETAILS OF ATTACK:** He was hit in the head by a rubber bullet fired by police while covering protests in Rio de Janeiro on 20 June 2013. He sought treatment in hospital for a wound to his forehead.



## THREATENED

### \*Diego ESCOSTEGUY:

**PROFESSION:** director of the Brasilia bureau of Época magazine

**DETAILS OF THREAT:** He stated on his Facebook page that he had received threatening messages from an anonymous user of the social media networking website on 10 August 2013. Ecosteguy reportedly believes that the threat stems from a report of his entitled 'Allegations against a PMDB [Brazilian Democratic Movement Party] operative in Petrobras' which makes allegations of bribery between the board of Petrobras and the PMDB, party deputies and the political campaign of the president. The threats were under investigation and had led to the journalist taking precautionary measures. No further information as of 31 December 2013.

### Mauri KÖNIG:

**PROFESSION:** investigative journalist for the newspaper Gazeta do Povo and director of the Brazilian Association for Investigative Journalism (Abraji)

**DETAILS OF THREAT:** He reportedly received threats on 17 December 2012 following his recent work on police corruption in Paraná state. The newspaper received several anonymous telephone calls warning them about attacks planned against König and other journalists. In one such call, a man identifying himself as a policeman alleged that five police officers from Rio de Janeiro planned to attack König's home with machine guns. Earlier that day, the newspaper had published a follow-up article by König and a team of journalists to a May 2012 report into police corruption. König said he had received threats immediately following the May 2012 report, but he felt the threats in December 2012 were more serious. He and his family reportedly fled their home in Curitiba for an undisclosed address, accompanied by private security.

**UPDATE:** On 7 January 2013 it was reported that König had fled the country, but intended to continue with his journalistic activities.

## HARASSED

### \*Piero LOCATELLI:

**PROFESSION:** reporter for Carta Capital magazine

**DETAILS OF HARASSMENT:** He was briefly detained by military police on 13 June 2013 while covering protests in central São Paulo. He was reportedly arrested for carrying a bottle of vinegar for use on teargas burns.

### \*Leandro MACHADO:

**PROFESSION:** reporter for Folha de São Paulo

**DETAILS OF HARASSMENT:** He was briefly detained by military police on 11 June 2013 while he covered protests in São Paulo. He was reportedly accused of obstructing police work.

### \*Ilja TROJANOW: (German national)

**PROFESSION:** writer and journalist

**DETAILS OF HARASSMENT:** He was reportedly prevented from boarding a flight to Miami at

Salvador da Bahia airport on 20 September 2013. Trojanow was not given any explanation as to why he should be prevented from entering the United States. He believes that it may be linked to his views on surveillance as all of his documentation was in order, according to news reports.

**BACKGROUND:** Trojanow is known for his critical work on mass surveillance programmes, such as those run in the United States. On 18 September 2013, he co-signed a letter published by the Frankfurter Allgemeine Zeitung asking for the German chancellor to take action against the effects of mass surveillance in Germany.

## JUDICIAL HARASSMENT

### \*Alcinea CAVALCANTE (f):

**PROFESSION:** blogger

**DETAILS OF HARASSMENT:** Cavalcante's bank account was reportedly blocked by the Electoral Justice Court of Amapá on 18 May 2013. In addition, she was ordered to pay more than US\$900,000 in fines to former president José Sarney in relation to a post she wrote on her blog during the 2006 electoral campaign. On the post, Cavalcante suggested making a sticker with the phrase "The vehicle that resembles me most is the police wagon" and asked her readers which politician should receive it. Sarney reportedly filed a lawsuit against the blogger a day after one user commented that the sticker should be given to him; he demanded that he be compensated for damages and the page deleted. Cavalcante reportedly had additional charges filed against her for each post she wrote on her blog relating to the initial charges.

## SENTENCED

### José Cristian GÓES:

**PROFESSION:** journalist and blogger

**SENTENCE:** Seven months and 16 days in prison commuted to community service

**DETAILS OF TRIAL:** In December 2012, a high court judge in Sergipe brought civil and criminal proceedings against the journalist for libel and defamation following the publication of a short fictional story on his blog on 29 May 2012. Góes was convicted of slander on 4 July 2013. His prison term was later commuted to community service for which he must serve one hour per day for the duration of the sentence, according to a 9 July 2013 report. In January 2013, a prosecutor for the Public Ministry reportedly filed additional criminal charges against Góes in relation to his story. The prosecutor reportedly proposed that the journalist pay the equivalent of three minimum wages or do three months' community service. Góes refused to comply on the grounds that he did not believe that he had committed a crime; as a result, the prosecutor filed the criminal charges.

**BACKGROUND:** Whilst Góes' fictional story mocking nepotism and corruption in local politics is written in the first person and no names or dates were mentioned, the judge concerned believed that the story defamed his brother-in-law, the governor of Sergipe; the governor himself has not filed charges.

**SUPPORT:** The Brazilian National Federation of Journalists (Federação Nacional dos Jornalistas, FENAJ) filed a complaint against the criminal proceedings.

# CHILE

## ON TRIAL

### \*Rodrigo FERRARI PRIETO:

**PROFESSION:** blogger and lawyer

**DETAILS OF TRIAL:** he was charged with “usurpation of identity” on 19 February 2013, following tweets he posted parodying the country’s wealthiest businessman. The blogger allegedly created three Twitter accounts between 7 March and 23 December 2010, two using the name of the businessman and one in his family’s name; Ferrari has reportedly only accepted responsibility for one of the accounts. According to reports, despite the Twitter account’s clear parodic intent, the businessman’s lawyer filed a complaint alleging “usurpation of identity”, a charge which only requires the appropriation of another person’s identity. Prosecutors invoked a Mutual Legal Assistance Treaty in order to press Twitter to reveal the identity of the account holder. Ferrari reportedly faces between 61 and 541 days in prison if convicted.

**UPDATE:** On 1 May 2013, it was reported that a lower court in Santiago had thrown out the complaint. However, the case may still be appealed to a higher court. No further information as of 31 December 2013.

## JUDICIAL HARASSMENT

### \*Daniel ROJAS PACHAS:

**PROFESSION:** writer, editor and teacher

**DETAILS OF HARASSMENT:** He was reportedly informed by the Chilean Investigative Police (Policia de Investigaciones de Chile, PDI) at the beginning of April 2013 that he was under investigation by the sexual crimes squad for handing out material with “erotic content” to minors. The investigation stems from a complaint filed by a civil servant of the Municipality of Arica and a representative of the cultural council, following a workshop run by Rojas in February. There are differing reports as to the exact circumstances of the events. According to Rojas and some reports, he was approached by the municipality to run a bookbinding workshop for adults. The workshop consisted of four sessions with pre-printed materials with which the attendees could create booklets with hardcover bindings. Halfway through the series of workshops he was reportedly asked to accommodate children who were in the library. At the end of the session, it was suggested that the children should be allowed to take their books home with them. According to reports, one child’s booklet contained an extract from Allen Ginsberg’s provocative poem ‘Howl’. After the mother complained, Rojas reportedly apologised for the error and the child was allowed to attend the next session. The official complaint was reportedly filed almost two months later. The civil servant claims that Rojas approached the municipality to run the workshop for 40 children, not adults, reportedly calling him “depraved” and suggesting that he intended to distribute “highly sexual content” to children. The number of children at the event has been disputed, with Rojas maintaining that there were only six or seven, one of whom ended up accidentally binding in some of Ginsberg’s work. Rojas maintains that he did not intend the workshop to be for children and that it was not intended to be a literary workshop, simply a practical one. It has been suggested that the complaint was filed for political reasons, as an attempt to attack the current town mayor. Rojas has not been detained. No further information as of 31 December 2013.

**BACKGROUND:** Ginsberg’s poem ‘Howl’ reached notoriety in 1957 when it was subject to trial

after a customs official complained about its “obscene” language, references to drugs and sexual practices, both heterosexual and homosexual. The trial focused on whether there was any literary merit to the poem, with the judge eventually ruling that it was a “work of redeeming social importance and not in any way obscene”.

## COLOMBIA

### KILLED: IMPUNITY

#### Guillermo QUIROZ DELGADO:

**PROFESSION:** freelance journalist and contributor to the daily newspaper El Meridiano

**DATE OF DEATH:** 27 November 2012

**DETAILS OF DEATH:** Died of a heart attack in a hospital in Sincelejo, Sucre department; he had spent a week in intensive care after an altercation with police. Quiroz (31) was arrested on 20 November 2012 while covering a protest against an energy company in San Pedro, on the grounds that his motorcycle documents were not in order. According to an interview with Quiroz on 21 November 2012, he was put into a police vehicle, then beaten and thrown from the moving vehicle. The police denied this account, stating instead that Quiroz had jumped from the vehicle in order to avoid arrest. He suffered severe injuries, particularly to the head, and subsequently lapsed into a coma, before dying of a heart attack on 27 November 2012.

**DETAILS OF INVESTIGATION:** Three officers present in the vehicle at the time of the incident were investigated. According to Quiroz’ colleagues, the journalist said that the police had told him he was targeted because of his news coverage. He had previously reported on cases of police brutality in San Pedro as well as on the theft of cattle that were later found on a farm owned by a former San Pedro politician. Quiroz had reportedly received a death threat on his mobile telephone in October 2012 which he reported to the police and the local office of the Attorney General.

**UPDATE:** On 6 February 2013, it was reported that the Internal Affairs Office of the Colombian police had accused an officer of involuntary manslaughter in relation to Quiroz’ death. The disciplinary hearing of police officer Jorge David Pérez Contreras took place on 4 February 2013. The officer could be charged with failing to take the necessary steps to guarantee the safety of the detained reporter during his transportation to the police station. Pérez attempted to sue the Internal Affairs office in June 2013, however, his case was dismissed. No further information as of 31 December 2013.

### ON TRIAL

#### Angye GAONA (f):

**PROFESSION:** poet, cultural worker and student

**DATE OF ARREST:** 13 January 2011

**DETAILS OF ARREST:** She was arrested in Cucuta, Norte de Santander department, near the border with Venezuela, and detained at Buen Pastor Prison in Cucuta for 93 days - three days after the maximum 90-day period during which she could be legally held without charge.

**DATE OF RELEASE:** Released on bail without formal charge on 21 May 2011

**DETAILS OF TRIAL:** she was charged with “aggravated conspiracy for drug trafficking and rebellion” at a hearing in Cartagena on 23 May 2011, two days after her release; her lawyer attended but Gaona was not obliged to appear in court. The arrest warrant against her had not

yet been revoked and the Attorney General had appealed her release order. Gaona denies the charges and maintains that the case against her is a set-up and is due to her left-wing political sympathies. She says she was not interrogated once during her three months' detention, and also questions the fact that she was detained in Cucuta when the case has been brought in Cartagena, more than 400km away. Her trial began on 15 February 2012, in Cartagena.

**POSSIBLE REASONS FOR ARREST:** Gaona's supporters claimed the real reason for her arrest was her outspoken support for the demands of a labour union in the district where she lives. Her detention has been linked to that of three other student activists in the region, Julián Aldoni Domínguez, William Rivera Rueda and Aracely Cañaveral Vélez. The arrests reportedly took place in the context of a wave of attacks against human rights defenders in the Santander region, including attempted assassinations and forced disappearances and death threats, and against informal economy workers affiliated to the Colombian Trades Union Congress (Central Unitaria de Trabajadores, CUT) in Bucaramanga. It is feared that the arrests were intended to silence their legitimate human rights activism.

**TRIAL CONCERNS:** Gaona maintains that she has been depicted as a terrorist by the press, that witnesses against her are former members of the armed forces, and that the prosecution is using recordings of allegedly incriminating telephone conversations as evidence against her. Her defence deny that it is Gaona's voice in the recordings. As of 31 December 2012, Gaona reported that there was still no date for the preliminary hearing and that the Attorney General had not yet made public all the evidence against her, a violation of due process. Her lawyers were therefore preparing a petition requesting that the matter be dropped. Gaona also said the arrest warrant against her had still not been cancelled, meaning she could be re-arrested at any point.

**UPDATE:** As of 31 December 2013, the trial had still not begun: the preparatory hearing, where the evidence for the defence is presented, has been repeatedly postponed. Gaona believes that the delays are due in part to a lack of dedicated legal representation in her case.

**BACKGROUND:** Born in Bucaramanga on 21 May 1980, Gaona's poems have been published in anthologies and other print and internet publications in Colombia and abroad. In 2009 she published her first book, *Nacimiento Volátil (Volatile Birth)* (Editorial Rizoma). Until her detention a student of languages and literature at the Universidad Industrial de Santander, Bucaramanga, Gaona is a former organiser of the Medellín International Poetry Festival and in 2001 organised the International Exhibition of Experimental Poetry, also in Medellín. Prior to her arrest, she organised poetry events in Bucaramanga. She is also said to work as a journalist for community media. Gaona is the mother of a young child.

## DEATH THREATS

### \*Almika ALVEAR:

**PROFESSION:** crime reporter for Al Día newspaper

**DETAILS OF THREAT:** he reportedly received a letter containing death threats and signed by the BCLU (Los Urabeños Criminal Band) on 28 January 2013. In the letter, the BCLU warned Alvear and an Al Día photographer that they had "talked a lot" about the BCLU and gave them 48 hours to leave the city. Alvear is said to have received telephone calls previously in which anonymous individuals demanded that he refrain from reporting on news related to the capture and trial of gang members. Alvear and his colleague left Montería the day that he received the threatening letter and was reportedly under police protection in another city. According to reports, on hearing the allegations, gang members went to the newspaper's offices denying responsibility for the threats.

**BACKGROUND:** Al Día is well known for its crime coverage. Alvear had covered arrests of BCLU members on several occasions. The threats against him coincide with a wave of threats made against other journalists in north-western Colombia which began with Jineth Bedoya Lima (see

under 'Threatened', below). According to reports, the heads of circulation for Al Día and El Heraldito, both based in Sucre department, received threatening telephone calls and messages towards the end of January 2013.

### **\*Renier ASPRILLA, Martín MENDOZA and Damaris ROJAS:**

**PROFESSION:** reporters respectively for the Baranquilla daily El Heraldito, and the Valledupar newspapers El Pílon and Al Día

**DETAILS OF THREAT:** They were three of eight journalists reportedly labelled as "military targets" and threatened with death in a leaflet signed by an anti-land restitution group on 6 May 2013. The leaflet, circulated in Valledupar, Cesar department, was headed by a photograph of an automatic weapon and gave the journalists 24 hours to leave the city, informing them that they would be killed if they did not stop covering subjects related to land restitution. On 7 May, all eight journalists reportedly met with police and Interior Ministry officials, who promised to provide them with security. No further information as of 31 December 2013.

**BACKGROUND:** The threats reportedly stem from the government's June 2011 ratification of Law 1448, which orders the return of 2 million hectares of land to 400,000 families displaced by violence since 1991. The same group reportedly threatened leaders of the peasant movement that supports land restitution in April 2013.

### **\*Ariel ÁVILA, Gonzalo GUILLÉN, Claudia LÓPEZ (f) and León VALENCIA:**

**PROFESSION:** Ávila and Valencia are political analysts for the Nuevo Arco Iris think tank; Valencia is also a columnist for Semana magazine. López is a freelance journalist and analyst, Guillén is an independent investigative journalist who has produced documentaries and reported for the Miami newspaper El Nuevo Herald.

**DETAILS OF THREAT:** On 25 September 2013, the National Protection Unit (UNP) reportedly informed the four journalists that they were liable to be targeted by a criminal gang of former paramilitaries. The journalists were reportedly provided with a police escort and an armoured car the next day. On 1 October López announced via Twitter that she was leaving the country as a precautionary measure. On 12 October, Guillén also announced that he would be going into self-imposed exile. The threats are thought to relate to their work exposing alleged links between the governor of La Guajira department and a gang linked to a drug trafficker. No further information as of 31 December 2013.

**BACKGROUND:** Guillén, Valencia and Ávila also received threats earlier in 2013, however the threats are reported to have intensified in September. In July 2011, López, then a columnist with El Tiempo, was acquitted of libel and slander charges related to an opinion piece published in July 2006 (see 'Released' –July-December 2011 case list).

### **\*Juan David BETANCUR:**

**PROFESSION:** director of a Dabeiba-based monthly newspaper El Panamericano

**DETAILS OF THREAT:** He reportedly received a letter bomb in the mail on 7 March 2013. Enclosed in a manila envelope, along with the detonators and small quantity of explosive which did not detonate, was a letter warning Betancur not to investigate issues of government corruption or to mention the activities of a former member of the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) in future stories. The nature of the letter has led Betancur to conclude that the threat stems from his coverage over the past four years of allegations of wrongdoing by a former Dabeiba mayor and his alleged links with a member of the FARC. Betancur reportedly called the police, who detonated the

materials in a controlled explosion.

**BACKGROUND:** Betancur was the target of an attack in 2010, when a supporter of the former Dabeiba mayor hit him over the head with a metal rod in response to his critical reporting.

### **\*Yesid TORO MELÉNDEZ:**

**PROFESSION:** writer and journalist and editor for newspaper Q'Hubo

**DETAILS OF THREAT:** He reportedly fled Cali after threats were made against his life on 16 April 2013. The threats came after the launch of the reprint of Toro's book *Complot para matar al Diablo* (Plot to Kill the Devil) in March 2013. According to reports, the family of a deceased young assassin contacted Toro to demand financial compensation for information they had given him, believing that the protagonist of Toro's book was based on their son. Toro refused, responding that he was under no obligation to pay them, at which point the demands for money reportedly increased. Some of the individuals concerned reportedly called the Q'Hubo offices and left threatening messages. Members of the assassin's family also appeared at the Q'Hubo offices, forcing Toro to call the police. One of the individuals concerned was already facing an arrest warrant for false testimony in another case and was detained, while the other was released a few hours later. The latter continued to threaten Toro, accusing him of having set a trap for them. Toro left the city on the advice of the authorities. The case was submitted to the National Protection Unit (Unidad Nacional de Protección, UNP) and the Cali Metropolitan Police. No further information as of 31 December 2013.

**BACKGROUND:** Toro's book, which mixes fiction and non-fiction, tells the story of young assassins in Cali. The author reportedly based his characters and story on interviews with gang members, their relatives, the authorities, judges, lawyers and experts in juvenile delinquency.

### **ATTACKED**

### **\*Ricardo CALDERÓN:**

**PROFESSION:** chief investigative journalist for *Semana* magazine

**DATE OF BIRTH:** c.1971

**DETAILS OF ATTACK:** He was reportedly attacked by two unidentified assailants on the evening of 1 May 2013. Calderón had been meeting with contacts regarding his investigation into Tolemaida military detention centre. Gunmen opened fire on his vehicle while it was stopped on the road between Ibagué and Bogotá; five shots penetrated the vehicle. Calderón escaped unharmed, manoeuvring his car away from his attackers, and immediately reported the incident to the authorities.

**DETAILS OF INVESTIGATION/PROTECTION:** The police chief reportedly confirmed that a special team was working on the case, while the National Protection Unit had put a security plan in place.

**BACKGROUND:** Calderón is recognised in Colombia for his investigative journalism, which focuses on rule of law; in April 2013, *Semana* published a new report on Tolemaida, which highlighted that two years after the initial investigation broke, military personnel convicted of human rights abuses still allegedly benefit from privileges, including the liberty to leave the detention centre as they please. The executive director of *Semana* reported that in the days prior to the shooting the journalist had been subject to surveillance and a number of his sources had been victims of harassment.

## **\*Germán URIBE:**

**PROFESSION:** writer and journalist for Semana magazine and the website Rebelión

**DETAILS OF ATTACK:** He was reportedly attacked at his home in Subachoque, Cundinamarca department on 28 February 2013. Uribe was held prisoner in his home, bound, blindfolded and gagged, for approximately 30 minutes. During this time a masked man hit him over the head with the butt of a hand gun, resulting in a head wound, and violently beat him. According to Uribe, his assailant did not make any demands, only assaulted him and threatened to kill him, leading the journalist to believe that the motive for the attack was not robbery. He believes that there was more than one assailant since he heard a conversation with someone that Uribe assumed to be an accomplice guarding the front door. His assailant was scared off when the property manager announced via an internal speaker that he had been alerted to the incident and was coming to the house. Although Uribe does not know the motive for the attack, a message on the scarf used to gag him read “Colombian Army – Batallon Contreguérilla,” which might have been intended as a message to stop him from writing pieces in Semana and Rebelión that are critical of former President Uribe, the political right-wing, and those who are opposed to peace talks with the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) guerrilla group. Following the attack, Uribe fled his home and ceased his journalistic activities but reportedly hoped to resume them again once he had recovered. He reported the attack to local police as well as the Attorney General. Private security personnel belonging to Ecopetrol, the state-owned oil company for which Uribe’s wife is secretary general, were reportedly also conducting their own investigation.

**UPDATE:** According to his blog, Uribe returned to his column for Semana in August 2013.

## **THREATENED**

## **\*Jineth BEDOYA LIMA (f):**

**PROFESSION:** journalist for El Tiempo

**DETAILS OF THREAT:** She reportedly received a threatening message related to her recent work via one of her sources on 11 January 2013. Bedoya was reportedly told that she should stop reporting on “these things” or else she knew what might happen. According to reports, including the January 2013 attack, Bedoya had been threatened six times since January 2011.

**DETAILS OF INVESTIGATION/PROTECTION:** Whilst the federal attorney’s office reportedly promised that investigations of each threat would be assigned to the same judicial office as part of a precautionary measures agreement, as of January 2013 this promise had not been kept and no one had been brought to justice for the threats. No further information as of 31 December 2013.

**BACKGROUND:** Bedoya has received various precautionary measures from the Inter-American Commission on Human Rights since 2000, after she was kidnapped, tortured and sexually assaulted.

## **\*Rodrigo CALLEJAS:**

**PROFESSION:** editor of the Región al Día newspaper

**DETAILS OF THREAT:** Was reportedly threatened and prevented from covering incidents linked to a coffee farmers’ strike by armed and masked men on 4 March 2013. At the time, journalists covering the coffee growers’ strike in the departments of Huila and Tolima, which began on 25 February 2013, were reportedly being increasingly targeted for attack by members of the mobile anti-riot force (ESMAD). Among those threatened or attacked were



Oscar Borja, journalist for Q'Hubo newspaper, and Nelson Lombana, journalist for Semanario Voz, who were reportedly violently attacked by ESMAD members in the department of Tolima.

### **\*Jairo CONTRERAS:**

**PROFESSION:** journalist for Al Día newspaper

**DETAILS OF THREAT:** Reportedly received threats by SMS message and mobile telephone calls on 13 and 24 January 2013. Contreras is the second journalist for Al Día to receive threats, his colleague Almikar Alvear having received threats in late January (above see under 'Death threat').

### **RELEASED**

### **Luis Agustín GONZÁLEZ:**

**PROFESSION:** journalist for the newspaper Cundinamarca Democrática

**DETAILS OF TRIAL:** He was acquitted by the Supreme Court on 10 July 2013 of criminal insult in relation to an article he wrote about the ex-governor of Cundinamarca department. In October 2012, representatives from the Colombian Attorney General and Prosecutor's Offices had asked the Supreme Court to overturn González' conviction on the grounds that it violated his right to freedom of expression. In its ruling, dated July 10, the Court stated that "in terms of freedom of expression, freedom of political opinion enjoys a great degree of protection, precisely because of the aims it pursues and because of the exposed situation in which public officials find themselves". González was initially convicted of charges of criminal insult and libel of the ex-governor of Cundinamarca in September 2011 on the basis of a 2008 article questioning the former official's political aspirations, and was sentenced to 20 months in prison and a fine, but was acquitted of libel on appeal in February 2012. His sentence was later reduced to 18 months and 18 days in prison, with a fine of 17 months' salary, and after that to 18 days. See previous case lists for more details.

### **Edison LUCIO TORRES:**

**PROFESSION:** internet journalist (author of the blog 'Lucio y sus notas') based in Cartagena, Bolivar

**DETAILS OF TRIAL:** he was acquitted of defaming a former senator on 14 February 2013. The former senator sued Lucio Torres for criminal defamation in October 2006 after the journalist reported on his blog and radio programme that the politician was one of eight people shown to have links with paramilitary groups. Lucio Torres, who is also the Bolívar head of the opposition Polo Democrático political party, reportedly based his comments on reports from national newspaper El Tiempo, the regional Ombudsman's Office and a non-governmental organisation. On 26 April 2011 Lucio Torres was found guilty of aggravated defamation and sentenced to 14 months in prison and a fine; he appealed the sentence. On 14 February 2013, the appeal court ruled that Lucio Torres did not overstep his right to inform the public nor did the reports result in damage to the honour of the former senator. See previous case lists for more details.

# CUBA

## IMPRISONED: MAIN CASE

### José Antonio TORRES:

**PROFESSION:** correspondent for the government newspaper Granma

**DATE OF ARREST:** February 2011

**SENTENCE:** 14 years in prison and the withdrawal of his university degree in journalism

**DETAILS OF ARREST:** Torres was arrested after writing articles about the mismanagement of an aqueduct project in Santiago de Cuba and the installation of fibre-optic cable between Venezuela and Cuba.

**DETAILS OF TRIAL:** In mid-June 2012, following a closed trial, Torres was reportedly convicted of espionage and sentenced to 14 years in prison and the withdrawal of his university degree in journalism.

**APPEAL:** On 16 November 2012, it was reported that Torres had appealed against his conviction, but feared that his sentence could be increased as a result.

**BACKGROUND:** Torres' 5,000-word article on the mismanagement of the aqueduct project, published in July 2010, was reportedly praised by President Raúl Castro, who wrote in Granma that "this is the spirit that should characterise the (Communist) Party press: transparent, critical and self-critical." His report on the fibre-optic cable was published four months later. Torres noted in neutral terms that the Vice President Ramiro Valdés was responsible for supervising both projects. Cuba's state-run media has made only a few brief references to Torres' case and little is known about the espionage charge, although there are rumours that he may have offered or given confidential information to the US Interests Section in Havana. No further news as of 31 December 2013; PEN is seeking an update. [RAN 09/13 and updates]

## DETAINED: INVESTIGATION

### \*Angel Yunier REMÓN ARZUAGA (aka 'El Crítico'):

**PROFESSION:** rapper and human rights activist

**DATE OF ARREST:** 26 March 2013

**DETAILS OF ARREST:** He was reportedly arrested following his attempt to stand up to an organised mob that harassed him at his home between 23 and 26 March. The mob reportedly threw objects, including dead animals, at his home. Remón reportedly believes that the group was organised by the police. According to reports, Remón was accused of assaulting a police officer, for which the public prosecutor is seeking a penalty of eight years in prison. His trial was expected to be set for the 15 and 25 December 2013. According to reports dated 30 November 2013, 15 witnesses for Remón's defence have not been allowed to testify. No further update as of 31 December 2013; PEN is seeking further information.

**TREATMENT IN PRISON:** According to reports, Remón has been beaten while in prison and his wife is not allowed to see him as punishment for the fact that he will not shave or stand up straight at roll call.

: Remón reportedly contracted cholera while in detention in July 2013. On 16 October 2013 he began a hunger strike, which on 20 October he expanded to exclude liquids. Remón reportedly broke off his hunger strike on 11 November following promises that his case would be reviewed.

## JUDICIAL CONCERN

### \*Ángel SANTIESTEBAN PRATS:

**PROFESSION:** award-winning writer and author of the blog 'The Children Who Nobody Loved' ('Los Hijos que Nadie Quiso')

**DATE OF ARREST:** 28 February 2013

**SENTENCE:** five years in prison

**DETAILS OF TRIAL:** Convicted on 8 December 2012 for alleged assault and trespassing. The case dates back to 2009, when a number of charges were filed against him including charges of a hit and run and aggravated robbery. Santiesteban was eventually found guilty of having broken into his ex-wife's house and physically assaulted her; all of the other charges were dropped. The writer maintains that the charges are fabricated and politically motivated, retribution for his blog which is critical of the Cuban situation and government. He also claims that he was informed of what the outcome of the trial would be on 8 November 2012, one month before the sentencing took place, when he was arrested along with 15 others following the detention of Yaremis Flores Julián and beaten (see previous case lists). Details of the case against Santiesteban have not been made public in state media. Santiesteban's appeal was filed with the Supreme Court on 20 December 2012. The Supreme Court confirmed Santiesteban's five-year sentence on 28 January 2013.

**PLACE OF DETENTION:** On 28 February 2013, the writer was summoned to the Provincial Tribunal in Havana and taken to Valle Grande prison. From there he was transferred to the La Lima internment camp. Santiesteban was later taken to El Pitrre Prison (known as Unit 1580) in San Miguel Del Padron, Havana and was subsequently transferred in early August 2013 to a penal settlement of the Ministry of the Interior in Lawton, Diez de Octubre municipality, where he was being held as of 31 December 2013, according to news reports.

**FAIR TRIAL CONCERNS:** According to the appeal lodged by Santiesteban's lawyer in December 2012, there were a number of irregularities in the writer's trial and sentencing. The plaintiff is said to have changed her statement four times and overall her testimony was inconsistent with the crimes of which Santiesteban was eventually found guilty. A supposed eyewitness for the plaintiff allegedly later confessed in a home video that he had been pressured and bribed by the plaintiff to lie, but this was reportedly discarded by the court. A number of important witnesses in Santiesteban's defence are said to have been overlooked by the court, including three individuals who testified that he was not at the scene at the time that the crimes are alleged to have taken place, and the headmistress at his son's school, who stated that the boy had confessed to her that his mother had forced him to make statements incriminating his father. Moreover, Santiesteban's son, who was said to be traumatised by the incident, was in fact not present at the scene, according to the appeal document. During the sentencing, evidence was allegedly added to the case which had not been heard in court and the five-year sentence is said to be disproportionate to the alleged crimes: the two years for trespassing is reportedly a year above the maximum one-year penalty for such an offence while the maximum penalty for assault was applied without the alleged crime having been sufficiently proven.

**TREATMENT IN PRISON/HEALTH CONCERNS:** On 5 April 2013, Santiesteban reported in a statement published on his blog that he had been informed that he would be taken to the Salvador Allende military hospital for a check-up in relation to a skin complaint. Santiesteban said that he would refuse to go as it was a military hospital. According to the writer, dark spots had begun to appear on his face and arms shortly after his imprisonment, which had been diagnosed by a dermatologist as skin cancer and which had responded positively to treatment in prison. A subsequent blog post-dated 9 April stated that Santiesteban had been handcuffed and taken from the prison. The post claimed that the reason for his removal was that the 'Human Rights Commission' (possibly the Comisión Cubana de Derechos Humanos) had been

due to visit the prison that day. It subsequently transpired that Santiesteban had been transferred to El Pitorre Prison. According to reports, he was placed in an isolation cell after he recommenced his hunger strike following his transfer. On 22 April he reported that prison guards had held him down and forced him to drink a filthy liquid that made him ill. No further news as of 31 December 2013.

**BACKGROUND:** Sanitesteaban is a member of the official Union of Writers and Artists of Cuba (Unión de Escritores y Artistas de Cuba - UNEAC).

**AWARDS:** Sanitesteaban has won a number of awards, including the Juan Rudolfo Prize from Radio France International (1989), National Prize from UNEAC (1995), Cesar Galeano award (1999), Alejo Carpentier Prize from the Cuban Book Institute for his short story collection Los hijos que nadie quiso (2001) and the Casa de las Américas Prize for his book Dichosos los que lloran (2006).

**PEN POSITION:** PEN holds no position on Santiesteban's guilt or innocence. However, it is concerned that his trial appears to have fallen short of international human rights standards. It calls on the Cuban government to make public details of the trial and to ensure that his appeal is reconsidered. [RAN 09/13 and updates]

## **BRIEF DETENTION**

### **\*David ÁGUILA MONTERO:**

**PROFESSION:** freelance journalist

**DATE AND DETAILS OF ARREST:** He was reportedly arrested by state security agents at this home on 7 December 2013 and held at Vivac detention centre until his release three days later

**DATE OF RELEASE:** 10 December 2013.

**BACKGROUND:** Águila has been subjected to repeated brief detentions; on 5 February 2013 he was reportedly briefly detained by police in Havana under suspicion of being responsible for graffiti containing anti-governmental slogans (see January-June 2013 and previous case lists). On 11 October 2013, he was reportedly arrested by police outside his home and detained for three days, released on 14 October.

### **\*William CACER DÍAZ:**

**PROFESSION:** photographer and freelance journalist, correspondent for Hablemos Press news agency

**DATE AND DETAILS OF ARREST:** He was reportedly arrested by State Security and National Revolutionary Police agents at Hablemos Press offices on 11 October 2013. Agents reportedly ordered him to hand over some of his work. He was released three days later

**DATE OF RELEASE:** 14 October 2013.

### **\*Héctor Julio CEDEÑO NEGRÍN:**

**PROFESSION:** reporter for Hablemos Press News Agency and blogger

**DATE AND DETAILS OF ARREST:** He was reportedly arrested by police in Havana on 5 February 2013 and detained for 13 days. He was reportedly arrested after being caught taking photographs of policemen who appeared to be harassing self-employed taxi drivers.

According to Cedeño, the officers were not wearing the correct uniform. He proceeded to tell them that their actions were against the law because they were not in uniform. One of the policemen reportedly grabbed him and the journalist lost his balance; he claims that he grabbed the policeman's shirt, inadvertently ripping it. Cedeño says that he was then punched in the face before being arrested for assault. While in custody the journalist reportedly refused

food or liquids in protest at his detention. On his release he was placed under house arrest and was required to present himself at a police station until such a time as his case for allegedly assaulting a police officer comes to trial, according to local news reports. He has reportedly refused to comply with the conditions of his release.

**DATE OF RELEASE:** 18 February 2013

## **HARASSED**

### **\*Pedro ARGUELLES MORÁN and Elías RODRÍGUEZ LEÓN:**

**PROFESSION:** freelance journalists

**DETAILS OF HARASSMENT:** They were reportedly detained by police for two hours in Ciego de Ávila on 11 February 2013. Their detention was reportedly an attempt to prevent them from showing support for people who had been evicted from their homes.

### **\*José BORGES SERRANO:**

**PROFESSION:** freelance journalist

**DETAILS OF HARASSMENT:** He was reportedly detained by police in Sancti Spiritus on 15 January 2013 for more than 12 hours. The journalist believes that his detention was a reprisal for his participation in a street protest and was intended to prevent him from travelling to Havana. According to reports, Borges' wife was warned by police to advise her husband not to leave the house if he wanted to avoid something worse happening to him.

### **\*Osmany BORROTO RODRÍGUEZ, Eduardo IBARRA and José Antonio MARANTE HERNÁNDEZ:**

**PROFESSION:** director of Yayabo Press Agency and freelance journalists, respectively

**DETAILS OF HARASSMENT:** They were reportedly detained by police in Jatibonico on 1 January 2013 for nine hours. According to reports, they were exercising their right to walk freely in public when they were arrested.

### **\*Antonio Ernesto DAUMY FERRER:**

**PROFESSION:** freelance journalist

**DETAILS OF HARASSMENT:** He was reportedly briefly detained by state security agents as he left his house on 8 December 2013. He believes that his detention was intended to prevent him lending support to the Damas de Blanco opposition group by attending the Santa Rita de Casia church. He was released the same day.

### **\*Egberto Ángel ESCOBEDO, Jorge Alberto LIRIANO LINARES and Lázaro Yuri VALLE ROCA:**

**PROFESSION:** freelance journalist, journalist for Hablemos Press, and journalist and blogger respectively

**DETAILS OF HARASSMENT:** They were reportedly detained for several hours by state security agents on 10 December 2013 in order to prevent them from participating in activities organised for the International Human Rights Day.

### **\*Guillermo FARIÑAS (aka 'El Coco'):**

**PROFESSION:** cyber-journalist, dissident

**DETAILS OF HARASSMENT:** He was briefly detained and assaulted by police on 10 September 2013, according to reports. Fariñas had joined a peaceful demonstration outside the Provincial Assembly in Santa Clara to protest a rise in taxes. He was reportedly detained for two hours before being released.

**BACKGROUND:** Fariñas has been subject to regular harassment (see July-December 2012 case list)

**AWARDS:** recipient of the European Parliament's Sakharov Prize in 2010.

### **\*Henry Constantín FERRER:**

**PROFESSION:** freelance journalist

**DETAILS OF HARASSMENT:** He was reportedly detained by police in Camagüey on 2 February 2013 for four hours, in relation to his journalistic activities and his links with foreign diplomats.

### **\*René Ramón GONZÁLEZ BONELLI:**

**PROFESSION:** freelance journalist

**DETAILS OF HARASSMENT:** he was reportedly harassed on 21, 23 and 24 February 2013 by a mob in Havana, in order to prevent his dissident activities and for his paying homage to the late Orlando Zapata Tamayo, a prisoner of conscience, arrested in 2003 during the "black spring". Zapata died on 22 February 2010 after 85 days on hunger strike protesting jail conditions.

### **\*Calixto Ramón MARTÍNEZ ARIAS:**

**PROFESSION:** journalist for the independent news agency Hablemos Press

**DETAILS OF HARASSMENT:** He was reportedly harassed on two occasions in December 2013. On 10 December, he was reportedly detained and beaten by State Security agents while at the house of blogger and activist Antonio Rodiles (see July-December 2012 case list). On 29 December, he was reportedly detained by State Security agents and the National Police while en route to Santa Rita de Casia church accompanied by a member of the Damas de Blanco opposition movement.

**BACKGROUND:** Martínez was released from prison on 9 April 2013, after being detained without charge for almost seven months. Arrested on 16 September 2012 after covering a cholera outbreak which the Cuban authorities had reportedly been trying to downplay, he faced a sentence of up to three years in prison for 'disrespect' towards the head of state under Article 144 of the Cuban Criminal Code. The charges were never officially confirmed, his lawyer was not allowed access to his case file and he was never put on trial. Martínez' release eventually came amid growing pressure from Cuban civil society and international organisations and the day after he began his third hunger strike. Reports indicate that he suffered ill treatment in prison, including assault, a ban on using the telephone, being placed in solitary confinement and denied medical attention. Martínez was one of a number of Hablemos Press journalists arrested in 2012 and was himself a victim of repeated arrests that year. See 2012 July-December case list for more details. [RAN 09/13 and updates]

### **\*Pablo Morales MARCHÁN and Denis Noa MARTINEZ:**

**PROFESSION:** both correspondents for the independent Hablemos Press news agency

**DETAILS OF HARASSMENT:** Both were reportedly briefly detained by police on 13 October 2013. They were released the next day.

### **\*Magaly Norvis OTERO SUÁREZ (f) and Roberto de Jesús GUERRA:**

**PROFESSION:** journalists for the independent Hablemos Press news agency and member of the Damas de Blanco opposition movement (Otero)

**DETAILS OF HARASSMENT:** Both were reportedly detained by state security agents on 10 December 2013. According to reports, Otero was held first at the 4<sup>th</sup> police unit in Cerro, Havana, before being transferred to Vivac military base. Both journalists were reported to have been released a few hours later.

**BACKGROUND:** Otero was briefly detained in November 2012 (see July-December 2012 case list).

### **\*Yosbel RAMOS SUAREZ (f):**

**PROFESSION:** freelance journalist

**DETAILS OF HARASSMENT:** She was reportedly detained by state security agents as she handed out leaflets on the United Nations Universal Declaration on Human Rights on 10 December 2013. She was reportedly taken to a police station in Siboney, where she was detained for more than 12 hours.

### **\*Carlos RÍOS OTERO:**

**PROFESSION:** freelance journalist

**DETAILS OF HARASSMENT:** He was reportedly detained by police for two hours on 22 January 2013, due to his journalistic activities. Ríos was previously detained on 29 September 2012 for 12 hours by police in Havana for his promotion of the anti-governmental campaign “No Voto”.

## **DOMINICAN REPUBLIC**

### **ON TRIAL**

### **\*Julio BENZANT and Robert VARGAS:**

**PROFESSION:** journalist and editor respectively for the news website Ciudadoriental.org

**DETAILS OF TRIAL:** They are facing charges of criminal defamation brought against them by a member of parliament, according to a 5 December 2013 Reporters Without Borders report. PEN is seeking further information.

**BACKGROUND:** In 2012, Vargas faced similar charges of defamation, which were subsequently dropped on 21 November 2012 (see July-December 2013 case list).

# ECUADOR

## DEATH THREATS

### \*Juan Carlos CALDERÓN:

**PROFESSION:** journalist and co-founder of digital magazine Plan V

**DETAILS OF THREAT:** He has reported receiving death threats since the online publication of an article entitled 'Reinsurance Wars' ('[La Guerra de los Reaseguros](#)') which alleged the mismanagement of reinsurance plans for public enterprises. On 26 September 2013, Calderón reportedly received a text message in which he was warned that he would be beaten if he didn't stop his investigation. The message also stated that he would be followed closely. On 30 September, he was reportedly approached by people from an insurance company who told him that he could be killed for his investigation. On 2 October 2013, two unknown men reportedly asked security staff from Calderón's residential area if his home was for sale. Calderón believes this to be an act of harassment as his home was not for sale and was the only one enquired about.

### \*David CASTILLO:

**PROFESSION:** journalist with La Hora newspaper

**DETAILS OF THREAT:** He reportedly received death threats on 29 September 2013. That day, Castillo, who had published a story on the detention of an alleged criminal in the area, received a series of telephone calls from supposed friends of the criminal. The first caller insulted and threatened him with a bomb at his house; the second stated that they knew his whereabouts and that they would kill him; while a third caller allegedly warned him to tone down his reporting or he would get into trouble. Castillo also said that prior to the receiving the calls, the family of the detained criminal had warned him. The following day, Castillo reportedly received another telephone call from someone who said that his colleague had called him from jail to tell him that he was upset about Castillo's article. Castillo is said to have reported the first threats to the local authorities on 29 September.

## THREATENED

### \*Javier BONILLA 'BONIL':

**PROFESSION:** cartoonist for El Universo newspaper

**DETAILS OF THREAT:** He was reportedly threatened on the social media site Facebook after President Correa demanded an apology for a political cartoon published on 21 January 2013 during his re-election campaign. According to reports, the threats repeat much of the language used by the president to discredit the press.

**BACKGROUND:** The president reportedly complained to the electoral commission about Bonilla's cartoon, which suggested that the president had faked his kidnapping during the police rebellion of 30 September 2010, demanding a full apology from the newspaper. The newspaper responded by publishing the president's letter of complaint in full in the Opinion section.



### **\*Diego CORNEJO:**

**PROFESSION:** executive director of the Newspaper Editors' Association of Ecuador

**DETAILS OF THREAT:** Was reportedly threatened by a supporter of President Correa on the street in May 2013. It is thought that the threat followed the president referring to Cornejo as a "scoundrel" on 4 May in response to comments the journalist had made regarding recent freedom of expression reports on Ecuador. The man told Cornejo that he was being watched; when Cornejo asked if it was a threat the man answered: "Correa is the best president we have ever had."

### **\*Jaime GUEVARA:**

**PROFESSION:** songwriter

**DETAILS OF THREAT:** Reportedly received threatening messages via Twitter from 7 September 2013, after President Correa reportedly insulted him in his weekly broadcast Number 338; thereafter the hashtag '#UnPuñeteParaGuevara' (#APunchForGuevara) started circulating on Twitter, with various users' tweets promoting violence against the songwriter. The threats follow an incident on 29 August 2013, in which Guevara reportedly made a rude hand gesture at the presidential caravan as it drove past him. Guevara claims that the gesture was a way of protesting the decision to start oil exploitation procedures in areas within Yasuní National Park.

### **\*Martín PALLARES:**

**PROFESSION:** journalist for the newspaper El Comercio

**DETAILS OF THREAT:** He was reportedly threatened by a Twitter user with being beaten on 4 May 2013. The threats, which followed the 29 April 2013 publication of an article by Pallares which questioned the government's media coverage of the launch of the Ecuadorian Pegaso satellite, accused the journalist of being "envious" and "sick". Pallares has reportedly been subject to previous threats. According to a Fundamedios report dated 7 April 2013, Pallares had been receiving regular threats through social networks after President Correa had criticised him, The president had reportedly mentioned Pallares on at least 10 separate occasions in his TV program, referring to him by many names including "sick", "coward" and "immoral". Pallares has been known to write articles critical of the Correa government. Supporters of the president had left threatening messages in response to videos critical of Pallares.

### **HARASSED**

### **\*Juan ALCÍVAR:**

**PROFESSION:** editor and correspondent for La Hora newspaper in Concordia

**DETAILS OF THREAT:** On 12 March 2013, seven people, among them police officers and municipal officials, reportedly entered the journalist's home on the grounds that he was allegedly occupying public property without municipal permission. According to reports, Alcívar received a telephone call from his wife who was scared by the seven officials who had entered their home without a warrant and were carrying weapons. Upon his arrival at the scene, Alcívar was reportedly berated by one of the officers and ordered to show his permit to occupy the street. Alcívar has admitted to occupying two metres of the pavement because of some repairs he was making to the house. He reportedly claims that the operation was part of the persecution of which he has been a victim for some years, which he blames on the local

mayor.

**BACKGROUND:** In 2010, Alcívar was reportedly accused of “terrorist aggression against public officials” and is currently awaiting a trial hearing at the Criminal Court of Esmeraldas. He was reportedly the target of two physical assaults in the latter part of 2010 and in 2012 reported being physically and verbally attacked by municipal officials.

### **\*Miguel MOLINA:**

**PROFESSION:** a student who published an opinion article in Diario Hoy newspaper on 1 September 2013

**DETAILS OF THREAT:** Reportedly faced harassment from President Correa during a televised Weekly National Broadcast no. 338. Reacting to the article, in which Molina criticised the police response during public protests against oil exploitation and around Yasuní National Park, the president reportedly belittled Molina, saying: “they are trying to fool us...this guy is not even in Ecuador right now...he sent the article from Spain...This is simple corruption” and showed personal pictures taken from Molina’s personal Facebook account. Molina reportedly defended his article in an open letter to the president.

### **RELEASED**

### **\*Yaco MARTÍNEZ:**

**PROFESSION:** director of the daily newspaper La Nación

**SENTENCE:** one month in prison and to pay damages of US\$30,000

**DETAILS OF TRIAL:** He was acquitted on appeal of defaming a former governor on 9 May 2013. Martínez had been convicted and sentenced on 8 March 2013. The charges stemmed from a 2 September 2012 report that alleged that the then-governor would have her former chief of staff run the state’s affairs during her vacation despite the fact that he no longer held formal office. The former governor denied the report and filed a complaint against Martínez in his capacity as director of the newspaper, saying that her reputation had been damaged. The journalist appealed and argued that the judge should be removed from the case because his wife is reportedly a cousin of the plaintiff.

### **CASE CLOSED**

### **Juan Carlos CALDERÓN:**

**PROFESSION:** author (with Christian ZURITA) of the book El Gran Hermano (‘Big Brother’) which reveals information about contracts between the brother of President Rafael Correa and the state.

**SENTENCE:** US\$1 million in damages to President Correa

**DETAILS OF TRIAL:** On 7 February 2012, the two journalists were convicted of defamation and sentenced to pay damages in connection with their reporting on contracts the president’s brother was accused of having with the state. On 15 February 2012, lawyers for President Correa appealed the sentencing. Some reports suggested Correa might be seeking the full amount of damages originally sought, US\$10 million. Following public advocacy by PEN International and other free expression and press groups, on 27 February 2012, Correa announced that he would withdraw the sentences against the two men. In March 2012, the lawyer representing the two men rejected the pardon, saying that there had been no obligation to pay. According to reports, the trial, which is currently on appeal after receiving a first instance sentence, will now continue. No further news as of 31 December 2013; case closed

due to lack of information.

**BACKGROUND:** The two writers also faced a lawsuit for “moral damages” filed in a personal capacity by the Minister of Transport and Public Works in March 2011. Calderón has also received threats. See previous case list for details. [RAN 42/11 and updates]

## GUATEMALA

### KILLED: MOTIVE UNKNOWN

#### \*Jaime Napoleón JARQUÍN DUARTE:

**PROFESSION:** journalist for Nuevo Diario newspaper

**DATE AND DETAILS OF DEATH:** He was shot dead by unknown assailants on 20 March 2013. Jarquín (63) was playing cards on the street with friends in Ciudad Pedro de Alvarado, Jutiapa, when unidentified gunmen got out of a farm vehicle and opened fire, killing the journalist and wounding two of his companions. Police indicated that the attackers remain unidentified and that the motive for the killing was still unknown. Colleagues of the journalist have suggested that Jarquín had not reported receiving any threats. No update on the murder investigation as of 31 December 2013.

**BACKGROUND:** Jarquín was a former professor who joined the paper three years previously. He was the founder of a committee to create a new municipality and a consultant for various political candidates vying for the local mayor’s position. Nuestro Diario is known for its coverage of crime and violence in Guatemala. [RAN 13/13]

### DEATH THREATS

#### \*Aroldo MARROQUÍN:

**PROFESSION:** journalist from the newspaper Prensa Libre

**DETAILS OF THREAT:** He was reportedly threatened by police in the city of San Marcos on 25 August 2013. The police officers reportedly threatened to kill the journalist and erased photographs taken by his colleague Esner Gómez Navarro, a correspondent for Nuestro Diario newspaper, who had taken images of a police operation. The police reportedly handcuffed and arrested both journalists for a brief period.

#### \*César PÉREZ MÉNDEZ:

**PROFESSION:** managing editor of the daily newspaper elQuetzalteco

**DETAILS OF THREAT:** Reportedly received several death threats in late November 2013. According to reports, the threats were made via telephone calls and text messages, each warning Pérez to stop publishing information and to mind his own business. Pérez reported the incidents to the Human Rights Ombudsman’s office and the Unit for Crimes against Journalists within the Public Prosecutor’s office.

#### \*Carlos Alberto SALGADO VEGA:

**PROFESSION:** founder and director of the weekly publication El Defensor

**DETAILS OF THREAT:** reported receiving telephone death threats against himself and his wife after publishing articles critical of the police and mayoral corruption in the department of

Retalhuleu in the 17 May 2013 edition of his newspaper. Salgado reported the threats to the public prosecutor and reportedly requested that his case be handled by the prosecutor for crimes against journalists.

## ATTACKED

### \*Lucrecia MATEO (f):

**PROFESSION:** an indigenous reporter for the daily newspaper Siglo 21

**DETAILS OF THREAT:** She was reportedly attacked by a group of opposition protesters while trying to cover a meeting about the installation of a hydroelectric dam in Huehuetango on 25 August 2013. According to reports, the group of protesters beat Mateo and robbed her of her camera equipment.

### \*Fredy RODAS:

**PROFESSION:** journalist for the daily newspaper Al Día and Radio Sonora

**DETAILS OF THREAT:** he was reportedly shot three times on 12 August 2013, leaving him with serious wounds to his face and back that required almost a week's hospitalisation. The authorities reportedly arrested the gunman on 17 August, but offered no information as to a possible motive for the attack.

## THREATENED

### \*Sofia MENCHÚ (f):

**PROFESSION:** reporter for the daily newspaper El Periodico

**DETAILS OF THREAT:** She reported receiving threats after publishing an article about a high-profile prison inmate's alleged links with the prison's director and the government at the beginning of March 2013. In the article, Menchú suggested that a retired army captain, serving a 20-year prison sentence for the 1998 assassination of Bishop Gerardi, receives privileged treatment and purported "close relations" with the directors of the prison service, the president and vice-president; photographs published along with the article showed the captain's partner with the president and vice-president. On 8 March it was reported that Menchú was summoned to an informal meeting with a former cabinet member, who referred to her recent stories and told her that she should not have published them, adding that she should pray to God that nothing happens to her. During the meeting, a second man was reported to enter the room; Menchú was told that he was an associate of the army captain in question and that he was there specifically to identify her.

**DETAILS OF INVESTIGATION:** In October 2013, the former cabinet minister was sentenced to six months in prison after he confessed to threatening her. The sentence was suspended as he does not hold any prior convictions.

**BACKGROUND:** On 26 April 1998 Bishop Juan Gerardi was found beaten to death in the rectory where he lived just two days after releasing a report documenting 55,000 human rights violations during Guatemala's civil war, most of them committed by the army. In February 2013, Guatemala's prisons chief was fired for having allowed the army captain convicted of killing Bishop Gerardi to leave Pavoncito penitentiary. The captain was arrested en route back to the prison. The incident gave rise to media speculation about the extent of his influence over prison officials and politicians. [RAN 13/13]

## HARASSED

### \*José Rubén ZAMORA MARROQUÍN:

**PROFESSION:** founder of the daily newspaper Siglo Veintiuno and editor of the newspaper elPeriódico

**DETAILS OF HARASSMENT:** He reported being subjected to various incidents of harassment in 2013. On 9 and 10 August 2013, 20 individuals, some in police uniform, arrived at Zamora's home stating that they wanted to deliver something to him. On both occasions his wife prevented their entry. The government has insisted that they were replacing his security guards, however, Zamora claims that it was "exactly the same modus operandi" used by military counterintelligence agents in 2003 (see Background below). He believes that such incidents are part of a coordinated government campaign to discredit the newspaper's reporting on alleged corruption. On 15 August, it was reported that Zamora's security protection – put in place in 2003 at the request of the Inter-American Commission on Human Rights following an attack on his life– would be removed following an evaluation of security measures. According to the International American Press Association, the changes in his security detail are thought to be in response to tensions caused by elPeriódico's allegations of corruption against the public administrator's office. On announcing the changes, the government reportedly asserted that the newspaper had a habit of publishing false and unfounded claims against government officials and denied that the publisher had been intimidated, suppressed or restricted. On 17 December 2013, a judge presiding at the Criminal Court for Offences and Violence Against Women and Sexual Violence reportedly issued an order for the physical protection of Vice President Ingrid Roxana Baldetti Elías, labelling Zamora an "aggressor" and prohibiting him from intimidating her or being physically close to her home or place of work for six months. The ruling is thought to be in response to Zamora's publication of investigations and criticism of alleged wrongdoing in the public office where Baldetti works. Zamora has also claimed that his newspaper is the subject of a targeted economic boycott and daily cyber-attacks by the government.

**BACKGROUND:** In 2003, Zamora and his wife and three children were briefly held at their home by military counterintelligence agents, who pointed guns at them and simulated Zamora's execution.

## HAITI

### KILLED

### \*Georges Henry HONORAT:

**PROFESSION:** editor-in-chief for the weekly newspaper Haïti Progrès, aide to Haiti's prime minister and secretary general of the Popular National Party – an opposition party which opposed the Duvalier dictatorships

**DATE OF DEATH:** 23 March 2013

**DETAILS OF DEATH:** Honorat was shot dead when two masked hit men reportedly opened fire on him while passing his house on a motorbike, shooting him twice. According to reports, the newspaper had received threats prior to the shooting. Employees of the paper reportedly suspect "grassroots organisations" were responsible for the killing. No update on the murder investigation as of 31 December 2013.

**BACKGROUND:** In 2008, Haïti Progrès reportedly lost two of their journalists in a sudden outbreak of mob violence in northern Haiti while covering a national senate campaign.

# HONDURAS

## KILLED – IMPUNITY

### José Noel CANALES LAGOS:

**PROFESSION:** reporter for the news website Hondudiaro

**DATE OF BIRTH:** c.1979

**DATE OF DEATH:** 10 August 2012

**DETAILS OF DEATH:** According to reports, Canales was driving to work in Comayagüela when a group of men opened fire on his vehicle, shooting him in the head. The motive for the attack was unknown. Canales had also worked for Sepoc news, a company dedicated to monitoring national news. According to news reports he had received frequent death threats since 2009.

**UPDATE:** According to a letter from the Office of the Public Prosecutor (Ministerio Público) dated 16 July 2013, Lagos is not considered to be a journalist as he transcribed the news for Hondudiaro. PEN is seeking to establish whether an investigation into his murder is taking place.

**BACKGROUND:** On 16 October 2012, it was reported that a contributor to Hondudiaro, Aristedes Aceituno, had been receiving anonymous telephone threats in relation to its investigations into excessive use of helicopters by the government and the debt it allegedly owed to the helicopter rental company. The website was reportedly also hacked.

### Erick MARTÍNEZ ÁVILA:

**PROFESSION:** journalist and gay rights activist

**DATE OF BIRTH:** c.1981

**DATE OF DEATH:** 7 May 2012

**DETAILS OF DEATH:** He was found dead and dumped in a ditch in Guasculile, north of Tegucigalpa. He had been strangled. Martínez was a well-known spokesman for the lesbian and gay rights group Kukulnan and was politically active in the National Popular Resistance Front (Frente Nacional de Resistencia Popular - FNRP) and Freedom and Re-Foundation (Libertad y Refundación - LIBRE). LIBRE is the political wing of the FNRP, grassroots movement led by Xiomara de Castro Zelaya the wife of Manuel Zelaya, the former Honduran president who was deposed in a coup in 2009. The motive for Martínez' murder was unknown.

**DETAILS OF INVESTIGATION:** On 12 September 2012, the police arrested Eduardo José López Gutierrez (18) on a bus in El Pedregal. López Gutierrez, thought to be a member of the "18" gang, was one of the main suspects in the investigation and was expected to be charged with murder and theft of a car. Testimony of protected witnesses reportedly placed López and two other accomplices at the scene. There were conflicting reports as to the status of López' alleged accomplices. While some reports claimed that one was in prison and the other dead, other reports suggested that the police were still looking for the accomplices. Police reportedly suspect that Martínez Ávila was picked up in a stolen car, strangled and left at the side of the road. The police have not yet confirmed the motive for Martínez Ávila's murder.

**UPDATE:** According to the Office of the Public Prosecutor (Ministerio Público), as of 16 July

2013 two suspects had been charged, one of whose cases was at the preliminary hearing stage and the other at the preparatory hearing stage.

## DEATH THREATS

### \*Héctor LONGINO BECERRA

**PROFESSION:** journalist and executive director of The Committee for Freedom of Expression (El Comité por la Libre Expresión - C-Libre), a coalition of journalists and civil society organisations who promote and defend freedom of expression and the right to information.

**DETAILS OF THREAT:** Longino Becerra reportedly received several death threats in 2013. On 20 April 2013, he received a series of three anonymous telephone calls from a mobile telephone. Unable to make out what was being said in the first two calls, Longino Becerra recorded the final conversation in which a man made threats against his and his family's lives. He reported the threats to the authorities, including the secretary of justice and human rights, on 22 April and to the United Nations' Special Rapporteur for freedom of opinion and expression on 23 April. On 25 November 2013, it was reported that Longino Becerra's name appeared on an alleged "hit list" along with the names of 35 other journalists, lawyers, human rights defenders and activists who had been "investigated" and were reportedly targeted for assassination in the run up to the 24 November presidential elections.

### Leticia ELVIR (f):

**PROFESSION:** poet and writer

**DETAILS OF THREAT:** On 25 November 2013, it was reported that Elvir's name appeared on an alleged "hit list" along with the names of 35 other journalists, lawyers, human rights defenders and activists who had been "investigated" and were reportedly targeted for assassination in the run up to the 24 November presidential elections (see Héctor Longino Becerra above).

## ATTACKED

### \*Geyby ARRIAGA:

**PROFESSION:** opinion columnist for Revista Imagen

**DETAILS OF ATTACK:** He was shot at on 15 May 2013. Arriaga was reportedly travelling in a car with his wife in San Pedro Sula when passengers in a minibus opened fire on them. According to reports, Arriaga believed that the attack could be related to his opinion columns and had reported receiving a threatening text message related to his work.

## THREATENED

### \*Dina MEZA (f):

**PROFESSION:** journalist and human rights defender. Meza has worked for a number of human rights organisations and digital media outlets since 1989. She is the author of the Honduras chapter in *Vamos a portarnos mal: protesta social y libertad de expresión en América Latina* (Let's Misbehave: social protest and freedom of expression in Latin America) (Friedrich-Ebert Stiftung, Bogotá, 2011).

**DETAILS OF RECENT THREATS/HARASSMENT:** In February 2012, Meza received a number of messages threatening her with sexual violence and death signed by 'Comando Álvarez Martínez' – a pseudonym which has often been used when sending threats to journalists and

human rights defenders since the 2009 coup d'état. One of the messages referred to the Bajo Aguán region whose land conflicts Meza often covers. At various points in the same year, she and her sons were subject to surveillance and further threats. In November 2012, her 19-year-old son was followed and threatened by an armed man. The threats and surveillance that she was subject to in 2012 led to Meza leaving Honduras for a few months in early 2013. While Meza was studying at York University's Centre for Applied Human Rights as part of their Protective Fellowship scheme, her children were forced to leave their home in the capital Tegucigalpa for a week due to a suspicious looking man keeping watch outside her younger son's school. Since returning to Honduras in May 2013, Meza has continued to be subject to harassment and surveillance. She reports having been followed on at least four occasions between May and August 2013; one of these occurred after she spoke to the media about her situation at a presentation of a report on freedom of expression in Honduras by the non-governmental organisation Committee for Free Expression (Comité por La Libre Expresión - C-Libre) in Tegucigalpa on 30 May 2013. On 12 August 2013, Meza reported being the victim of a suspected attempt to abduct her; this incident led to her changing her daily travel plans and routes. On 21 September 2013, Meza reports that an unknown man with military-style short hair was keeping watch by her home as her children were about to go out in the family car. Concerned by the man's presence, the family cancelled the trip. After returning the car to the garage they realised that one of the tyres had been slashed. A visitor to the family reported being followed by the man after leaving the building that same day. Meza suspects also that her telephones are tapped owing to regular interference on the line. She has not reported any of the incidents which she has experienced since her return to Honduras in May 2013 to the authorities as she has been told that the office of the Special Prosecutor for Human Rights lacks the resources to investigate.

**BACKGROUND:** Meza has been the victim of harassment and threats since 2006, when a lawyer who formed part of her team supporting security guards whose labour rights were being violated was killed. Since then, she has reported being followed, watched, threatened and her communications intercepted. None of these incidents have been properly investigated. She and her family have had to move house twice since 2012 for security reasons. Meza has been the beneficiary of precautionary measures from the Inter-American Commission on Human Rights since 2006 but these have had little effect. PEN International believe that she is targeted for exercising her right to free expression and that her physical security is at risk.

### \*Fredy MELGAR:

**PROFESSION:** song writer and composer for the grassroots coalition FNRP (for background on the FNRP, see entry for Erick Martínez Ávila above)

**DETAILS OF THREAT:** According to reports dated 30 January 2013, Melgar had reported fearing for his life after confirming that his mobile telephone had been tapped and that unidentified persons were watching his house. The composer is well-known for his activism and songs in support of the FNRP. No further information as of 31 December 2013.

### HARASSED

### \*Annie BIRD (f):

**PROFESSION:** human rights activist and co-director of the US- and Canada-based NGO Rights Action, who has worked in Honduras for 12 years and written several reports on the country for the organisation.

**DETAILS OF HARASSMENT:** On 19 December 2013, it was reported that the commander of Operation Xatruch III – a military-police task force based in Colón province – had claimed that Bird was working to destabilise the Bajo Aguán region, where land disputes have led to



violence. Quoted in La Tribuna newspaper on 12 December 2013, Col. German Alfaro Escalante's statement has been reproduced in national media accompanied by photographs of Bird. In the article, the colonel said that Bird had pressured campesinos in the region to rebel against the security forces and that the force was in the process of investigating a complaint about her. Bird reportedly believes that the colonel's statements are in response to her efforts to document recent abuses alleged to have been committed by the government's security forces. In mid-December, Bird had accompanied a group of locals to the attorney general's office to denounce the alleged abuses and was interviewed on local radio about her work. According to reports, an article on the colonel's statement has led to comments from readers that include death threats against Bird.

**BACKGROUND:** Bajo Aguán in northern Honduras has been the setting for land disputes since the implementation of changes to the country's agrarian law in 1992. According to reports, between 2009 and 2012, 92 people were killed in land disputes in the region.

### **\*Edgard Israel SORIANO ORTÍZ:**

**PROFESSION:** historian and writer

**DETAILS OF HARASSMENT:** He was reportedly illegally detained by a police patrol and taken to a police station on the night of 15 January 2013. There appeared to be no justification for his detention; according to reports, the only thing the police told him was that he was walking very late at night. It was reportedly the third time that Soriano has been detained in similar circumstances.

## **MEXICO**

PEN is monitoring the cases of some 49 print journalists and writers killed in Mexico since December 2006. The following list gives details of deaths in the period January to December 2013 ('Killed: motive unknown') as well as cases from previous periods where there have been recent developments ('Killed: official investigation ongoing'). The full list of names is available upon request.

### **KILLED: MOTIVE UNKNOWN**

#### **\*Mario Ricardo CHÁVEZ JORGE:**

**PROFESSION:** founder, director and contributor to the news website El Ciudadano

**DATE OF DEATH:** Between 24 May and 24 June 2013

**DETAILS OF DEATH:** He was reportedly found dead in Ejido Santa Clara, Tamaulipas state, on 24 June. The authorities reportedly only confirmed his death on 27 June. Chávez' body was discovered partially buried alongside the decapitated corpse of an unidentified female victim not thought to be connected to him. Press reports at the time indicated that the journalist had been missing for about two weeks, and that he had been kidnapped by a group of armed men as he left a cinema in Ciudad Victoria. Chávez' Twitter account had been inactive since 22 May.

**UPDATE:** According to a 7 August 2013 article by the [Committee to Protect Journalists \(CPJ\)](#), Chávez went missing on 24 May 2013; El Ciudadano website went dark at the same time. His girlfriend, who reported him missing on 30 May, reportedly told police that she had received ransom demands over the telephone. CPJ's report also indicates that police received an anonymous telephone call on 10 June which led them to Chávez' dismembered body.

However, the state attorney general's spokesman reportedly denied that the office had even received any report of Chávez' death. According to federal officials, state investigators had not conducted any forensic work at Chávez' home or at the site where his body was found. The federal attorney general's Special Prosecutor for Crimes Against Freedom of Expression (FEADLE), who is conducting a parallel investigation into the case, stated that she has identified key witnesses but had not yet officially asserted jurisdiction over the case. Four people who worked for El Ciudadano had reportedly gone into hiding since Chávez' went missing. No further information as of 31 December 2013; PEN is seeking to confirm that an investigation is on-going.

### **\*Jaime Guadalupe GONZÁLEZ DOMÍNGUEZ:**

**PROFESSION:** editor and reporter for the news website Ojinaga Noticias (www.ojinaganoticias.com.mx)

**DATE OF BIRTH:** 1975

**DATE OF DEATH:** 3 March 2013

**DETAILS OF DEATH:** he was shot dead by a group of armed men in the centre of Ojinaga, Chihuahua state. González (38) was reportedly shot 18 times at close range with large-calibre firearms. The woman he was with at the time of the shooting was unharmed. Witnesses said that the only thing taken during the evening attack was González' camera, leading to speculation that he was targeted for photographs that he had taken. According to the newspaper La Jornada, the camera contained photos of a member of a criminal gang. A spokesperson for the Chihuahua state Attorney General's office has stated that the authorities do not consider theft to be the motive for the murder. González' colleagues at Ojinaga Noticias believe that González was targeted for his journalism. They decided to suspend all activities the day after the murder for fear that they might also be targeted. The website covered community events, local sports, crime and politics. According to the newsweekly Proceso, González had been working on articles about issues affecting people who work on the streets and had been due to publish a second article on the subject before he was killed. Reportedly among the last stories posted on the website were two about the arrest of racketeers and recent murders in Ojinaga. On 12 March 2013, it was reported that González had received repeated written threats from persons demanding that he ignore certain subjects. For this reason, he had reportedly been considering selling the news website and moving to Mazatlán, Sinaloa state. These reports lend support to the theory that he was killed in connection with his work. No further news as of 31 December 2013.

**BACKGROUND:** Prior to setting up Ojinaga Noticias, González reportedly worked for several years as a journalist for a local weekly newspaper, Contacto, but resigned after receiving threats. Ojinaga is reportedly disputed territory for organised crime groups vying to control drug trafficking routes to the United States. [RAN 10/13]

### **\*Alberto LÓPEZ BELLO:**

**PROFESSION:** crime reporter for the daily newspaper El Imparcial and reporter for Radioramastation's police news programme "Foro Político"

**DATE OF DEATH:** 17 July 2013

**DETAILS OF DEATH:** His body was found in the early hours of the morning on the outskirts of Oaxaca City, Oaxaca, next to that of Arturo Alejandro Franco, variously described in media reports as a police informant, police officer and city employee. Both bodies showed signs of gunshot wounds and blunt force trauma, although at the time the murders were reported the authorities were yet to specify the precise weapons used in the attack. López (28) and Franco had reportedly been drinking in a bar in Oaxaca the previous night. López was last heard from

at three in the morning on 17 July, when he spoke to a friend; there was no indication of a problem at that time. He had worked for El Imparcial for six years and had recently written several stories about drug dealing in Oaxaca. The Oaxaca state governor reportedly instructed the attorney general to treat López' murder as a high-impact crime and to channel the case through a special unit for crimes against journalists. Organised crime was reportedly one of the lines of enquiry being pursued by state authorities. There was some suggestion that López himself might have had links with the drugs trade; however, his colleagues have asserted that he was killed because of his journalistic work. According to the Committee to Protect Journalists, an email circulated among state investigators on 23 July suggested that senior officials in the state police were responsible for López' murder because he knew of their connections to drug traffickers. On 27 July, Noticias newspaper reportedly called for an investigation into two former heads of the State Investigations Agency (AEI) for alleged involvement in López' murder. By 30 September, according to Reporters Without Borders, the investigation had stalled and López' family had felt forced to leave Oaxaca having received no assistance from either the authorities or El Imparcial. According to press reports, on 6 November, the state authorities and the federal attorney general's Special Prosecutor for Crimes Against Freedom of Expression (FEADLE) confirmed that on the basis of a joint investigation they had ruled out López' journalism as a possible motive, favouring the theory that an argument broke out between López and a gang associated with organised crime in the bar where he and Franco had been drinking. Four men have been identified as the culprits: Julián Ramírez Benítez, Gerardo García Flores, Rafael Martínez González and Aldo Tenorio Benítez. The men reportedly confessed to the crime after being arrested in a separate murder enquiry. Lopez' family were reportedly unconvinced by this outcome. The case remained open as of 6 November; the authorities were reportedly seeking two other people in connection with López' murder.

**BACKGROUND:** On 18 May 2013, López was reportedly arrested by state police along with his colleague, Jacobo Robles, while photographing a sign allegedly left on a footbridge by an organised crime group. Officials confiscated their equipment and telephones and detained them for four hours until the public prosecutor's office ordered their release on the grounds that their detention was illegal. In October 2007, three of El Imparcial's newspaper sellers were killed while they drove in a van marked with the newspaper's logo. The case remains unresolved.

### **KILLED: IMPUNITY**

### **Marco Antonio ÁVILA GARCÍA:**

**PROFESSION:** reporter for newspapers Diario Sonora de la Tarde and El Regional de Sonora

**DATE OF DEATH:** 17 or 18 May 2012

**DETAILS OF DEATH:** He was abducted and murdered in Obregon, Sonora State. Witnesses say that he was approached at a car wash by armed men and asked if he was a journalist. After replying that he was, he was then bundled into a waiting truck. His body was discovered dumped on a road hours later. He had been tortured and then strangled to death. Police say that a note, reportedly signed by a cartel, was found near his body. They have not revealed the contents of this note. According to communications with the Special Prosecutor for Crimes Against Freedom of Expression (FEADLE), the case was being investigated by the attorney general of Sonora. No further information as of 31 December 2013. [RAN 26/12]

### **Víctor Manuel BÁEZ CHINO:**

**PROFESSION:** crime reporter for the daily newspaper Milenio El Portal de Veracruz and editor of the website [reporterospoliciacos.mx](http://reporterospoliciacos.mx)

**DATE OF DEATH:** 14 June 2012

**DETAILS OF DEATH:** According to reports, Báez Chino was kidnapped by a group of armed men as he was leaving his office late at night on 13 June. In the early hours of the next morning, his body was found dumped in a street in the state capital Xalapa near where the offices of the newspapers Oye Veracruz, Gráfico de Xalapa and Diario de Xalapa are located.

**DETAILS OF INVESTIGATION:** Local and federal authorities have said they believe Báez Chino to be a victim of organised crime. According to reports, the drugs cartel, Los Zetas, are suspected of the murder. On 15 August 2012, the Attorney General of Veracruz, Amadeo Flores Espinosa, announced that authorities had solved the case. The attorney general said that witnesses had identified two members of the Zetas cartel, who were killed in a shootout with authorities in June, as being responsible for the murder. Flores did not elaborate on the case or take any questions. The Committee to Protect Journalists and other press freedom groups are sceptical, noting that the authorities have been unwilling to provide credible details to support their announcement that the murder has been solved. No further information as of 31 December 2013. [RAN 30/12]

### **Susana CHÁVEZ CASTILLO (f):**

**PROFESSION:** prominent poet and activist who led protests against the unsolved murders of women in Ciudad Juárez since the early 1990s

**DATE OF DEATH:** 6 January 2011

**DETAILS OF DEATH:** She was found strangled, with a bag over her head, and her left hand cut off, in the city centre of Ciudad Juárez on. Chávez (37) was identified only five days later. The authorities denied that her murder was related in any way to her activism and poetry, or to organised crime, despite the recent murder and harassment of numerous other local rights defenders.

**DETAILS OF INVESTIGATION:** The Chihuahua state attorney general's office said that Chávez was killed by three teenage boys she had met while out drinking. In January 2011, the prosecution for the case was reportedly given 60 days to produce sufficient evidence to convince the judge that the juveniles deserved the maximum sentence. The Mexican National Commission of Human Rights was reportedly following the case. On 3 April 2013, a court in Ciudad Juárez, Chihuahua State, reportedly sentenced Sergio Ruben Cárdenas, Aarón Roberto Acevedo Martínez and Carlos Gibrán Ramírez Muñoz to 15 years in prison each for Chávez' murder. According to reports, a trail of blood led police to Cárdenas' home, where they found more blood and Chávez' severed hand. Cárdenas reportedly confessed immediately following his arrest and named his two accomplices. The teenagers allegedly invited her to Cárdenas' house and murdered her while they were drunk and high on drugs, cutting off her hand to try to make the murder look as if it was connected to organised crime. According to news reports, Chávez and the teenagers got into an argument after Cárdenas claimed that they were members of the local gang 'Los Aztecas'. In response, Chávez reportedly told them that she was an undercover policewoman and that she would report them, at which point they took her to the bathroom and asphyxiated her.

**UPDATE:** According to reports, Aarón Roberto Acevedo Martínez was acquitted on appeal of his part in Chávez' murder and released on 22 July 2013. The judge reportedly ruled that there was insufficient evidence that Acevedo was directly involved in Chávez' murder. No further news as of 31 December 2013; PEN is seeking to confirm whether the investigation is now closed.

**BACKGROUND:** Chávez was active in organisations supporting the families and friends of the deceased women, and took part in poetry readings that she dedicated to the victims. Her death took place three weeks after the 16 December 2010 murder of human rights defender Marisela Escobedo Ortiz, a mother who fought tirelessly for justice for her daughter, Rubí Marisol, who was killed in Ciudad Juárez in 2008. At least five other rights activists had

reportedly been killed in Chihuahua in the previous two years while others had been threatened and attacked. Some 1,000 mainly poor women have been murdered in the Juárez area since 1993, 300 of them in 2010 alone. Most of the murders remain unsolved and have been variously attributed to serial killers, drug cartels, domestic or sexual violence. [Women's Day action, March 2011]

### **Guillermo FERNÁNDEZ GARCÍA:**

**PROFESSION:** poet and translator

**DATE OF BIRTH:** 2 October 1932

**DATE OF DEATH:** 31 March 2012

**DETAILS OF DEATH:** Neighbours discovered his body at his home in Toluca. He had been bound and killed with a blow to the head. Nothing was stolen by the killer or killers and the motive for the murder is unknown. However, some are suggesting that the killer(s) was/were known to Fernández as there were glasses of wine and full ashtrays in the room with the body.

**DETAILS OF INVESTIGATION:** According to official correspondence with the Mexican authorities, the case was referred to Mexico's attorney general. On 4 April 2013, it was reported that attorney general's office had failed to make headway in its investigation. No further information as of 31 December 2013. [RAN 16/12]

### **Rocio GONZÁLEZ TRÁPAGA (f) and Ana María Marcela YARCE VIVEROS (f):**

**PROFESSION:** freelance journalist and former Televisa reporter; and founder, reporter and head of public relations of the bimonthly political magazine Contralinea, respectively

**DATE OF DEATH:** 1 September 2011

**DATE OF BIRTH:** Both born c.1964

**DETAILS OF DEATH:** they were found dead near a cemetery in a park in a poor neighbourhood of the capital Mexico City on, along with Yarce and González, both 48, were reportedly abducted as they left their office in the city centre the previous night and strangled. Their bodies were found naked with nooses around their necks and their hands tied behind their backs.

**DETAILS OF INVESTIGATION:** According to a letter to PEN from the Mexican Presidency dated 13 September 2011, the case was referred to the federal attorney general. However, according to another letter from the Special Prosecutor for the Attention of Crimes against Freedom of Expression (FEADLE) also dated 13 September 2011, the case was being investigated by the Mexico City attorney general's office although FEADLE had offered its assistance. According to a press report dated 21 June 2012, the Mexico City attorney general's office considered its investigation into Yarce and González' murders closed following the detention of four suspects. Two men, Oscar Yair Quiñones Emmer and Lázaro Hernández Ángeles, were arrested on 30 September and 1 October 2011 respectively, suspected of killing the journalists. A third man, Jonathan González Tapia, was arrested in June 2012, suspected of providing the weapons used during the attack; an unnamed youth has also been implicated in their murders. According to Federal District prosecutor Miguel Ángel Mancera, the motive for the murders was robbery. Quiñones and Hernández reportedly confessed they had attacked the two women to rob them of a large sum of money. Quiñones had known Yarce for three years since working as a parking attendant at the offices of Contralinea. Yarce was reportedly not involved in any specific journalism projects at the time of her death. González, who owned a currency exchange point at Mexico City's international airport, apparently withdrew a large amount of money on the afternoon of 31 August 2011, according to Article 19.

**CONVICTIONS:** On 19 September 2012 it was reported that Lázaro Hernández Ángeles was sentenced to 109 years in prison for the murders of Yarce and Trápaga and ordered to pay

one million pesos in damages along with 94,515 pesos in compensation. The trial against Oscar Yair Quiñones Emmer was on-going. No further news on Quiñones' trial as of 31 December 2013; PEN is seeking an update. [RAN 47/11]

### **Ramón Abel LÓPEZ AGUILAR:**

**PROFESSION:** editor of the website Tijuana Informativo and photojournalist

**DATE OF BIRTH:** 1959

**DATE OF DEATH:** 14 October 2012

**DETAILS OF DEATH:** López Aguilar was abducted by an armed group in Tijuana, Baja California state and shot dead. His body was found on a street in Tijuana the next morning; he died of a single gunshot to the head, according to the state attorney general's office.

**DETAILS OF INVESTIGATION:** The state authorities began an investigation into his murder, including the possibility that the shooting was related to his journalistic work. On 16 October 2012, it was reported that López' son-in-law, who also worked for the website, had been arrested as a suspect on the grounds that there were contradictions in his police statement; however the police were yet to establish a motive for the killing. Tijuana Informativo had recently reported on drug trafficking and organized crime in the region. On 19 October 2012 it was reported that inconsistencies in information pertaining to the circumstances leading up to López' abduction and when his body was found have complicated the investigation. Initial reports placed the kidnapping at 5 a.m. at a bar in the Zona Río. Subsequent reports by the deputy attorney suggest that López Aguilar was kidnapped at 3:15 a.m. whilst travelling with his son-in-law to hospital to receive treatment for a head injury incurred at home. Furthermore, disparities have been found in relation to the time at which the body was found. It was also reported that within a few hours of his murder, the state attorney general had ruled out a link between López' death and his work as a journalist and the investigation was focusing on López' son-in-law. The deputy attorney for organised crime in Baja California cited the delay taken for the son-in-law to report the kidnapping to the authorities and gunshot residue found on him as reasons for making him the prime suspect. No further news as of 31 December 2013. [RAN 69/12]

### **Regina MARTÍNEZ (f):**

**PROFESSION:** journalist for investigative news magazine Proceso

**DATE OF DEATH:** 28 April 2012

**DETAILS OF DEATH:** She was found beaten and strangled at her home in Veracruz state. She had reported on drug trafficking and organised crime.

**DETAILS OF INVESTIGATION:** According to communications with the Special Prosecutor for Crimes Against Freedom of Expression (FEADLE), the state attorney general of Veracruz was investigating the crime, with the participation of the federal attorney general. No motive was known, although a possible link with her writing was being investigated. However, according to reports in July and August 2012, investigators had interpreted the murder as a crime of passion, and had almost solely been interviewing other journalists. This interpretation and approach has been strongly criticised by journalists who have demonstrated in the streets calling for a justice for Martínez. They believe that the police should be investigating links with organised crime. On 2 November 2012, it was reported that the man charged with Martínez' murder, Jorge Hernández Silva, had retracted his confession, claiming that he had been tortured and his mother threatened if he did not confess to the murder. Upon Hernández' arrest, the state attorney general had given the motive for murder as robbery, using his confession as the principal piece of evidence against him. DNA samples taken from the scene reportedly do not match anyone on the national criminal database and therefore rule out

Hernández, owing to his criminal record. Mexican law allows Proceso and the FEADLE to participate fully in the investigation alongside the state authorities; however, both reported being excluded from the investigation. Neither Proceso's appointed reporter nor FEADLE were party to the line of enquiry that led to Hernández' arrest. Proceso's appointed reporter has noted that "at no point did the state ever consider Regina's journalistic work as a possible motive for murder." On 13 November 2012, it was reported that the authorities had confirmed the motive for Martínez' murder was robbery after her watch was recovered. The man in possession of the watch indicated that Jorge Hernández Silva and José Adrián Hernández Domínguez had sold it to him. According to reports, the authorities identified Hernández Domínguez as Martínez' boyfriend and named him as the principle suspect. He remains at large.

**VERDICT:** On 10 April 2013 it was reported that a judge had sentenced Jorge Hernández Silva to 38 years and 60 days in prison for Martínez' murder. According to reports, Hernández Silva, who initially confessed to the murder, "did not provide evidence of his innocence". While the state case was considered closed with the conviction of Hernández Silva, a federal investigation reportedly remained open. According to the Committee to Protect Journalists, two federal investigators doubted Hernández Silva's guilt based on the evidence collected at the scene.

**ACQUITTAL:** On 8 August 2013, Hernández Silva sentence was revoked by the Veracruz State Supreme Court, citing insufficient evidence on the basis that the confession was allegedly obtained under torture. No further information as of 31 December 2013. [RAN 23/12]

### **René ORTA SALGADO:**

**PROFESSION:** political activist and ex-El Sol de Cuernavaca journalist with 20 years' experience

**DATE OF DEATH:** 12 or 13 May 2012

**DETAILS OF DEATH:** he was reported missing by his family on 12 May 2012; his body was discovered in the boot of his car in Cuernavaca, Morelos state, 24 hours later, on 13 May 2012. A scarf had been taped across his face. Reports suggested that he had been stabbed and strangled. According to the Mexican authorities, Orta had not received any death threats previously. Orta was a vocal supporter of the Institutional Revolutionary Party (PRI) political party, which was then in opposition.

**DETAILS OF INVESTIGATION:** On 19 May 2012, it was reported that investigations by the Morelos State Attorney's Office were underway. In a press conference the investigating authorities confirmed that the cause of death was stab wounds, a blow to the head and strangulation and that the journalist had not been bound and gagged. The authorities have ruled out organised crime as a possible cause of death owing to the lack of a note and the fact that while the body did show signs of a beating, the marks were not made by a gun. The authorities announced that they hoped to establish a timeline of events leading up to his murder and identify those who were last to see him alive once they have received all of the surveillance footage. No further news as of 31 December 2013. [RAN 25/12]

### **Adrián SILVA MORENO:**

**PROFESSION:** freelance journalist and crime reporter for local media outlets including the newspapers Global México and Puntual Puebla

**DATE OF BIRTH:** c.1978

**DATE OF DEATH:** 14 November 2012

**DETAILS OF DEATH:** he was shot dead along with a former policeman in Tehuacán, Puebla state. Silva (34) had been covering an army investigation into the theft of gasoline from a government petroleum company in Tehuacán, an area said to be controlled by organised

criminal groups. Silva reportedly called another journalist to tell him he had witnessed an armed stand-off between soldiers and gunmen and that he had found something important at the scene of the theft which he would explain later. However, his car was then apparently intercepted and he was shot dead; his body was found with multiple gunshot wounds. His passenger, former municipal policeman Misrael López González, was shot in the head after he fled from the car. On 19 November it was reported that family members and colleagues of Silva who had attempted to visit his body at the morgue where it had been taken had received threats from unidentified individuals. The police subsequently sent officers to protect the morgue. The motive for Silva's murder was unknown, but colleagues suspected that it may have been related to his reporting on the gasoline theft. He is not known to have received threats from organised criminal groups prior to his death.

**DETAILS OF INVESTIGATION:** On 20 November 2012, it was reported that investigators were pursuing organised crime as one of their main lines of enquiry. In addition, investigators found finger prints, suspected to belong to those responsible, on a truck left 150 metres from the scene. On 29 November 2012, the Special Prosecutor for Crimes Against Freedom of Expression (FEADLE) reportedly commented that Silva's case may be passed on to local authorities because he was not active as a journalist at the time his murder. She also announced that the sheer number of avenues for investigation made it impractical for her office to investigate the case. No further update as of 31 December 2013. [RAN 74/12]

## **ABDUCTED**

### **Marco Antonio LÓPEZ ORTIZ:**

**PROFESSION:** news editor for the daily newspaper Novedades Acapulco

**DETAILS OF ABDUCTION:** was reportedly kidnapped in Acapulco, Guerrero state, on 7 June 2011. That night López (42) left work and was later assaulted by unidentified men who took him away. López was responsible for overseeing the paper's coverage of crime, among other responsibilities. According to local journalists, organised crime groups constantly threaten them to keep coverage to a minimum. Novedades Acapulco's reports on crime are accordingly kept brief and do not probe the facts reported, in order to avoid angering and being targeted by the groups.

**INVESTIGATION:** The state attorney general began an investigation and the National Human Rights Commission was reportedly also looking into the disappearance. The office of former president Calderón sent a letter dated 18 July 2011 to PEN International, saying that López' case had been referred to the Federal Attorney General (Procuraduría General de la República).

**UPDATE:** In June 2012, a year after López' disappearance, it was reported that there had been no progress in the investigation. The case reportedly remained unsolved as of 31 December 2012. No further news as of 31 December 2013. [RAN 33/11]

## **REPORTED MISSING**

### **Gabriel Manuel FONSECA HERNÁNDEZ:**

**PROFESSION:** police reporter for the newspaper El Mañanero based in the municipality of Acayucan, southern Veracruz state

**DATE OF DISAPPEARANCE:** Has been missing since 19 September 2011. According to the newspaper's director, Fonseca (19) was last seen when he came to the paper's offices to collect his wages that day. Witnesses claimed to have seen Fonseca in Acayucan later that afternoon but he did not return home that night and has not responded to calls to his mobile phone. His father reported him missing to the authorities on 21 September 2011. Fonseca,



who previously worked for the newspapers El Diario de Acayucan and La Verdad de Jáltipan, covered the police beat for El Mañanero but did not report on matters directly related to organised crime, according to the paper's director. The investigation was referred to the attorney general's office.

**INVESTIGATION:** On 18 September 2012, a year after Fonseca's disappearance, it was reported that the case had been referred to the Agencia del Ministerio Público Especializada en Delitos Cometidos contra la Prensa and the Special Prosecutor for the Attention of Crimes against Freedom of Expression (FEADLE) but that there had apparently been no progress in the investigation. Reports dated 24 September 2013 indicate that no further progress had been made on the investigation. [RAN 51/11]

### **\*Sergio LANDA ROSADO:**

**PROFESSION:** police reporter for the newspaper Diario Cardel, based in the municipality of La Antigua, Veracruz state

**DATE OF BIRTH:** c.1967

**DATE OF DISAPPEARANCE:** 22 January 2013

**DETAILS OF DISAPPEARANCE:** has not been seen since leaving his offices on 22 January 2013. Landa (45) was reportedly last seen at Diario Cardel's offices where he was preparing material to send to print; he failed to return home that evening and was reported missing the next day.

**DETAILS OF INVESTIGATION:** Ministerial and state authorities were reportedly coordinating their efforts to find the reporter. Landa's case is under investigation by the Special Prosecutor for Crimes Against Freedom of Expression (FEADLE).

**BACKGROUND:** According to reports, colleagues nicknamed Landa the "oilcloth reporter" owing to the fact he had escaped unharmed from previous attacks. Landa was reportedly kidnapped by an armed group in November 2012, later being released after the intervention of federal forces. After his release, Landa reportedly went into hiding with the support of the state government, but returned to Diario Cardel in January 2013 following the murder of a man who had been identified as the leader of the group which had kidnapped him. Landa had a brief incursion in politics in 2012 when he ran as a candidate for federal congress for Nueva Alianza, however, he pulled out prior to the elections, citing disenchantment with the party. According to a 30 September 2013 report, Landa remained missing. No further information as of 31 December 2013; PEN is seeking to establish whether an investigation is ongoing. [RAN 20/13]

### **JUDICIAL CONCERN**

### **Enrique ARANDA OCHOA:**

**PROFESSION:** university teacher and writer

**SENTENCE:** 57 years in prison

**DATE OF ARREST:** 25 June 1996. He has been imprisoned along with his brother since 1996 for allegedly kidnapping the daughter of a politician.

**DETAILS OF ARREST AND DETENTION:** Arrested with his brother Adrián Aranda Ochoa, the pair were accused of several crimes, including kidnapping and carrying weapons. They were later charged with kidnapping Lorena Pérez-Jácome F., a television presenter and the daughter of an Institutional Revolutionary Party (PRI) politician who has been a senator and presidential spokesman. They were also charged with robbery. The brothers were allegedly tortured while in the custody of the police and Public Ministry and forced to sign confessions.

**DETAILS OF TRIAL:** In August 1997, both brothers were sentenced to 57 years in prison, confirmed in December that year. The allegations of torture were not taken into account.

**RETRIAL:** Following a retrial, the brothers' sentence was reduced to 40 years in January 2005.

This was further reduced to 32 years in March 2007 after the robbery charge was dropped, and in December 2008 to 24 years and six months.

**TORTURE ALLEGATIONS:** The brothers filed a complaint against the state for torture and abuse of authority. In May 1999, a medical certificate was issued showing that they had been tortured. In 2002, the Human Rights Commission of the Federal District (CDHDF) issued a recommendation calling for those responsible for torturing the Aranda brothers to be brought to justice and that the brothers should be awarded reparations. The recommendation was accepted by the Attorney General, however it has yet to be implemented.

**PLACE OF DETENTION:** imprisoned in Reclusorio Sur prison in Mexico City as of October 2010 and were believed still to be held there as of 31 December 2012.

**DENIAL OF PAROLE:** As of July 2010, the brothers were hoping to be released on parole. According to reports, Enrique Aranda was denied release on parole at a hearing on 9 August 2013. The presiding judge reportedly ruled that he had not fulfilled all the requirements of the law in order to be permitted parole. While he had met the provision of good conduct while in prison, it was determined that he had not sufficiently participated in work, educational, sporting or other activities organised by the prison. He was reportedly being held in Varonil Sur prison.

**POSSIBLE REASONS FOR ARREST:** The reasons for the brothers' arrest are not clear. However, Enrique Aranda believes his arrest and conviction were due to his political activism and open criticism of the former PRI administration. When he was initially detained he was questioned about his political activities. He claims that the legal process has been marred by political pressure throughout.

**PEN POSITION:** PEN holds no position on Aranda's guilt or innocence. It is concerned by the allegations that he was tortured and calls on the Mexican authorities to implement CDHDF's recommendation.

**BACKGROUND:** Enrique Aranda lectured for several years in political psychology at the Iberoamerican University in Mexico and is a former president of the Mexican Association of Psychologists. Since his imprisonment, he has become a prolific writer, having produced six books of poems, short stories, plays, novels and non-fiction, all unpublished to date. His work has reportedly earned him some 11 national awards. Adrián Aranda is an accountant.

## **BRIEF DETENTION**

### **\*Alejandra Natalia RODRÍGUEZ (f):**

**PROFESSION:** journalist for the independent news website Somos el Medio

**DETAILS OF DETENTION:** she was reportedly detained and beaten by police during protests on 1 December 2013. She was reportedly denied medical attention after she fainted following the incident. Rodríguez suffered injuries to her arms and wrists.

## **DEATH THREATS**

### **Anabel HERNÁNDEZ (f):**

**PROFESSION:** award-winning journalist and author, currently a freelance contributor to the investigative newsweekly magazine Proceso and the daily newspaper Reforma (previously worked for Milenio, its investigative supplement La Revista (now emeequis) and newspaper and website Reporte Índigo). Hernández also writes books on corruption and the abuse of power in Mexican politics, including La Familia Presidencial (2005), Fin de fiesta en Los Pinos (2006), Los Señores del Narco (Grijalbo, Random House Mondadori, 2010) [translated in English as Narcoland: The Mexican Drug Lords and their Godfathers, Verso, September 2013]

and México en llamas (2012).

**DETAILS OF THREATS/ATTACKS:** Hernández has received constant death threats since late 2010, following the publication of *Los Señores del Narco* (2010) which reveals alleged links between drug trafficking cartels and the Mexican state. In the book, she makes a number of controversial allegations against public figures, including accusing Genaro García Luna – who at the time was Federal Secretary of Public Security – of illicit enrichment and complicity with organised crime while he was serving as former president Felipe’s Calderón’s chief of police (see January-June 2011 case list for details). In December 2010, Hernández made public an alleged plot to have her killed involving officials working for García Luna and the federal police. Since that time, Hernández’ sources have been subjected to harassment, intimidation and even murder. In January 2011, armed men reportedly burst in on a gathering of Hernández’ family members and threatened them with guns. Hernández herself had left the gathering by this point, but given that no attempt was made to use any of the credit cards which were stolen she believes that this was an attempt to intimidate her and her family rather than a robbery.

**UPDATE:** In an interview with PEN International on 13 September 2013, Hernández explained that the threats against her continue. On 5 June 2013, two boxes containing decapitated animals – one kid and four cockerels – were left on the doorstep of her house. She believes that this was a warning to her and her bodyguards that they are being watched: in Mexico ‘goat’ can mean a ‘grass’ or ‘snitch’. That day there were four policemen on duty to protect her (there are usually five), and the boxes were delivered at a time when Hernández is usually at home yet when her police guards were momentarily absent. According to Hernández, earlier that day she had gone to talk to the National Commissioner for Public Security (Comisionado Nacional de Seguridad Pública), Manuel Mondragón y Kalb, about her case, on the recommendation of the Sub Secretary for Human Rights (Subsecretaría de Derechos Humanos), Lía Limón García. Hernández believes that García Luna may have found out that she had visited Mondragón, who occupies García Luna’s former offices, and ordered the incident. On 21 December 2013, a group of a dozen men armed with AK-47 rifles and hand guns reportedly broke into Hernández’ home. The men forced entry to three other residences in order to find out where she lived and deactivated security cameras in the neighbourhood. While Hernández was not at home at the time of the incident, one of her bodyguards was attacked and briefly detained. The motive for the home invasion remains unclear; the assailants reportedly first identified themselves as agents of the Federal Police before later claiming to belong to the Zetas drug cartel.

**DETAILS OF INVESTIGATION/PROTECTION:** Hernández reported the 2010 plot to the Mexican National Human Rights Commission and the Mexico City Attorney General’s office (PGJDF). According to Hernández, the PGJDF did little to investigate but provided her with 24-hour protection for her and her two daughters from the Mexico City police. She reported the January 2011 attack to the Federal Attorney General’s office (FGR).

**UPDATE:** In March 2013, Hernández reportedly learned that García Luna was still planning retaliation against her for her investigations. Hernández reported the June 2013 incident to the PGR and provided them with footage from a neighbour’s CCTV, but they have yet to inform her about any progress in the investigation. She also has filed a complaint in regard to the December 2013 incident with Special Prosecutor for Crimes Against Freedom of Expression (FEADLE), who has reportedly opened a preliminary investigation into the incident. In March 2013, she was informed that the PGJDF no longer had jurisdiction over her case, since her file containing her 2010 complaint had been transferred to the Federal Attorney General’s office (PGR) to be merged with her 2011 complaint, and as a result it was discontinuing her police protection. The PGR offered her protection from the Ministerial Federal Police (PF), however Hernández refused on the grounds that she believes this would endanger rather than protect her: she has denounced corruption in the PF in her work for years and believes that many of the PF’s head officials are allied with García Luna. Following international pressure, the

protection from the Mexico City police was extended but as of year-end reportedly remained under review by the Protection Mechanism for Human Rights Defenders and Journalists.

**BACKGROUND:** According to reports, on 16 December 2013 Forbes Magazine listed García Luna as one of Mexico's ten most corrupt people, citing Los Señores del Narco as a source. On the same day García Luna reportedly wrote to the editor of the magazine to criticise the article and the rigour of the sources it used.

### **\*Franciso JUARISTI:**

**PROFESSION:** editor-in-chief of Zócalo

**DETAILS OF THREAT:** Received death threats on 7 and 8 March 2013, reportedly orchestrated by organised crime groups. According to reports, banners were hung in the streets of various cities across the Coahuila region, threatening him with death.

**DETAILS OF INVESTIGATION/PROTECTION:** the Coahuila state interior minister reportedly announced that steps had been taken to protect the newspaper, however, on 11 March, Zócalo announced that it would no longer cover news related to organised crime in order to protect the lives of its employees.

### **ATTACKED**

### **\*Guillermo BARROS, Alejandro MEDINA and Daniela PANIAGUA (f):**

**PROFESSION:** Barros is a correspondent with Agence France-Presse (AFP), while Paniagua and Medina are freelance journalists.

**DETAILS OF ATTACK:** On 2 October 2013, Barros was reportedly beaten over the head with a truncheon by police despite identifying himself as a journalist, while he covered the commemorative march of the Tlatelolco Massacre. Paniagua and Medina were reportedly briefly arbitrarily detained by police while covering the same march.

**BACKGROUND:** According to reports, four journalists with AFP were beaten during the march including photojournalists Yuri Cortez and Alfredo Estrellas. Nayeli Roldán, journalist for Efekto Noticias, reportedly had her equipment confiscated while she attempted to film the detention of protestors. A number of photographers including Omar Franco Pérez (El Sol de México), Nicolás Tavira (Notimex press agency), Xilonel Perez (Subversiones press agency), Heriberto Paredes (Subversiones press agency), Arturo Ramos, Consuelo Pagaza and Iván Castaniera were reportedly beaten by police. In total, Reporters Without Borders recorded attacks against more than 15 journalists at the hands of protestors and the police.

### **\*Angel Elías MÉNDEZ MORALES:**

**PROFESSION:** managing editor of Michoacán-based newspaper Entérese

**DETAILS OF ATTACK:** He was reportedly attacked, along with a colleague, by a vigilante "self-defence" group on 14 August 2013. According to reports, stones were thrown at the two men, their car was ransacked and equipment was seized. Additionally, they were reported to have been prevented from leaving the town which forced them to hide, without food or water for most of the day.

**BACKGROUND:** At dawn on 14 August, troops and police reportedly arrested 45 alleged members of an armed civilian group in the town of Aquila. Vigilante groups emerged in March 2013 with the aim of combating organised crime.

## THREATENED

### \*Jorge CARRASCO ARAIZAGA:

**PROFESSION:** reporter for the magazine Proceso

**DETAILS OF THREAT:** He has investigated the murder of his late colleague Regina Martínez Pérez (see ‘Killed: investigation ongoing’). In an article published on 16 April 2013, Proceso alleged that current and former Veracruz state officials, the police and the Veracruz attorney general had met in Las Ánimas, Xalapa, in order to agree on actions to take against Carrasco in response to his most recent article on Martínez’ case published on 14 April 2013. According to reports, the officials agreed to search for personal information on Carrasco using all national databases and on 15 April 2013 agreed to capture him. The National Commission for Human Rights (Comisión Nacional de los Derechos Humanos, CNDH), the federal attorney general and the ministry of the interior have reportedly been informed by Proceso of the developments and are working to protect the journalist. Those reported to have been involved in the meetings have vehemently denied the claims; the state attorney general published an open letter denying the allegations and reiterating his commitment to freedom of expression, urging the magazine to share its evidence to allow for an investigation. According to a letter to PEN from the coordinator of the Protection Mechanism for Human Rights Defenders and Journalists dated 10 June 2013, Carrasco has been receiving protection from the mechanism since April 2013, and the mechanism’s National Executive Coordinating body is in constant contact with him. No further information as of 31 December 2013.

### \*Jaime DELGADO:

**PROFESSION:** director of the news website Periodismo Negro

**DETAILS OF THREAT:** On 5 July 2013, it was reported that Delgado was receiving threats related to his journalism. A group of people linked to a political party had reportedly threatened to detain and beat him, and warned that retaliation may be taken against his family members who work for the state government. The threats were thought to be in response to a video, widely circulated by local and nation media outlets, that shows a National Action Party (Partido Acción Nacional, PAN) representative having a conversation with a 15-year-old, with whom he was allegedly having a romantic relationship. Delgado had been reporting on the actions of this PAN representative since January 2013. In addition to the threats, Delgado had also received intimidating comments via social media in connection with his coverage. No further information as of 31 December 2013.

### \*Emilio LUGO:

**PROFESSION:** editor of the news website Agoraguerrero

**DETAILS OF THREAT:** reportedly received anonymous threats in relation to an article published on the website on 12 March 2013 which addressed a federal police officer’s presumed murder in Acapulco, Guerrero state.

**DETAILS OF INVESTIGATION/PROTECTION:** Lugo immediately filed a complaint and notified the federal prosecutor’s office about the threats. He was reportedly advised that the prosecutor’s office would be unable to provide him with protection and that he should stay in a hotel. Lugo subsequently fled Guerrero with the help of the Federal Mechanism for the Protection of Human Rights Defenders and Journalists. No further news as of 31 December 2013.

### **\*Pedro MATÍAS ARRAZOLA:**

**PROFESSION:** correspondent for Proceso magazine and anchor of an online news show

**DETAILS OF THREAT:** reportedly received threats relating to a story he published about a visit to Oaxaca by the country's subsidised milk director, according to reports on 5 August 2013. Matías reportedly also received threats in May 2012 after revealing electoral fraud attempts in Oaxaca. No further information as of 31 December 2013.

### **\*Darío RAMÍREZ:**

**PROFESSION:** director of the free expression organisation Article19's Mexico & Central America office

**DETAILS OF THREAT:** He received an anonymous note on 19 April 2013 that made direct threats against him and the Article19 team based in Mexico City. The letter, discovered at the front door of Article19's office in Mexico City, made reference to there being "too much freedom" and threatened to beat up and otherwise attack Article 19 staff members. Article 19 submitted a complaint to the state agencies in Mexico responsible for investigating such attacks. Ramírez announced that, while they were working to ensure the safety of staff, they would continue to defend and promote freedom of expression in Mexico.

**DETAILS OF INVESTIGATION:** In a letter to PEN dated 22 May 2013, the Office for Human Rights said that an investigation was underway by the Special Prosecutor for Attention to Crimes Against Freedom of Expression (FEADLE). No further information as of 31 December 2013.

### **\*Alfredo Valadez RODRÍGUEZ and Horacio ZALDIVAR ESPINO:**

**PROFESSION:** journalist and author; and head of ABZ Noticias news agency respectively

**DETAILS OF THREAT:** Reportedly were subjected to intimidation after they both exposed the death toll of clashes between criminal groups in the national daily newspaper La Jornada, according to a 30 September 2013 article. According to reports, the authorities denied Zaldivar and Valadez' assertions and launched a hostile campaign against them. Zaldivar then received threatening telephone calls that reportedly came from a communications area used by the local government of Zacatecas. No further information as of 31 December 2013.

### **HARASSED**

### **\*Ana Lilia PÉREZ (f):**

**PROFESSION:** author of the books Camisas Azules, manos negras and El Cártel Negro and reporter for Contralínea magazine

**DETAILS OF HARASSMENT:** On 18 March 2013 it was reported that Pérez was banned from writing about a senator's work due to a moral damages suit filed against her. Pérez claims that she has been the subject of persecution by the senator since Congress created a body to investigate claims made in her book Camisas azules, manos negras in December 2010. She has dedicated part of her professional career to investigating and writing about cases of high-level corruption in Petróles Mexicanos (PEMEX), Mexico's state-owned oil company. She claims to have been subject to death threats, harassment, assault, persecution, and "a recurring abuse of power" as a result of her work. In June 2012, Pérez reportedly fled Mexico for Germany, following serious threats to her life. No further information as of 31 December 2013.

## CASE CLOSED

### Raúl Régulo GARZA QUIRINO:

**PROFESSION:** reporter for the weekly newspaper La Ultima Palabra

**DATE OF DEATH:** 6 January 2012

**DETAILS OF DEATH:** Shot dead by a gang in Cadereyta, Nuevo León state. Garza, who also worked for the local government's department of social development, was driving his car when another car began pursuing him. Although he sought refuge in a garage owned by a relative, Garza was unable to escape, and his assailants shot him numerous times. At least 16 shots were fired during the attack. No clear motive for the attack was identified. However, Cadereyta was at the time a stronghold of Los Zetas, a violent drug cartel implicated in the murders of other journalists.

**DETAILS OF INVESTIGATION:** After a preliminary investigation, police speculated that the killing might have been a case of mistaken identity. No further update as of 31 December 2013; case closed due to lack of information. [RAN 02/12]

### Javier MOYA MUÑOZ and Héctor Javier SALINAS AGUIRRE:

**PROFESSION:** director and journalist, respectively, of local news website Futuro.mx and press spokesman for the city of Chihuahua

**DATE OF DEATH:** 20 April 2012

**DETAILS OF DEATH:** they were shot dead in a massacre at a bar in Chihuahua. Salinas had worked in radio and was a former press chief for the Institutional Revolutionary Party (PRI), which at the time was in opposition. Moya was a veterinarian and chief news officer for a local radio station. The two were killed when gunmen burst into La Colorada bar, demanded to know the whereabouts of particular individuals, and then opened fire, killing 15 people. The motive for the attack was suspected to be drug-related.

**DETAILS OF INVESTIGATION:** On 16 February 2013, Luis Enrique Jiménez Zavala, José Arturo Barrón Rodríguez and Luis Alberto Camacho Ramos were sentenced to life imprisonment for the murder of the journalists and 14 others in the La Colorada bar. It is thought that Salinas and Moya were victims of circumstance.

## NICARAGUA

### DEATH THREATS

#### \*María Lidia BERMUDEZ (f) and Ary Neil PANTOJA (husband and wife):

**PROFESSION:** both journalists, Pantoja for El Nuevo Diario

**DETAILS OF THREAT:** According to a 31 July 2013 report, Bermúdez and Pantoja had fled Nicaragua and were seeking political asylum in the USA following death threats. They reportedly began receiving the threats after Bermúdez launched a court action against the dean of the National Agrarian University – where she had been working as the public relations chief – for wrongful dismissal, pressuring her to withdraw her complaint.

**DETAILS OF INVESTIGATION:** The journalists reported the threats to the national police and presidents of the commissions of justice, peace and governance, and woman and family; they were reportedly asked to keep the threats quiet while an investigation took place. According to

reports, if their application for political asylum is unsuccessful they will be forced to return to Nicaragua immediately.

## HARASSED

### \*Ismael LÓPEZ OCAMPO:

**PROFESSION:** journalist for the newspaper Confidencial and for the weekly TV news programme Esta Semana

**DETAILS OF HARASSMENT:** he and his family were reportedly subject to harassment and surveillance, both covert and overt, by alleged high-ranking plainclothes officials from the Nicaraguan army's Defence Information Directorate (Dirección de Información para la Defensa - DID) between August and October 2013. This took various forms, including constant harassment of López' family members in order to obtain information on the journalist's personal life and professional activities; constant surveillance of López and his personal activities; and surveillance of López and his professional activities both in and outside his place of work for Confidencial and Esta Semana. After repeated phone calls and contact with his family members, the DID officials summoned López to a meeting on 11 October. At the meeting, the officials presented themselves as "representatives of the intelligence body which replaced the now defunct State Security (Seguridad del Estado)" and proceeded to interrogate him for 45 minutes about his personal and family life and his professional activities. Topics included the editorial lines of Confidencial and Esta Semana; the content of some opinion pieces by columnists who are critical of President Daniel Ortega; the work and responsibilities of the producer and editor of Esta Semana and Confidencial respectively; the decision-making process of these media outlets in terms of deciding on content; and the finance management policies of Promedia and Invermedia, the production companies of Esta Semana and Confidencial respectively. López refused to reply to their questions, repeatedly telling the DID officials that these subjects had nothing to do with national defence. Four days later, on 15 October, the DID officials began openly following him and keeping watch over his movements.

**POSSIBLE MOTIVATION:** López does not know the reason for the harassment and surveillance, though he points to an investigation into armed insurgent groups in northern Nicaragua that he was working on as a possible motive. He and his editor - journalist and director of Confidencial and Esta Semana, Carlos F. Chamorro, believe that the DID's intention is to show their powers and intimidate López and the media outlets he works for, in order to silence their criticism of the government and restrict freedom of expression in Nicaragua.

**DETAILS OF COMPLAINT:** On 24 October, López made a complaint to the Nicaraguan Centre for Human Rights (Centro Nicaragüense de Derechos Humanos - CINIDH) and asked for the organisation's help.

**OTHER INFORMATION:** In an open letter to the head of the army, General Julio César Avilés, published in the Nicaraguan media on 28 October, Chamorro states that López, his family, and both media outlets have all been subject to "political spying" and intimidation. Pointing out that such "political spying" is forbidden by Article 96 of the Nicaraguan Constitution, Chamorro calls on the army chief to order an immediate end to the DID's harassment and surveillance of López, his family, Confidencial and Esta Semana, and to ensure that those responsible are sanctioned, in line with the Nicaraguan Constitution, laws and the Military Code. He also calls for the National Assembly to initiate an independent investigation into the case. On 29 October PEN Nicaragua issued a statement condemning the intimidation and surveillance of Lopez and his family. According to a local press report, López' case was raised with the Inter-American Commission on Human Rights' Special Rapporteur for Freedom of Expression, Catalina Botero, on 28 October.



## \*Martha VÁSQUEZ (f):

**PROFESSION:** journalist with La Prensa newspaper

**DETAILS OF HARASSMENT:** she was arrested and briefly detained along with photographer Uriel Molina in early November 2013. Vásquez and Molina were outside the home of an alleged drug trafficker attempting to gather information to inform an investigation into what happens to belongings confiscated from members of organised crime when they were arrested by police. Vásquez reportedly identified herself as a journalist, but was detained regardless. The police reportedly took them to a nearby police station and held them for two hours before releasing them without charge. During their time in detention their telephones were seized and they were questioned by the police.

# PARAGUAY

## ON TRIAL

### \*Nelson AGUILERA:

**PROFESSION:** writer and author of a series of children's stories, member of PEN Paraguay and teacher

**SENTENCE:** 30 months in prison

**DETAILS OF TRIAL:** He was convicted of alleged plagiarism on 4 November 2013. His lawyer filed an appeal on 25 November 2013 with the Chamber of Appeals. According to Aguilera, 40 witnesses were prevented from testifying in his defence as the judge ruled that they had been presented too late. These included a recognised legal expert in plagiarism employed by the court to investigate the case against Aguilera. The expert ruled that Aguilera did not have a case to answer, however he was reportedly not allowed to act as a witness for the defence. The case relates to a lawsuit filed by writer Maria Eugenia Garay that began in 2010. Garay alleged that Aguilera had plagiarised her adult fiction novel *El túnel del tiempo* (The Tunnel of Time) (2005) in the second in his series of children's fiction novels *Karumbita: La patriota* (Karumbita: The Patriot) (Alfaguara Infantil, 2010).

**BACKGROUND:** A number of independent experts and writers have provided a detailed analysis of both works and found that the similarities in them cannot be described as plagiarism. They argue that while they both feature similar thematic elements, such as time travel, and significant dates in Paraguayan history, the manner in which they are used is significantly different. The experts add that time travel has been used as a theme throughout literature and as such its use alone cannot constitute plagiarism. The analysis also showed that the literary styles, structure and argument of the works differ significantly and that Aguilera had not taken any sentences or paragraphs from Garay's work. There has been some suggestion that the sentence for plagiarism may have been influenced by the fact that Garay's brother, César Garay Zuccolillo, is minister of the Supreme Court of Justice. No further information as of 31 December 2013.

## DEATH THREATS

### \*César AVALOS:

**PROFESSION:** author

**DETAILS OF THREAT:** On 18 April 2013, it was reported that Avalos had been receiving death

threats since the publication of his book HC's other face in March 2013. The book is about Horacio Cartes – then front-runner of the right-wing Partido Colorado for the 21 April 2013 presidential elections, now president – and details alleged financial irregularities in relation to the Amambay Trust Bank, which is co-owned by Cartes.

## PERU

### ON TRIAL

#### \*Mónica VECCO (f):

**PROFESSION:** investigative journalist and academic

**DETAILS OF HARASSMENT/THREATS:** She has been subjected to judicial harassment, smears and threats since September 2013. She believes that these are in reprisal for her work for the fact-checking team of the “megacomisión”, a multiparty congressional commission in charge of investigating alleged irregularities committed during ex-President Alán García Pérez’ administration (2006-2011). On 7 September 2013, Mauricio Mulder Bedoya, congressman for the Alianza Popular Revolucionaria Americana (Popular Revolutionary American Party, APRA) – the political party of former President García and owner of the newspaper El Diario de Hoy, publicly accused congressman Sergio Tejada, head of the megacomisión, of having leaked a preliminary report of one of the commission’s investigations through Vecco, whom he wrongly identified as Tejada’s press secretary. Vecco has subsequently denied the allegations, pointing out that she left the congressional commission three months before the leak and had never worked as part of Tejada’s press team. A few days later, El Diario de Hoy reportedly accused Vecco of having an inflated salary and of being romantically linked to one of the commission’s members. On 20 October, in a ‘Panorama’ programme broadcast on Canal 5TV, a key witness in the megacomisión’s investigation – former drugs trafficker Carlos Butrón Do Santos –reportedly retracted all statements he made to the commission and alleged that Tejada had offered him money in exchange for his testimony; the witness also alleged that Vecco was Tejada’s “right-hand man”. During the programme, Congressman Mulder reportedly indicated that Vecco had been involved in helping the witness flee the country. The programme is reported to have supplied as evidence edited versions of private emails between Vecco and the witness. Vecco contends that her emails were illegally hacked and “used maliciously to incriminate” her. She says that Butrón Do Santos contacted her via Facebook in September 2013; since by then she was no longer working for the Commission and was therefore free to practice journalism again, she began corresponding with him as a potential source. After the show was aired, Vecco reports being followed by vehicles and motorcycles near her home and work. She reported that a well-groomed man approached her, mentioned the Panorama story and said “this time you’re not getting away, we’re following you... take care of yourself” on 20 October 2013. Vecco interpreted this as a death threat against her and her family. In response, she requested 24-hour police protection for her and her 10-year-old son and reportedly stated that she would hold Mulder and secretary general of APRA Jorge del Castillo responsible if there were an attempt on her life.

**DETAILS OF TRIAL:** Following the programme, on 21 October, Jorge del Castillo filed a criminal complaint against Tejada and Vecco for “criminal conspiracy”, amongst other accusations, reportedly submitting the ‘Panorama’ programme as evidence. On 12 December 2013, Vecco’s lawyer applied for a postponement of a hearing into the case filed against her set for 27 December. According to the application, Vecco had yet to be formally notified of the charges laid against her and as such could not form an adequate defence.

**DETAILS OF COMPLAINT/INVESTIGATION:** On 24 October 2013, Vecco filed a criminal complaint with the the Dirección de Investigación Criminal de la Policía Nacional del Perú: División de delitos de Alta Tecnología (DIVINDAD) against Mauricio Mulder Bedoya; Jorge del Castillo; Fernando Viaña, director of Diario de Hoy; Rosana Cuevas, director of 'Panorama'; and megacomisión witness Carlos Butrón Do Santos. In her complaint, Vecco reportedly claims that the five individuals have committed computer crimes, crimes against privacy, crimes against personal freedom and defamation. The public prosecutor has reportedly taken up the case. On 29 October 2013 it was reported that Vecco intended to file an additional complaint against former President Alán García. No further news as of 31 December 2013.

**BACKGROUND:** Vecco worked as an investigative journalist for the daily newspaper La República between 1990-1997 where she wrote about human rights violations, corruption and drug trafficking associated with the armed forces during former President Fujimori's leadership. Since 1997 she has worked for various television channels as an investigative reporter and as a university lecturer in investigative journalism. Due to her experience in investigative journalism, Vecco was invited to lead the megacomisión's fact-checking team, where she worked between January 2012 and May 2013. Among the illegal activities alleged to have been perpetrated by the Alán García Pérez administration is the commutation or pardon of jail sentences that benefitted 373 drug traffickers.

## **DEATH THREATS**

### **\*Mauro Cecilio CCAPA ZAPANA:**

**PROFESSION:** correspondent for the Los Andes newspaper

**DETAILS OF THREATS:** He was reportedly threatened by the secretary of a local mayor in the province of Lampa on 18 May 2013. According to reports, the secretary approached Ccapa when he was scheduling an interview with Lampa's deputy mayor and told him to beware or she would kill him with her own hands. It is thought that the threat relates to the journalist's criticism of the cancellation of local drinking water projects and the return of funds to the Public Treasury. Ccapa filed a formal complaint with police in Juliaca on 20 May and gave as evidence a video which shows the secretary making warning signs. No further information as of 31 December 2013.

### **\*Jorge MONCADA MINO:**

**PROFESSION:** journalist for El Ciclón newspaper

**DETAILS OF ATTACK:** Moncada was reportedly attacked by two unidentified men on 24 May 2013. The journalist was in a shop near his home when an armed man got out of a parked car and hit him with the butt of a gun, knocking him to the ground where he was subsequently kicked and struck on the head with a pipe wrench. His attackers threatened to kill him if he continued his investigation into Ángel León Arévalo, an imprisoned gang leader. The attack left Moncada with nose fractures, an eye injury, scalp wounds and multiple bruises on his body. The journalist believes that León Arévalo's henchmen had been following him. The incident has been reported to the National Criminalistics Division of the National Police. He reported receiving threats after he began an investigation into alleged land trafficking in the community of Sando Domingo de Olmos. In November 2012, he reported that someone left a bullet and a threatening message near his home. The incident led him to request protection from the police, which he did not receive. No further information as of 31 December 2013.

## ATTACKED

### \*Edvan RÍOS CHANCA:

**PROFESSION:** writer for the news magazine Hildebrandt en sus Trece and former journalist with the daily newspaper Diario Correo, where he frequently denounced local government corruption

**DETAILS OF ATTACK:** On 10 December 2013, unidentified assailants threw an explosive device at Ríos' home in Huancayo, Junín, destroying the door and windows and damaging the furniture inside. No one was injured.

### \*Ciro Severo VARGAS SÁNCHEZ:

**PROFESSION:** correspondent for the newspaper Prensa Regional and journalist for Radio Melodía

**DETAILS OF ATTACK:** He was reportedly attacked while covering the controversial return of local mayor Óscar Ugarte Salazar to the municipality of San Marcos on 20 February 2013. According to reports, Vargas was attacked by a group of the mayor's followers, including the Trujillo Martínez brothers, who insulted and beat him, reportedly leaving him seriously injured on the floor in full view of the authorities. Vargas reported the attack at a police station, identifying the Trujillo Martínez brothers as his assailants. He reportedly also requested that the local government provide protection for himself and his family as he had been receiving threats. No further information as of 31 December 2013.

**BACKGROUND:** Óscar Ugarte Salazar was impeached by the National Elections Jury (JNE) after verifying that he was guilty of nepotism during his term in office. He reportedly regained his position as mayor on appeal.

### \*Américo ZAMBRANO:

**PROFESSION:** research editor of magazine Caretas

**DETAILS OF ATTACK:** He was reportedly attacked by four unidentified assailants in the capital Lima on 29 June 2013. As Zambrano walked home, four men reportedly got out of a car and attacked him, kicking and punching him and stealing his mobile telephone. The journalist reported the incident to the police. He has reportedly ruled out robbery as a motive, believing that the incident coincides with an alleged judicial harassment campaign against Caretas journalists for publishing reports against a businessman who is being investigated for money laundering. No further information as of 31 December 2013.

## CONDITIONAL RELEASE

### \*Asencio CANCHARI SULCA:

**PROFESSION:** columnist for the Ayacucho daily newspaper La Calle

**SENTENCE:** Two-year suspended prison sentence and 3,000 nuevos soles (approx. US\$1,000) damages after being convicted of defamation on 21 October 2013. The charges relate to a series of columns published in 2012 in which Canchari alleged government corruption on the part of the current Ayacucho department president and that local journalists, including the former aide to the current Ayacucho department president, had attempted to cover up the incident. Canchari reportedly intended to appeal the ruling. No further information as of 31 December 2013.

**BACKGROUND:** On the same day, Esther Valenzuela Zorilla, editor of La Calle, was also handed down a two-year suspended sentence and fine in an unrelated defamation case (see below).

**\*Humberto ESPINOZA MAGUIÑA:**

**PROFESSION:** former editor of the Prensa Regional newspaper

**SENTENCE:** two-year suspended prison sentence, 120 days community service, and 5,000 nuevos soles (approx. US\$2,000) damages

**DETAILS OF TRIAL:** he was convicted of defamation on 18 September 2013. The following day, Espinoza was convicted of further defamation charges. In both cases Espinoza was accused of defaming the same regional politician in articles alleging corruption published in Prensa Regional in August and October 2012. Espinoza is reported to have appealed both sentences, requesting an annulment of proceedings. No further information as of 31 December 2013.

**BACKGROUND:** According to reports, Espinoza and his family have been threatened with death if he does not stop reporting on accusations against the politician.

**\*Alcides PEÑARANDA OROPEZA:**

**PROFESSION:** editor of the newspaper and magazine Integración

**SENTENCE:** two-year suspended prison sentence and 10,000 Nuevo Soles (approx. US\$3,700) in damages

**DETAILS OF TRIAL:** Was convicted of defamation on 21 May 2013. The conviction relates to an article published in the magazine in February 2013, in which Peñaranda reprinted phrases published in another magazine, Hildebrandt en sus trece, referring to the alleged protection provided to the regional president of the Ancash region by the local public prosecutor's office. Peñaranda appealed the verdict. The journalist reported being threatened by supporters of the politician in the days before and after the complaint.

**BACKGROUND:** The magazine's manager, Yolanda Quito Camones (f), reported being threatened and was physically attacked by a group of the politician's supporters at the end of the final court hearing. Quito was reportedly hit by the politician's official car and filed a complaint against the driver with the police station in Huaraz.

**\*Esther VALENZUELA ZORILLA (f):**

**PROFESSION:** editor of the Ayacucho daily newspaper La Calle

**SENTENCE:** two-year prison sentence and a fine of 1,050 nuevo soles (approx. US\$380), as well as 25,000 nuevo soles (approx. US\$9,000) in damages

**DETAILS OF TRIAL:** she was reportedly convicted on charges of defamation on 21 October 2013. The charges relate to a series of 2010 reports in which Valenzuela reportedly alleged that the president of the department of Ayacucho had mishandled contracts and public money budgeted for the construction of a new public hospital. She was reported to be appealing the conviction. No further information as of 31 December 2013.

**BACKGROUND:** other lawsuits against the media outlet are reportedly pending.

# SURINAME

## ON TRIAL

### \*Jaap HOOGENDAM:

**PROFESSION:** publisher of the investigative monthly magazine Parbode

**DETAILS OF TRIAL:** He is reportedly being sued by a former public works minister over a report about the latter's alleged corrupt practices prior to his dismissal. On 26 August 2013, Parbode received a letter from the former minister's lawyer announcing that he was seeking one million Surinamese dollars (approx. US\$305,000) in damages and a correction in the magazine's next issue. The former minister claimed that the report was not supported by evidence, a claim which the magazine's editor-in-chief denies. According to reports, the hearing commenced on 3 October 2013; the proceedings were expected to be conducted through written petitions by lawyers from both parties over a period of weeks rather than an open trial. No further information as of 31 December 2013.

# UNITED STATES

## BRIEF DETENTION

### \*Claudia TREVISAN (f):

**PROFESSION:** correspondent for the Brazilian newspaper O Estado de S. Paulo

**DETAILS OF DETENTION:** She was reportedly detained for five hours by police at Yale University, Connecticut, on 26 September 2013. Trevisan was reportedly waiting for an interview with the chief justice of the Brazilian Supreme Court, who had been invited to a closed-door seminar at the university, when she was arrested. According to reports, after enquiring as to the chief justice's whereabouts she was asked to present her documentation. On doing so, she was reportedly handcuffed and taken to a police station located on the university campus for alleged "trespassing". The university did not bring charges against her.

## HARASSED

### Janet HASSAN (f), Robert F. RODRIGUEZ, Cynthia R. LAMBERT (f) and Dwight R. WORLEY:

**PROFESSION:** respectively publisher, editor, visual editor and journalist of The Journal News

**DETAILS OF HARASSMENT:** They have been subject to harassment following the publication of an interactive map that identified local gun permit holders in Westchester and Rockland counties on 22 December 2012. The information presented in the map was obtained legally via Freedom of Information requests, however those critical of its publication perceive it to be an invasion of privacy. In response to the article, a blogger published the names and addresses of those involved with the publication of the map, along with details of their hobbies and children, on 26 December 2012. As a result, the journalists and executives began receiving threatening telephone calls and emails.

**UPDATE:** On both 2 and 4 January 2013, The Journal News reported receiving envelopes

containing white powder, which was subsequently confirmed not to be toxic. Hassan reported that she had hired armed guards from a local private security company to protect the newspaper's offices. No further update as of 31 December 2013.

### **\*Joe HOSEY:**

**PROFESSION:** editor of the Illinois-based news website Joilet Patch

**DETAILS OF HARASSMENT:** He was found in contempt of court on 20 September 2013 after refusing to name a source. On 31 August, Hosey had been given 21 days by a judge to name the person who had given him police and autopsy reports in the investigation of a double murder. Hosey's lawyer is reported to have filed an appeal immediately. If Hosey's conviction is upheld, he faces a fine of US\$1,000 for contempt and US\$300 per day and a possible prison sentence if he does not reveal the source of the leak. No further information as of 31 December 2013; PEN is seeking an update.

### **\*Carlos MILLER:**

**PROFESSION:** journalist and publisher of the blog 'Photography is not a crime'

**DETAILS OF HARASSMENT:** he was charged with witness intimidation in early November 2013 after he made a statement on his blog in which he detailed an incident which led to a wiretapping charge against a student journalist. In the blog post, Miller included the main media relations telephone number for the Boston Police Department as it is listed on their website, the email address of its spokesperson, and a request that his readers contact the spokesperson to ask that they drop the charges against the student journalist. The charge against Miller was dropped on 15 November.

### **\*James RISEN:**

**PROFESSION:** New York Times reporter and author of the book State of War: The Secret History of the CIA and the Bush Administration

**DETAILS OF HARASSMENT:** On 19 July 2013, an appeals court in Virginia ruled that Risen must give evidence at the criminal trial of a former Central Intelligence Agency (CIA) agent who is being prosecuted for leaking state secrets. The former CIA agent is charged with violating the Espionage Act for leaking classified information to Risen which was subsequently included in his book. The court ruled that the journalist could not claim a reporter's privilege; if Risen refuses to cooperate he could face imprisonment. On 15 October 2013, a federal appeals court declined to hear Risen's appeal. Risen was expected to appeal to the Supreme Court. No further information as of 31 December 2013.

### **\*James ROSEN:**

**PROFESSION:** chief Washington correspondent for Fox News

**DETAILS OF HARASSMENT:** He is reportedly under investigation by the Federal Bureau of Investigation (FBI) for his newsgathering activities. Rosen is the author of a Fox News online story disclosing the government's analysis of North Korea's intentions. According to reports, Rosen has been labelled by an FBI agent as an "aider, abettor and/or co-conspirator" in the government's 2010 investigation into a leak of classified information regarding North Korea. In May 2013 it was reported that investigators had seized two days of Rosen's personal emails and phone records along with records of his security badge in order to ascertain his comings and goings within the state department. A federal judge reportedly signed off on the search

warrant. No further information as of 31 December 2013.

**BACKGROUND:** Stephen Jin-Woo Kim, a state department arms expert, is accused of leaking intelligence suggesting North Korea would conduct a nuclear test.

## VENEZUELA

### KILLED

#### \*Jhonny GONZÁLEZ:

**PROFESSION:** journalist for the sports newspaper Líder de Deportes

**DATE OF DEATH:** 3 May 2013

**DETAILS OF DEATH:** Shot dead as he was leaving the paper's offices in the early hours. It is thought that the assailants, who intercepted González on two motorcycles and in a car, were attempting to steal his car; when the journalist resisted, he was shot three times and died instantly. González (33) worked the night shift at Líder, covering boxing. No further information as of 31 December 2013.

### DETAINED: INVESTIGATION

#### \*Victor Manuel GARCÍA HIDALGO:

**PROFESSION:** director and editor of the news portal Informe Cifras, and former politician

**DATE OF ARREST:** 5 March 2013

**DETAILS OF TRIAL:** Accused of participating in the 2002 coup, he faces charges of "civil rebellion". If convicted, he could face between 14 and 24 years in prison. The government is reportedly using as evidence García's documented opinions of the incident – broadcast on 12 April 2012 on the programme '24 horas de Venevisión' – and a photograph of García with a known opponent of Chávez taken inside the Army General's Command Headquarters. García's defence has reportedly argued that García was there in his capacity as a journalist.

**PLACE OF DETENTION:** According to reports, he is being held in Yare 3 prison. No further news as of 31 December 2013.

**BACKGROUND:** On 11 April 2002, a military coup d'état succeeded in ousting the then President Hugo Chávez for almost 48 hours.

### ON TRIAL

#### \*Leocenis GARCÍA:

**PROFESSION:** editor and director of Sexto Poder

**DETAILS OF ARREST:** 30 July 2013

**DETAILS OF TRIAL:** charged with money laundering, tax evasion and financing terrorist acts on 1 August 2013. If convicted, he faces up to 10 years in prison. According to reports, a member of parliament brought the charges against García, stating that the journalist had placed US\$5 million in a Swiss bank account, while reporting a lower sum in financial statements. Prior to his arrest, García had reportedly accused the government of carrying out a campaign against him. On 24 July, the Sexto Poder media group reported that its bank accounts had been frozen, which led to the suspension of operations. As of the end of November he was



reportedly awaiting a preliminary hearing of the case.

**DATE OF RELEASE:** 28 November 2013

**DETAILS OF RELEASE:** released after almost four months in detention in a Caracas military base, due to thought to be related to his hunger strike, according to news reports.

**OTHER INFORMATION:** According to reports, Garcia spent 50 days on hunger strike, which he began on 6 August 2013. Further reports date 16 September 2013 suggest that García's father had also begun a hunger strike.

**BACKGROUND:** García was detained without trial for two years and two months between 3 May 2008 and 6 July 2010 for allegedly causing damage to property, carrying a gun without a permit and resisting arrest. In 2011, he was charged with 'inciting hatred, insulting officials and offending women', a criminal offence under Venezuela's penal code, after the publication of a satirical photomontage on 20 August 2011 (see previous case lists). On 24 November 2011 it was reported that he had been conditionally released after being detained for three months.

## **BRIEF DETENTION**

### **\*Jim WYSS:**

**PROFESSION:** Andes bureau chief for the Miami Herald

**DATE OF ARREST:** 7 November 2013

**DETAILS OF ARREST:** He was reportedly arrested in San Cristobal while he was reporting on the region's economy and forthcoming municipal elections. Wyss had reportedly tried to interview military officials who were rumoured to be involved in the contraband trade when they arrested him.

**DATE AND DETAILS OF RELEASE:** On 8 November, he was taken to Caracas, where he was later released, according to news reports.

**OTHER INFORMATION:** The Venezuelan government reportedly claimed that Wyss was detained because he had not registered his journalism credentials with the Ministry of Communications.

## **ATTACKED**

### **\*Lilia GIMÉNEZ (f):**

**PROFESSION:** journalist for the independent newspaper El Anaquense

**DETAILS OF ATTACK:** She was the victim of an attack at her home on 12 April 2013. The journalist reportedly left the house in Aragua de Barcelona in order to investigate noises she had heard when she discovered that her van had been set on fire. Owing to the alleged delayed response of the emergency services and limited water, the vehicle was completely consumed by the flames. Giménez believes the attack to be an intimidation attempt related to her recent investigations into news published by El Anaquense, which linked the sons of high-ranking members of the ruling party with a murder in the region.

**DETAILS OF INVESTIGATION/PROTECTION:** Giménez reported the incident to the authorities and was offered police protection, which she refused, preferring instead to hire private security. An investigation was reportedly underway. No further information as of 31 December 2013.

## **HARASSED**

### **\* Omar Luis COLMENARES, Juan Ernest PAEZ-PUMAR and Luz Mely REYES (f):**

**PROFESSION:** respectively assistant director, head of information and director at Diario 2001

newspaper

**DETAILS OF HARASSMENT:** They were reportedly summoned to appear at the District Attorney's office on 17 October 2013 to serve as witnesses as part of a legal enquiry. Their summons relates to the publication of an article in the newspaper on 10 October entitled 'Gasoline sold drop by drop', which was reportedly based on citizen reports of the lack of 91 octane petrol. The newspaper is reportedly being investigated for spreading "doom and gloom". According to reports, the attorney general of the republic began an investigation the day the article was published, while President Nicolás Maduro has called for "stringent punishment". Both have publically denounced the article and its contents. By so doing, both the attorney general and the president have breached the principle of the presumption of innocence. The investigation was on-going in late December 2013, according to news reports.

**BACKGROUND:** two journalists and a photographer from Diario 2001 were reportedly briefly detained in 2013 (see case of Dayana Escarlona (f) and Eliscartt Ramos below).

### **Dayana ESCARLONA (f) and Eliscartt RAMOS**

**PROFESSION:** both journalists with Diario 2001

**DETAILS OF DETENTION:** They were detained, along with their colleague photographer Jorge Santos Junior, for six hours without an arrest warrant on 1 November 2013 as they were covering a fair in Los Próceres. They were released the same day.

**BACKGROUND:** Other journalists at Diario 2001 have reportedly faced harassment in 2013 (see case of Luz Mely Reyes (f), Omar Luis Colmenares and Juan Ernest Paez-Pumar above).

### **\*Juan José FARÍAS:**

**PROFESSION:** reporter for the independent newspaper La Verdad and correspondent for the free expression organisation IPYS-Venezuela

**DATE OF ARREST:** 15 April 2013

**DETAILS OF ARREST:** he was reportedly arrested along with two colleagues while covering a neighbourhood protest called by the political opposition. The police reportedly charged Farías and his colleagues with "destabilisation" and confiscated their equipment and mobile telephones.

**DETAILS OF RELEASE:** released after approximately five hours in detention. No further information as of 31 December 2013.

**DETAILS OF HARASSMENT:** On 30 January 2013, the Zulia state delegation of the Scientific, Penal and Criminalistic Research Corps (CICPC) – part of the Ministry of the Interior and Justice – reportedly opened a case against Farías following the publication of several articles in January on the murder of Miguel Ángel Boscán Alba, a gang leader imprisoned in the National Prison of Maracaibo, whose death is thought to have occurred during an altercation between state police officers and the criminal gang to which Boscán belonged. On 29 January, Farías attended a summons by the CICPC homicide investigations division. Officials reportedly accused him of instigating a crime and associating with criminals. The officials interviewing him asked for his identity card, telephone number, home address and the name of his parents, before demanding to know the identity of his sources and who had authorised the publication of his articles. Managers at the newspaper have since received a summons for having authorised the publication of the stories. According to the journalist, the attorney of the justice department has not sanctioned the investigation by the CICPC.

### **\*Omar LUGO:**

**PROFESSION:** former editor of the financial daily El Mundo, Economía y Negocios

**DETAILS OF HARASSMENT:** He was reportedly fired from the newspaper following government pressure relating to an article published on 15 November 2013. The article, which used official government data, reported that Venezuela's Central Bank reserves had fallen to their lowest level in nine years. Following its front-page publication, President Maduro reportedly accused the paper of making false calculations in a televised speech on 16 November. Lugo was fired as the newspaper's editor on 18 November.

**BACKGROUND:** According to reports, Venezuelan media is facing increasing pressure from the government and attorney general when it has covered stories relating to the nation's economy.

**\*Mariangel MORO COLMENAREZ (f):**

**PROFESSION:** journalist with the privately-owned newspaper Última Hora

**DETAILS OF HARASSMENT:** On 8 December 2013, Moro was reportedly prevented from covering events at certain education centres, which were used as voting points for municipal election, by officials of the Plan República, a military force in charge of safeguarding national security during elections.

# ASIA and PACIFIC

## AFGHANISTAN

### KILLED

**\*Sushmita BANERJEE (f):**

**PROFESSION:** author of the best-selling memoir A Kabuliwala's Bengali Wife

**DATE OF DEATH:** 5 September 2013

**DETAILS OF DEATH:** According to reports, armed men broke into her home and tied up her husband before kidnapping and shooting her at least 20 times. Banerjee's body was left outside a madrasa (religious school) on the outskirts of Sharan City, Paktika province.

**DETAILS OF INVESTIGATION:** On 9 September 2013, local police officials reportedly arrested two men – initially said to be armed militants connected to the Hagqani Network, an affiliate of the Taliban which has connections to Pakistan – in connection with her murder. According to press reports, the suspects confessed to Banerjee's murder. Local villagers reportedly led the police to the men, who were said to have been found with weapons, including explosives. Four men arrested on 11 September reportedly indicated that the plan was orchestrated in Pakistan by three Pakistan Taliban militants working with a local commander of the Afghan Taliban in Paktika. According to the BBC, the Afghan Taliban has denied responsibility for the attack. Banerjee was reportedly targeted by the group because of her critical writings of the Taliban in her memoir and for installing an Internet connection in her house. Banerjee had recently returned to Afghanistan to live with her husband and run a midwifery clinic. She had reportedly been filming the lives of local women as part of her work prior to her death, and was writing a second book. Despite the recent arrests, on 15 September 2013 news reports indicated that a splinter Taliban group – known as the Suicide Group of the Islamic Movement

of Afghanistan – had admitted responsibility for Banerjee’s murder via a Western news website, claiming they had killed her because she was an Indian spy.

## ON TRIAL

### \*Partaw NADERI:

**PROFESSION:** well-known poet, writer and contributor to Afghan news media. Former President of Afghan PEN.

**DETAILS OF HARASSMENT:** An arrest warrant was reportedly issued against him in Kabul on 30 January 2013, in connection with a libel action brought by the Afghan minister for transport. The case dates back to August 2011 when a letter by two transport ministry officials accusing the Minister of corruption and involvement in election fraud was published by several Afghan media outlets including Tolo TV and the newspaper Mandegar. Naderi quoted from the letter in a May 2012 article in the newspaper Araman Mili, as a result of which the Minister filed a libel suit against Naderi. On 30 January 2013, a warrant was issued for his arrest. He remains free, no further information as of 31 December 2013.

## DEATH THREATS

### \*Mohammad Jan Taqi BAKHTIARI:

**PROFESSION:** award-winning Hazara novelist

**DETAILS OF THREAT:** According to PEN’s information, Mohammad Jan Taqi Bakhtiari was accused of blasphemy and given a death fatwa by a leading Islamist cleric, Sayyid Mohsen Hujjat, for his latest book Gumnani (Anonymity), published in October 2012. The cleric reportedly accused him of being a “Junior Salman Rushdie”. Since the book was published, Bakhtiari has received numerous death threats through phone calls and text messages. In one incident, unknown people attacked his car on the streets of Kabul and later he found his books burned in front of his house. The attackers also left leaflets in front of his house saying that if he does not show repentance his house will be burned. Bakhtiari went into hiding after receiving death threats, and fled to India on 9 January 2013. His family joined him on 20 February 2013. In late February 2013 he reported being pursued by two unidentified Afghan men, and there are continued fears for his safety.

# BANGLADESH

## KILLED

### \*Ahmed Rajib HAIDER (aka Thaba Baba):

**PROFESSION:** Prominent blogger critical of Islamic fundamentalism

**DATE OF DEATH:** 15 February 2013

**DETAILS OF DEATH:** Killed by assailants outside his home in the Pallabi neighbourhood, Dhaka. According to his brother, the blogger had been targeted by the Islami Chhatra Shibir (the student wing of the Jamaat-e-Islami party) for his ‘online activities’. Members of the Jamaat-e-Islami party reportedly denied the accusation.

**DETAILS OF INVESTIGATION:** The authorities have reportedly arrested five individuals who have confessed to carrying out the murder as they regarded it was their religious obligation to do so. The police continue to investigate the case. [RAN 16/13 – 5 April 2013]

## **ON TRIAL**

### **Alhaj Hasmat ALI and Mahmudur RAHMAN:**

**PROFESSION:** the majority owner and acting editor of the Bengali-language pro-opposition daily Amar Desh and the paper's publisher, respectively

**DETAILS OF TRIAL:** The two were charged with sedition on 13 December 2012 after publishing news stories based on leaked transcripts of conversations between a lawyer and the lead judge of Bangladesh's war crimes tribunal. The tribunal aims to investigate war crimes, crimes against humanity, genocide, and crimes against peace committed during the 1971 war of independence in which Bangladesh seceded from Pakistan. Rahman - who served as an energy adviser in the previous Bangladesh Nationalist Party-led government - was previously arrested in June 2010, and spent 10 months in prison on charges of harming the court's reputation, including defamation for publishing reports on alleged corruption by the son of current Prime Minister Sheikh Hasina. Both men remain free. A separate defamation case brought against them in January 2010 was dropped on 9 July 2013. No further information as of 31 December 2013.

### **\*Mashiur Rahman BIPOB, Rasel PARVEZ and Subrata Adhikari SHUVO:**

**PROFESSION:** Bloggers

**DATE OF ARREST:** 1 April 2013

**DATE OF RELEASE:** Shuvo and Parvez were released on bail on 12 May 2013, while Biplob was similarly released on 2 June 2013.

**DETAILS OF TRIAL:** They were charged on 8 September with "hurting religious sentiments" under Article 57(2) of the Information and Communication Technology Act, for posting derogatory material about Islam and the Prophet Muhammad online and could face up to 14 years' imprisonment under Bangladesh cyber-crime laws. The bloggers have reportedly criticised the authorities and the press for being partial towards Islamist views in an alleged secular country. Soon after their arrest, their blogs were shut down. Their trial started in November 2013. [RAN 16/13 – 5 April 2013]

### **\*Nasiruddin ELAN and Adilur Rahman KHAN:**

**PROFESSION:** director and secretary of leading Bangladeshi human rights group Odhikar

**DATE OF ARREST:** Khan was arrested on 10 August 2013; Elan was arrested on 6 November 2013.

**DATE OF RELEASE:** Khan was released on bail on 30 October 2013; Elan was released on bail on 1 December 2013

**DETAILS OF ARREST:** A day after his arrest, Khan was remanded for five days for interrogation. On August 12, the High Court of Bangladesh ordered him to be sent to jail. Police reportedly raided the Odhikar offices and confiscated computers and other materials. Elan was arrested on 6 November when a judge refused him bail.

**DETAILS OF TRIAL:** The case is linked to a fact-finding report issued by Odhikar on the killing of 61 people during an operation carried out by security forces against Hefazat-e Islam activists during mass demonstrations in Dhaka in May 2013. Both were charged on 4 September with distorting information, presenting false evidence and manipulating photographs under section

54 of the Code of Criminal Procedure, section 57 of the Information and Communication Technology Act (which criminalises publishing or transmitting material that is ‘fake and obscene’, ‘tends to deprave and corrupt persons’ or causes to ‘prejudice the image of the State’) and sections 505 and 505(A) of the Bangladesh Penal Code. According to reports, the case is expected to be heard before the cybercrimes tribunal in January 2014.

**FAIR TRIAL CONCERNS:** Concerns have been raised after the court applied September amendments to the ICT Act retroactively, prohibited under International Law.

### **\*Asif MOHIUDDIN:**

**PROFESSION:** Prominent blogger, his Bengali-language blog Almighty only in name, but impotent in reality, is said to be one of the most popular blogs in Bangladesh. He writes about religious issues, freedom of expression, human rights and he also comments on news items.

**DATE OF ARREST:** 3 April 2013 and 29 July 2013

**DATE OF RELEASE:** 27 June 2013 and 7 August 2013

**DETAILS OF ARREST:** Mohiuddin was arrested for writing an openly atheist blog, which has been suspended under order by the Bangladesh Telecommunication Regulatory Commission since 21 March 2013.

**DETAILS OF TRIAL:** He was accused of ‘hurting religious sentiments’, under Article 57(2) of the 2006 Information and Communication Technology Act, and could face up to 14 years in prison. On 27 June 2013, the court heard and accepted a petition for Mohiuddin’s conditional release for one month on health grounds, but he returned to jail on 29 July when his application for permanent bail was refused. He was again released on 7 August 2013 when a further one month bail order was issued. He was charged on 8 September 2013 and his trial began on 6 November 2013, and was expected to resume in January 2014. He remained free as of 31 December 2013.

**BACKGROUND:** Mohiuddin was stabbed while leaving his office in the Uttara district, Dhaka, on 14 January 2012. On the day of the attack, three unidentified men stabbed him several times before they fled. The authorities are said to be investigating the attack. [RAN 16/13 – 5 April 2013]

## **CAMBODIA**

### **ON TRIAL**

#### **\*Yorm BOPHA (f):**

**PROFESSION:** Activist and protest song writer

**DATE OF ARREST:** 4 September 2012

**SENTENCE:** Three years in prison, reduced to two years on appeal

**DETAILS OF ARREST:** Yorm Bopha has been actively involved in her community's struggle against forced evictions related to a land conflict at Boeng Kak Lake in Phnom Penh.

**DATE OF RELEASE:** On 22 November 2013 a Supreme Court ruled to release Bopha on bail pending a re-hearing of her case by the Court of Appeal.

**DETAILS OF TRIAL:** On 27 December 2012, the Municipal Court in Cambodia’s capital Phnom Penh convicted Yorm Bopha, 31, for “intentional violence with aggravating circumstances”, sentencing her to three years’ imprisonment. She was accused of planning an assault on two men in August 2012. But during the trial witness testimonies were inconsistent, sometimes

conflicting with each other, and some witnesses admitted to being intoxicated when the alleged crime occurred. She is widely believed to be targeted for peacefully protesting forced evictions related to a land conflict in the Boeng Kak community. Her conviction was upheld on appeal in late June 2013, and the sentence reduced to two years. Yorm Bopha was in jail between 4 September 2012 and 22 November 2013, leaving behind her young son and husband who is in ill health. Yorm Bopha writes protest lyrics to popular song tunes which are then chanted at demonstrations. She is also chronicling her experiences in prison in a prison diary.

## **HARASSED**

### **\*Dam SITH:**

**PROFESSION:** publisher of the pro-opposition newspaper Moneakseka Khmer

**DETAILS OF HARASSMENT:** According to reports, the Ministry of Defence is pursuing a complaint against Sith after the newspaper stood by a 13 November 2013 article, in which it accused the Prime Minister of using the military to illegally gain votes in recent national poles. The article first prompted a call from the Council of Ministers for the paper to run a clarification about the electoral fraud accusation. After the newspaper declined to do so, the Council referred the case to the Ministry of Defence. It is unclear what kind of lawsuit Sith faces. According to reports, the case is being examined by a military court as the article had affected the reputation of the armed forces.

**BACKGROUND:** Sith is a lawmaker-elect of the opposition Cambodia National Rescue Party, which has challenged official results of the 28 July national elections and accused the ruling party of electoral fraud.

## **RELEASED**

### **Man SONANDO:**

**PROFESSION:** journalist, human rights activist and director of the independent Beehive Radio Station

**DATE OF ARREST:** 15 July 2012

**SENTENCE:** 20 years in prison, reduced to a five-year suspended sentence on appeal.

**DATE OF RELEASE:** 15 March 2013

**DETAILS OF TRIAL:** His arrest stemmed from a speech made by Cambodia's Prime Minister Hun Sen on 26 June 2012, in which he accused Mam Sonando and members of the Association of Democrats of being behind a plot for Pro Ma village in Kratie province to secede from Cambodia. Sonando was arrested at his home in Phnom Penh. On 1 October 2012, the Phnom Penh Municipal Court found Sonando guilty of national security offences including instigating 'insurrection', for inciting villagers in Kratie province in north-eastern Cambodia to protest a government order to seize land in the village and transfer it to a private holding company. Sonando had never been to Kratie province, does not know any of the villagers, and was abroad in France when the protest took place. No evidence was provided to support the charges, and Mam Sonando was believed to be targeted for his vocal criticism of forced evictions and "land grabs" in Cambodia. On 14 March 2013, Cambodia's Court of Appeal dismissed the charges of 'insurrection' and 'incitement to take up arms against the state' against Sonando. However, the Court convicted him for 'illegal logging' and handed down a five-year suspended sentence. Sonando was released on 15 March, after spending eight months in prison. [RAN 67/12 – 1 October 2012, Update #1 – 21 March 2013]

## CASE CLOSED

### Taing TRY:

**PROFESSION:** reporter affiliated with the Khmer Democratic Journalists' Association and contributor to the Meattophum Newspaper

**DETAILS OF ARREST:** Reportedly arrested in the Kratie's Snoul district, on 7 December 2012 and charged with extortion on 9 December 2012. Try had recently reported on the illegal smuggling of timber in that region, and had allegedly named a well-known businessman in his findings. Case closed for lack of further information.

# CHINA

## IMPRISONED: MAIN CASES

### CHEN Wei:

**DATE OF BIRTH:** 21 February 1969

**PROFESSION:** freelance writer and activist

**DATE OF ARREST:** 21 February 2011

**SENTENCE:** Nine years in prison

**EXPIRES:** 2020

**DETAILS OF ARREST:** Reportedly arrested on 21 February 2011 as part of a crackdown on human rights defenders and activists across the country, apparently in response to anonymous calls for 'Jasmine Revolution' protests.

**DETAILS OF TRIAL:** Formally charged on 28 March 2011, by the Public Security Bureau of Suining City, Sichuan Province, with "suspicion of inciting subversion of state power" for several essays published online on overseas websites calling for freedom of speech and political reform. Convicted of "inciting subversion of state power" at a closed two-hour trial on 23 December 2011 in relation to seven passages in four essays criticising the Chinese political system and praising the development of civil society.

**PLACE OF DETENTION:** Detention Center of Suining City, Sichuan Province

**TREATMENT IN PRISON:** Chen was granted his first family visit in January 2012 after being held for eleven months in prison.

**BACKGROUND:** Chen Wei was a first year student at Beijing University of Technology in 1989 and was dismissed from the university for his involvement in the pro-democracy movement. In 1999, he was sentenced to five years' imprisonment on "counter-revolutionary" offences for his involvement in the China Liberal Democracy Party. He is a signatory of Charter 08, a manifesto for democratic reform.

**HONORARY MEMBER** of: Independent Chinese PEN Centre (ICPC). [RAN 66/11 – 26 December 2011]

### CHEN XI (aka CHEN Youcai):

**DATE OF BIRTH:** 1954

**PROFESSION:** Freelance writer and prominent human rights activist

**DATE OF ARREST:** 29 November 2011

**SENTENCE:** 10 years in prison



**EXPIRES:** 2021

**DETAILS OF ARREST:** Chen is a member of the Guizhou Human Rights Forum, which was declared an 'illegal organisation' by the Guizhou authorities on 5 December 2011, prior to the UN Human Rights Day (10 December). At least ten other members of the group were arrested since 28 November but all have since been released without charge.

**DETAILS OF TRIAL:** Sentenced by a Guiyang court for "inciting subversion of state power" at a trial on 26 December 2011 which lasted less than three hours. The speed of the legal process of Chen's case is unprecedented. According to the court verdict, his conviction is based on several quotations from over 30 of his articles published on overseas Chinese-language websites. He has decided not to appeal the verdict.

**PLACE OF DETENTION:** On 17 January 2012 Chen Xi was transferred to the Xingyi Prison, Guizhou province, to serve his sentence.

**TREATMENT IN PRISON:** In early February 2012, Chen's wife reported that she was allowed to visit him in prison and that he had serious frostbite in his fingers. Prison officers refused to accept the extra pieces of clothing she had brought for Chen.

**BACKGROUND:** Chen Xi has already served a total of 13 years in prison on "counter-revolutionary" offences for his peaceful activism, three years from 1989-1992 and ten years from 1995-2005. [RAN 1/12 – 6 January 2012]

## **GUO Quan:**

**DATE OF BIRTH:** 8 May 1968

**PROFESSION:** Internet writer and activist

**DATE OF ARREST:** 13 November 2008

**SENTENCE:** 10 years in prison

**EXPIRES:** 2018

**DETAILS OF ARREST:** Reportedly arrested at his home in Nanjing, capital of Jiangsu province for "suspicion of subversion of state power". At the time of his arrest, the police confiscated Guo Quan's articles and his computer. He was held incommunicado at Nanjing City Public Security Bureau.

**DETAILS OF THE TRIAL:** Guo Quan was formally charged with the more serious charge of 'subversion of state power' on 19 December 2008. On 16 October 2009 a court in Jiangsu province sentenced Guo Quan to 10 years in prison and three years of deprivation of political rights for his pro-democracy activities and critical writings. Guo was charged for a series of articles entitled 'Herald of Democracy' posted online between mid-2007 and November 2008, and for founding the opposition China New Democracy Party (CNDP). His sentence was upheld on appeal on 25 December 2009.

**PLACE OF DETENTION:** Pukou Prison, Nanjing, Jiangsu Province

**BACKGROUND:** Guo is a former criminal-court judge and literature professor at Nanjing Normal University; however, due to his political activities he has been banned from teaching. He wrote several open letters to Chinese leaders and was frequently briefly detained by police, most recently in May 2008 when he spent ten days in prison after criticising the government's response to the 12 May 2008 Sichuan earthquake.

**AWARDS:** Recipient of the 2011 Hellman/Hammett award.

**HONORARY MEMBER** of: Independent Chinese PEN, Uyghur PEN and Guatemalan PEN. [RAN 63/08 – 2 December 2008; Update #1 – 2 November 2009]

## **LI Bifeng:**

**PROFESSION:** Chinese activist, novelist and poet

**DATE OF ARREST:** 12 September 2011

**SENTENCE:** 12 years in prison

**EXPIRES:** 2023

**DETAILS OF ARREST:** According to PEN's information, leading Sichuan activist Li Bifeng, aged 48, was arrested on 12 September 2011 after being summoned for questioning by police in Mianyang city, Sichuan province, for alleged 'economic crimes'. Vaguely worded economic crimes are increasingly used to suppress political dissent in China, and those targeted include prominent Chinese artist and social critic Ai Weiwei.

**DETAILS OF TRIAL:** Li Bifeng was convicted of alleged 'contract fraud' by the Shehong County People's Court, Sichuan province, on 19 November 2012 and handed down a 12-year prison sentence. He is believed to be targeted for his peaceful political activism, in particular his links with exiled Chinese writer Liao Yiwu, who is a close friend of Li's and who fled China two months before Li's arrest.

**BACKGROUND:** Li Bifeng is a prolific poet and novelist as well as a well-known dissident, who has spent a total of over 12 years in prison since 1990 for his activism and critical writings. He served a five-year sentence for taking part in the 1989 pro-democracy movement, followed by a seven-year jail term from 1998-2005 for reporting on a workers' protest in the Sichuan city of Mianyang in 1998. While in prison, Li produced poetry and kept a diary. Some of his work can be found here <http://www.literaturfestival.com/intern/lost-and-found/TextevonLiBifengengl.pdf>.

**HONORARY MEMBER** of: German PEN

## LI Tie:

**PROFESSION:** Human rights activist and dissident writer

**DATE OF BIRTH:** March 1962

**DATE OF ARREST:** 15 September 2010

**SENTENCE:** 10 years in prison

**EXPIRY:** 2020

**DETAILS OF ARREST:** Arrested by the Wuhan City Public Security Bureau.

**DETAILS OF TRIAL:** Li was initially arrested on suspicion of "inciting subversion of state power" for his critical articles. The charge was changed to the more serious "subversion of state power" on 22 October 2010. He was sentenced to 10 years in prison by the Wuhan Intermediate People's Court on 18 January 2012. The evidence against him included membership of the banned political group, the China Social Democracy Party, and a series of critical online essays and writings, in particular an article entitled "Human Beings' Heaven Is Human Dignity." His trial has not been conducted in accordance with due process or international standards of fairness, and Li has been prevented from appealing the verdict. At a hearing on 18 April 2011 his lawyer was rejected by the court and two court-appointed lawyers were assigned.

**PLACE OF DETENTION:** In February 2012 Li was transferred to Guangzhou Prison.

: His health is said to be deteriorating in prison.

**OTHER INFORMATION:** During the past decade, Li has written many online articles promoting democracy, constitutional government, and direct local elections. He has also organised activities to honour the memory of Lin Zhao, the well-known Beijing University student jailed in the 1950s and executed by the government in 1968 for her views and writings. He is also a signatory of Charter 08.

**HONORARY MEMBER OF:** Independent Chinese PEN Centre (ICPC). [RAN 07/12 – 1 February 2012]

## LU Jianhua:

**PROFESSION:** Research Professor at the Chinese Academy of Social Sciences, Deputy Director of Public Policy Research and Executive Director of the China Development Strategy.

**DATE OF BIRTH:** 03 July 1960

**DATE OF ARREST:** April 2005

**SENTENCE:** 20 years in prison

**EXPIRES:** April 2025

**DETAILS OF TRIAL:** First arrested in April 2005 on charges of 'leaking state secrets'. Sentenced on 18 December 2006 to 20 years in prison for leaking state secrets to a Hong Kong reporter Ching Cheong. The latter was sentenced to five years in prison for spying and was a main case of PEN International. Human rights groups have questioned the evidence in the reporter's case, but Lu's trial was held in secret and reportedly only lasted for 90 minutes.

**PLACE OF DETENTION:** Beijing City jail

**TREATMENT IN PRISON:** Reportedly held incommunicado. His wife is not allowed access to him.

**HONORARY MEMBER:** Independent Chinese PEN Centre (ICPC)

## LU Jiaping:

**PROFESSION:** writer on military history and a retired soldier

**DATE OF BIRTH:** c.1944

**DATE OF ARREST:** 19 September 2010

**SENTENCE:** 10 years in prison

**EXPIRES:** 2020

**DETAILS OF ARREST:** Reportedly arrested on 19 September 2010 and charged with 'inciting subversion' in articles critical of former Chairman of the Chinese Communist Party, Jiang Zemin, published from 2000-2010.

**DETAILS OF TRIAL:** Reportedly sentenced to 10 years in prison on charges of 'subversion of state power' by the Beijing First Intermediate Court in early May 2011. Three articles were used as evidence to convict him, in particular an article published in 2009, 'Two Traitors Two Fakes', discussing Jiang's historical background. Two other activists, his wife and a close friend, are said to have been arrested with Lu, and tried in the same court case. Details of his case became known in February 2012 when his wife was released from prison.

**PLACE OF DETENTION:** Shaoyang prison, Hunan

: Lu Jiaping is reported to suffer from heart disease and femoral necrosis. He is also reported to suffer from gallstones and diabetes. According to reports, his health has deteriorated while imprisoned, leading to a call for his release by his son in December 2013.

**BACKGROUND:** Lu Jiaping, a Beijing scholar, is known for revealing scandals about high-ranking Chinese officials over the Internet. In February 2004, he was placed under house arrest for an article he wrote exposing an affair between former Chairman of the Chinese Communist Party, Jiang Zemin, and Song Zuying, a famous Chinese singer.

## LIU Xianbin:

**PROFESSION:** dissident writer and activist

**DATE OF BIRTH:** 1968

**DATE OF ARREST:** 28 June 2010

**SENTENCE:** 10 years in prison

**EXPIRES:** 2020

**DETAILS OF ARREST:** Arrested on 28 June 2010 after police interrogated him and searched his home. Fourteen police officers from the Suining City Public Security Bureau confiscated hard drives, USB devices, his bank card, and six notices from his editors regarding remuneration for several articles he published on overseas websites.

**DETAILS OF TRIAL:** Charged on 5 July 2010 with “inciting subversion of state power” in a series of articles calling for political reform published in overseas Chinese-language websites from August 2009 to June 2010. Sentenced on 25 March 2011 by the Suining Intermediate People’s Court, at a trial which reportedly did not comply with international standards for fair trial.

**PLACE OF DETENTION:** Chuanzhong Prison, Nanchong City, Sichuan Province

**TREATMENT IN PRISON:** It is reported that he has been forced to labour for 13 hours daily.

**BACKGROUND:** Liu previously served nine years of a 13-year jail sentence from 1999 to 2008 for his part in organising the Sichuan branch of the outlawed China Democratic party. After his release, he was one of the first signatories of Charter 08.

**OTHER INFORMATION:** Recipient of the 2011 Hellman/Hammett award.

**HONORARY MEMBER OF:** Independent Chinese PEN Centre (ICPC)

## **LIU Xiaobo:**

**PROFESSION:** prominent dissident writer, former President and Board member of the Independent Chinese PEN Centre and 2010 Nobel Peace Laureate

**DATE OF BIRTH:** 28 December 1955

**DATE OF ARREST:** 8 December 2008

**SENTENCE:** 11 years in prison

**EXPIRES:** 2020

**DETAILS OF ARREST:** Arrested for signing Charter 08, a declaration calling for political reforms and human rights. Held under Residential Surveillance, a form of pre-trial detention, at an undisclosed location in Beijing, until he was formally charged with “spreading rumours and defaming the government, aimed at subversion of the state and overthrowing the socialism system in recent years”, on 23 June 2009. The charge is said to be based on his endorsement of Charter 08 and over twenty articles published between 2001-2008.

**DETAILS OF TRIAL:** On 25 December 2009, Liu was sentenced to 11 years in prison and two years’ deprivation of political rights on charges of ‘incitement to subversion of state power’. In early February 2010 a Beijing Court rejected his appeal. According to reports, Liu and his legal team filed an extraordinary appeal against his conviction in November 2013. The extraordinary appeal seeks a retrial based on flaws in the original trial procedure, or in the case that new evidence has come to light. Liu’s legal team had reportedly not yet received a response by 25 December 2013. Liu has been refused permission to receive visits from his legal team, according to news reports.

**PLACE OF DETENTION:** Jinzhou Prison, Nanshan Road 86, Taihe District, 121013 Jinzhou City, Liaoning Province

**OTHER INFORMATION:** Liu Xiaobo is among a large number of dissidents to have been detained or harassed after issuing an open letter calling on the National People’s Congress Standing Committee to ratify the International Covenant on Civil and Political Rights (ICCPR), and launching Charter 08, a declaration calling for political reforms and human rights. These activities formed part of campaigns across China to commemorate the 60th Anniversary of the Universal Declaration of Human Rights (10 December), and the Charter was signed by more than 8000 scholars, journalists, freelance writers and activists.

**AWARDS:** Recipient of the PEN American Center 2009 Freedom to Write award and the 2010 Nobel Peace Prize. His wife was unable to travel to Norway to receive the Nobel Prize on his behalf and has been placed under house arrest. Many of his supporters have been arrested or harassed since the prize was announced.

**BACKGROUND:** Liu Xiaobo first received support from PEN in 1989, when he was one of a group of writers and intellectuals given the label the “Black Hands of Beijing” by the government, and arrested for their part in the Tiananmen Square protests. Liu has since spent a total of five years in prison, including a three year sentence passed in 1996, and has suffered frequent short arrests, harassment and censorship.

**HONORARY MEMBER:** Honorary President of Independent Chinese PEN Centre (ICPC), and Honorary Member of Scottish, German, American, Czech, Sydney, Iceland, English and Portuguese PEN Centres.

## **LU Zengqi and YAN Qiuyan:**

**PROFESSION:** Falun Gong members and Internet writers/publishers

**DATE OF ARREST:** Not known

**SENTENCE:** 10 years in prison respectively

**EXPIRES:** 2014

**DETAILS OF TRIAL:** Sentenced on 19 February 2004 by Court No.1 in Chongqing, western China, to 10 years in prison each for writing and publishing an online publication which, according to the court verdict, “tarnished the image of the government by broadcasting fabricated stories of persecution suffered by cult members”. The newsletter alleged the ill treatment in prison of a fellow Falun Gong member. Their place of detention is not known.

## **QI Chonghuai:**

**PROFESSION:** journalist

**DATE OF BIRTH:** 7 February 1965

**DATE OF ARREST:** 25 June 2007

**SENTENCE:** Four years in prison, with an additional eight years added on 9 June 2011.

**EXPIRES** 2019

**DETAILS OF ARREST:** Reportedly arrested from his home in Jinan, the capital province of Shandong, eastern China, on 25 June 2007 following the publication of an article alleging corruption in the Tengzhou Communist Party, which was published in June 2007 on the Xinhuanet website. Qi was charged with blackmail and extortion on 2 August 2007 for allegedly accepting bribes from local officials whilst researching the article. Qi was held incommunicado for the first two months of his detention, and claims to have been repeatedly assaulted and threatened by security guards throughout his eleven-month pre-trial detention. The case was turned back to the police in mid-February 2008 for lack of evidence.

**DETAILS OF TRIAL:** The trial on 13 May 2008 at the People’s Court of Tengzhou City, Shandong Province, reportedly did not comply with international standards of fairness. The appeal was rejected without any hearing by the Intermediate People’s Court of Zaozhuang City on 24 July 2008. On 9 June 2011 Qi was sentenced to a further eight years in prison, two weeks before the end of his four-year sentence for extortion and blackmail. It was widely believed that he has been additionally sentenced for letters smuggled out of prison in 2009 alleging ill-treatment in prison.

**PLACE OF DETENTION:** Tengzhou Prison, Tenzhou City, Shandong Province

**TREATMENT IN PRISON:** Qi has reportedly been subject to repeated severe beatings and ill-treatment by prison guards and fellow in-mates throughout his detention, including one attack in May 2009 which he claims left him unconscious for three days. This particularly harsh treatment at the hands of prison guards appears to be a response to Qi’s attempts to report on the appalling prison conditions at Tengzhou. Letters smuggled out of prison document that he has been forced to work over 10 hours a day in a coal mine, without adequate food, water or rest, and his health has seriously deteriorated.

: Qi reportedly suffers from a number of ailments resulting from forced labour and poor

treatment in prison, including pneumoconiosis, a lung infection caused by inhaling coal dust. He also claims to have suffered permanent injuries to his left thumb, knees and waist, and has difficulties walking. He has also been denied access to his family, leading to heightened concerns for his well-being.

**BACKGROUND:** Qi Chonghuai worked as a journalist for 13 years before his arrest. Between 2004 and 2006, he worked for various publications, including the Shangdong Zhoukan (Shandong Weekly), the Renmin Gong'an Bao (People's Public Security News), and the Zhongguo Anquan Shengchan Bao. In June 2006, he started work as director of the newspaper Fazhi Zaobao (Legal System Morning News), which ceased publishing in December 2006 and was reformed with its existing staff as the Fazhi Ribao (Weekend edition of the Legal System Daily). He has also worked as special correspondent with the Fazhi Zhoubao (Legality Weekly) and the Jizhe Guancha (Journalist Observer), and is known for his reporting on corruption and social injustice in Shandong province. He is said to have been repeatedly warned by the authorities to cease such reporting prior to his arrest.

**AWARDS:** Recipient of the 2012 Hellman/Hammett award.

**HONORARY MEMBER OF:** Independent Chinese PEN Centre

## **TAN Zuoren:**

**PROFESSION:** literary editor, freelance writer and environmentalist

**DATE OF BIRTH:** 15 May 1954

**DATE OF ARREST:** 28 March 2009

**SENTENCE:** five-year prison sentence

**EXPIRES:** 2014

**DETAILS OF ARREST:** Reportedly arrested by police in Chengdu City, province of Sichuan, on suspicion of "subversion". On the day of his arrest, Tan's home was raided by the authorities and his books and writings were seized. He is believed to be held for his investigation into the deaths of schoolchildren when school buildings collapsed after the Sichuan earthquake in May 2008.

**DETAILS OF TRIAL:** He was sentenced on 9 February 2010 for 'inciting subversion of state power'. The verdict was announced in a five-minute hearing at the Chengdu Intermediate Court. His wife and a number of Tan's supporters were not allowed to enter the court-room. The five-year conviction includes a further three-year suspension of Tan's political rights. The sentence was upheld on appeal on 9 June 2010

**PLACE OF DETENTION:** Ya'an Prison, Mingshan County, 625100 Ya'an City, Sichuan Province.

**OTHER INFORMATION:** He had reportedly planned to publish his findings on the Sichuan earthquake investigation in an independent report on the first anniversary of the earthquake, 12 May 2009. Tan is chief editor of the cultural magazine Wen Hua Ren and the founder of an environmental organisation, 'Green Rivers'. He has also published many articles and blogs online.

**AWARDS:** Recipient of the 2011 Hellman/Hammett award. [RAN 10/10 – 23 February 2010]

## **\*XU Zhiyong:**

**PROFESSION:** blogger and essayist, and leader of the New Citizens' Movement – a grassroots network of activists in China

**DATE OF ARREST:** July 2013, after spending a number of months under house arrest

**DETAILS OF ARREST:** Charged with "gathering crowds to disrupt public order", in connection with a series of peaceful demonstrations held by the New Citizens' Movement. His trial is expected to commence on 22 January 2014. [Sentenced to four years' imprisonment on 26 January 2014]

**OTHER INFORMATION:** Xu is known for campaigning against official corruption and in support of children's rights, he is widely believed to be targeted because of his growing presence on Chinese social media platforms.

**HONORARY MEMBER OF:** Independent Chinese PEN Centre (ICPC)

### **YANG Tongyan (aka Yang Tianshui):**

**PROFESSION:** dissident writer and member of Independent Chinese PEN Centre (ICPC)

**DATE OF BIRTH:** 12 April 1961

**DATE OF ARREST:** 23 December 2005

**SENTENCE:** 12 years in prison and four years deprivation of political rights

**EXPIRES:** 2017

**DETAILS OF ARREST:** Reportedly detained without a warrant on 23 December 2005 in Nanjing. Yang was held incommunicado at Dantu Detention Centre in Zhenjiang, Jiangsu Province, without access to his family until his trial.

**DETAILS OF TRIAL:** Convicted of "subversion" for posting anti-government articles on the Internet, organising branches of the (outlawed) China Democracy Party, participating in China's Velvet Action Movement and being elected as a member of its "Interim Government of Democratic China," and accepting illegal funds from overseas to transfer to jailed political dissidents and their families. Sentenced by the Zhenjiang intermediate court in eastern China's Jiangsu province at a three-hour trial on 16 May 2006.

: Yang suffers from a number of illnesses including intestinal tuberculosis, diabetes, kidney inflammation and high blood pressure. He was hospitalised for at least 50 days in early 2010 with a fever and his appeal for medical parole was rejected in 2010.

**PLACE OF DETENTION:** Nanjing Prison, Ningshuang Road 9, Box 1215-12, Nanjing City, Jiangsu Province

**BACKGROUND:** Yang Tongyan is known for his critical writings published on dissident news websites such as Boxun.com and Epoch Times. He spent a decade in prison from 1990 to 2000 on "counter-revolution" charges for his involvement in the 1989 pro-democracy protests. He was also previously held incommunicado from 24 December 2004 - 25 January 2005.

**AWARDS:** Recipient of Independent Chinese PEN Centre's 2006 Writer in Prison Award, and the 2008 PEN/Barbara Goldsmith Freedom to Write Award.

**HONORARY MEMBER OF:** PEN Canada, Italian PEN

### **\*YAO Wentian:**

**PROFESSION:** publisher and former chief editor of the Hong Kong-based Morning Bell Press

**DATE OF ARREST:** 27 October 2013

**DETAILS OF ARREST:** Yao was reportedly arrested at a friend's house in Shenzhen whilst he was delivering industrial paint. Initially accused of "carrying prohibited items" he was later charged with the more serious offence of "smuggling ordinary items" for 70 alleged deliveries of paint since 2010. While the paint itself is legal, there is an import duty required for industrial usage of which Yao was reportedly unaware. Friends and associates believe he was set up. If convicted, he could face seven years' imprisonment.

: Yao suffers from asthma and a heart complaint.

**PLACE OF DETENTION:** Yao was initially taken to a detention centre in Guangzhou, but was quickly hospitalised and later transferred to Shenzhen Public Security Bureau's medical facility where he remains. An application for medical parole submitted by his lawyer in December 2013 was rejected.

**BACKGROUND:** According to Yao's son, Yao had previously been harassed for his collaboration

with dissident writer Yu Jie and his publication of Hu Jintao: Harmony King, a critique of the former president's concept of "harmonious society". He reported that his Gmail account was hacked while he was preparing to print the book.

**OTHER INFORMATION:** Since 2007, Yao has worked closely with dissident writers, including many members of the Independent Chinese PEN Centre (ICPC), to publish books which have been banned in mainland China. His publications include an ICPC Membership Literature Series, of which more than a dozen volumes have been published. More of his publications can be found at <http://morningbellpress.blogspot.se/>. His current arrest is thought to be connected to his latest collaboration with Yu Jie, as he was preparing to publish the book Chinese Godfather Xi Jinping.

### **\*ZHAO Changqing:**

**PROFESSION:** freelance writer and political essayist. Member of Independent Chinese PEN.

**DATE OF BIRTH:** 1968

**DATE OF ARREST:** 17 April 2013

**DETAILS OF ARREST:** Arrested at his home by police who confiscated his computer, notebooks, books and other items.

**DETAILS OF TRIAL:** he is reportedly facing charges of disrupting social order in connection with his activities with the New Citizens' Movement, a grassroots network of activists in China (see Xu Zhiyong above). [His trial started on 23 January 2014 and has been postponed for 15 days].

**PLACE OF DETENTION:** Held in Beijing's No.3 Detention centre pending trial.

**BACKGROUND:** Zhao has previously been detained twice for his dissident activities and writings. He has served a total of eight years in prison for "inciting subversion of state power" since 1998. He is a member of the Independent Chinese PEN Centre (ICPC).

### **ZHU Yufu:**

**PROFESSION:** dissident poet and member of Independent Chinese PEN

**DATE OF BIRTH:** 13 February 1953

**DATE OF ARREST:** 5 March 2011

**DETAILS OF ARREST:** Reportedly arrested on 5 March 2011 and charged on 10 April 2011 by the Public Security Bureau of Hangzhou City, Zhejiang Province, on suspicion of "inciting subversion of state power" for his critical writings, in particular his poem 'It's time'. The poem appears to have drawn the authorities' attention for its timing around the Jasmine Revolution controversy.

**SENTENCE:** Seven years in prison

**EXPIRY:** 2018

**DETAILS OF TRIAL:** He was convicted of "inciting subversion of state power" at a hearing on 31 January 2012. On 10 February a court in Hangzhou sentenced Zhu to seven years in prison. Zhu's wife and son were present at the hearing. He announced he would appeal the verdict.

**PLACE OF DETENTION:** Transferred to Zhejiang Provincial No.4 Prison, Zhejiang Province, on 10 May 2012.

: Reported in November 2012 to be in very poor health and denied adequate health care, food and medication.

**TREATMENT IN PRISON:** Denied access to books and letters from his family.

**BACKGROUND:** Zhu Yufu, who is a member of the Independent Chinese PEN Centre (ICPC), previously spent seven years in prison for subversion after being convicted in 1999 for helping to found the banned opposition group, the China Democracy Party. In 2007, a year after his release, he was detained and sentenced to a further two years in prison after allegedly pushing a police officer while being arrested.

**AWARDS:** Recipient of the 2011 Hellman/Hammett award. [RAN 05 – 25 January 2012; Update



#1 – 14 February 2012]

## **DETAINED: MAIN CASE**

### **\*CHEN Yongzhou:**

**PROFESSION:** journalist with New Express

**DATE OF ARREST:** 18 October 2013

**DETAILS OF ARREST:** Chen was reportedly detained by police following the publication of 15 articles between September 2012 and June 2013 that questioned a partly state-owned construction equipment company's revenue and profit figures. Chen alleged that the company had exaggerated profits and manipulated the market. New Express initially came out in full support of the journalist, until his televised "confession" to defaming the company on 26 October.

**DETAILS OF TRIAL:** He was officially charged with criminal defamation in late October 2013 following his public confession.

### **HADA:**

**PROFESSION:** owner of the Mongolian Academic bookstore and founder and editor-in-chief of The Voice of Southern Mongolia

**DATE OF ARREST:** 10 December 1995

**DETAILS OF ARREST:** Hada completed a 15-year prison term for his dissident writings on 10 December 2010 but has apparently not been released.

**PLACE OF DETENTION:** According to Hada's wife, he is being held without charge or trial in an unofficial detention facility at the Jinye Ecological Park, near the airport in Hohhot city in Inner Mongolia. He is said to be serving the four years of deprivation of political rights as stated in his conviction.

: Hada reportedly suffers from stomach ulcers and coronary heart disease, and his health is said to have deteriorated significantly as a result of abuse and ill-treatment during his many years of detention. There are serious concerns for his welfare. More recently, in October 2012, Hada's wife reported that she was allowed to see him and that Hada's psychological health is also deteriorating. She said that Hada's family urged for a psychiatrist to examine him, and that the doctor recommended treatment, however the authorities have apparently turned down the doctor's request for treatment. There are reports that Hada's wife was given a three-year suspended prison sentence in May 2012.

**BACKGROUND:** Hada was arrested on 10 December 1995 for his activities as founder and publisher of the underground journal The Voice of Southern Mongolia and for his leading role in the Southern Mongolian Democracy Alliance (SMDA), an organisation that peacefully promotes human rights and Mongolian culture. In 1995, he was convicted of inciting separatism and espionage and sentenced to 15 years in prison and four years' deprivation of political rights. His sentence expired on 10 December 2010, when he was reportedly transferred to an unofficial detention facility in Inner Mongolia.

**PROFESSIONAL DETAILS:** Hada received a degree in 1983 from the department of Mongolian Language and Literature at the Inner Mongolian Teacher's College for Nationalities. In October 1989, he opened the Mongolian Academic Bookstore in Hohhot, the Inner Mongolia capital. The bookstore was closed down immediately after his arrest in 1995, and all the books, research papers and other properties were confiscated as criminal utilities and evidence. Hada, who co-founded the SMDA in 1992, published the organisation's underground journal, The Voice of Southern Mongolia. He also published a book, The Way Out for the Southern Mongols, which reported alleged ill-treatment of the Mongols of Inner Mongolia at the hands

of the Chinese authorities, including mass killings, deprivation of social and political rights, and suppression of Mongol culture.

**AWARDS:** Recipient of the 2011 Hellman/Hammett award.

**HONORARY MEMBER OF:** PEN Canada, PEN American Center and Independent Chinese PEN Centre.

### **HUUCHINHUU Govruud (aka Gao Yulian) (f):**

**PROFESSION:** southern Mongolian dissident writer and activist who is a member of the banned Southern Mongolia Democratic Alliance. She is said to have authored several books and a large number of essays on the ethnic problems in Southern Mongolia. Two of her works, *Silent Stone* and *Stone-hearted Tree*, have been banned in China.

**DATE OF ARREST:** early November 2010

**DETAILS OF ARREST:** she was arrested for her internet activism on behalf of the Mongol people and placed under house arrest apparently for campaigning demanding the release of Hada, a prominent political prisoner (see above in 'main cases'); her phone and Internet lines were cut off and she had about 20 policemen guarding her every day. A month later, she was transferred to hospital due to a serious health condition. She reportedly went missing whilst under police guard in hospital on 27 January 2011 and appears to have been subjected to an enforced disappearance for several months. In September 2011, the Southern Mongolian Human Rights Information Centre (SMHRIC) reports having received photos dated July 2011 in which Huuchinhuu appeared to have been severely beaten. On 28 November 2012, Huuchinhuu was reportedly tried in secret and found guilty by the Tongliao Municipality People's Court of "providing state secrets to a foreign organisation" and "leaking state secrets" for circulating some publicly available information through the Internet.

**PLACE OF DETENTION:** She appears to have been placed under house arrest in one of her relatives' residencies in Southern Mongolia's Tongliao Municipality.

**AWARDS:** Recipient of the 2012 Hellman/Hammett award.

### **\*LIU Hu:**

**PROFESSION:** reporter for the Guangzhou-based daily newspaper *Xin Kuai Bao* (News Express)

**DATE OF ARREST:** 23 August 2013

**DETAILS OF ARREST:** He was reportedly arrested by the Chongqing authorities and was charged with defamation on 30 September 2013 in connection with allegedly "spreading false rumours" on his Weibo account after accusing a senior government official of negligence and calling for an investigation into the allegations. Beijing police reportedly interrogated him in his home, seized computer hard disks and laptops, before transferring him to the capital. The authorities have reportedly closed his Weibo account. His lawyer has reportedly rejected the defamation charges, insisting that there is evidence to support his allegations.

**PLACE OF DETENTION:** He is currently being held in Beijing No. 1 Municipal Detention Centre where he has access to his lawyer while in the presence of police officers.

### **\*LIU Xia (f):**

**PROFESSION:** poet and artist, founding member of the Independent Chinese PEN Centre

**DATE OF ARREST:** October 2010

**DETAILS OF ARREST:** has been held under unofficial house arrest in her Beijing apartment since. Liu's house arrest is thought to be a form of punishment for the human rights work carried out by her husband, imprisoned poet and Nobel Laureate Liu Xiaobo (see 'Imprisoned: main cases' above).

**OTHER INFORMATION:** Liu is said to be suffering from severe depression. Liu is not allowed to see the doctor of her choice and has refused a police-appointed doctor as she fears being interned in a psychiatric hospital.

**\*YANG Maodong (aka Guo Feixiong):**

**PROFESSION:** dissident writer, independent publisher and civil rights activist

**DATE OF ARREST:** 8 August 2013

**DETAILS OF ARREST:** His arrest followed his involvement in anti-censorship and anti-corruption protest. He was held without charge for more than four months and was not permitted access to his lawyer until 14 November 2013. According to his lawyer, Yang was denied bail due to accusations that he had destroyed evidence and interfered with witnesses – a supposition which his lawyer denies. On 31 December 2013, it was reported that Yang had been formally charged with “incitement to disturb public order”.

**BACKGROUND:** Yang was released on 13 September 2011 on completion of a five-year prison sentence for ‘illegal business activity’, though he is believed to be targeted for his critical writings and civil rights activism. He reported that he was tortured or otherwise ill-treated during that detention. He was a main case of PEN International.

**DETAINED: INVESTIGATION**

**\*CAO Shunli (f):**

**PROFESSION:** activist

**DATE OF ARREST:** 14 September 2013

**DETAILS OF ARREST:** Cao was intercepted at Beijing airport while attempting to board a flight to Geneva to attend a human rights training on UN mechanisms organised by an international human rights organisation. She was reportedly interrogated for several hours. According to reports, Cao’s family has not heard from her since her arrest. According to 3 October reports, more than a dozen activists engaged in a similar sit-in were detained for questioning where many were reported to have been questioned about Cao. One detainee was reportedly informed that Cao was about to be “sentenced”. On 30 October 2013, human rights lawyer Ms Wang Yu was finally permitted access to the Chaoyang Detention Centre in Beijing where Cao is held on charges of ‘picking quarrels and provoking trouble’. It is reported that her case has not yet been transferred to the prosecutor as a police investigation into her case is ongoing.

**BACKGROUND:** Cao had been an active participant in sit-ins in front of the Ministry of Foreign Affairs from mid-June until her disappearance and had been campaigning since 2008 for greater civil society involvement in China's drafting of its reports for the Universal Period Review (UPR) and of its National Human Rights Action Plans. China’s UPR review took place on 22 October 2013; Cao Shunli was previously sent to a prison camp for Re-education Through Labour for one year in April 2010, and for one year and three months in April 2011 because of her peaceful activism and human rights work.

**\*LI Huaping (aka Norwegian Woods):**

**PROFESSION:** writer

**DATE OF ARREST:** 10 August 2013

**DETAILS OF ARREST:** Was reportedly arrested in Changsha City for “gathering a crowd to disrupt order of a public place.” Li had reportedly initiated a “watch project” calling for support and financial assistance for individuals swept up in the crackdown.

**PLACE OF DETENTION:** At the end of the year, Li was believed to be in custody in Hefei, the

capital of Anhui Province where his detention notice was issued, but activists have yet to find out where he is being held.

**BACKGROUND:** Li has written online about democracy and freedom and been involved with the New Citizens' Movement, a loose grouping of activists who for the past couple of years have advocated for democratic and rule-of-law reforms, constitutionalism, and social justice.

### **\*ZHENG Youwu:**

**PROFESSION:** freelance writer

**DATE OF ARREST:** 4 June 2013

**DETAILS OF ARREST:** Zheng was reportedly detained, and subsequently arrested, on 5 July 2013 after publishing articles critical of the authorities on the internet. He was reportedly charged with the sale of toxic and harmful food. Zheng's wife reportedly ran a small shop. Zheng was detained at the Wenchang detention centre. PEN is seeking further information.

### **BRIEF DETENTION**

### **\*CHEN Min (aka Xiao Shu):**

**PROFESSION:** journalist for Yanhuang Chunqiu

**DATE OF ARREST:** 2 August 2013

**DETAILS OF ARREST:** He was reportedly arrested by state security agents in a Beijing restaurant. In a statement after his release two days later he said that he had been "illegally abducted by state security and taken to the airport in Beijing, where state security police from the city of Guangzhou returned [him] under close guard back to Guangdong. [He] was then held illegally at the Xiaoyingzhou Hotel in Guangzhou's Panyu District. At no point were any legal procedures undertaken." He said that the reason for his arrest stemmed from his defence of 15 members of the New Citizen's movement who had been detained.

**DATE OF RELEASE:** 4 August 2013

**BACKGROUND:** Chen has reportedly written for several news outlets known for their criticism of the government, including the outspoken Southern Weekly.

### **\*DU Bin:**

**PROFESSION:** writer, film-maker and photographer

**DATE OF ARREST:** 1 June 2013

**DETAILS OF ARREST:** Reportedly arrested at his home in Fengtai district, Beijing, by about ten plainclothes national security officers who also confiscated Du's computers, mobile phones and books.

**DATE OF RELEASE:** released on bail on 8 July 2013

**DETAILS OF TRIAL:** Charged with 'causing disturbance' and 'spreading rumours online'. He is said to have been questioned about his work, including a book he wrote on the Tiananmen Square crackdown and a documentary on China's 'Re-education Through Labour' camps. Said to be awaiting trial.

### **CONDITIONAL RELEASE**

### **LIU Futang:**

**PROFESSION:** citizen journalist specialising in the environment

**DATE OF ARREST:** 20 July 2012

**DETAILS OF ARREST:** He was reportedly detained by Haikou Public Security Bureau, on suspicion of illegal business activities. Haikou is the capital of the southern island province of Hainan.

**DETAILS OF TRIAL:** Futang was charged with “illegal expression” and “running an illegal business”; the charges are believed to be linked to Futang’s self-published books and articles which, among other issues, deal with the environmental effects of businesses operating in Hainan. On 5 December 2012, Futang was given a three-year suspended prison sentence and a fine.

**DATE OF RELEASE:** Believed to have been released after the sentence was issued.

## **WANG Rongqing:**

**PROFESSION:** magazine editor and dissident

**DATE OF BIRTH:** 9 December 1943

**DATE OF ARREST:** 25 June 2008

**SENTENCE:** Six years in prison

**EXPIRES:** 9 May 2014

**DETAILS OF ARREST:** Reportedly taken from his home in June 2008, but not formally charged until 31 July 2008.

**DETAILS OF TRIAL:** Wang was sentenced to six years in prison on 8 January 2009 by the Hangzhou city Intermediate People’s Court in the eastern province of Zhejiang, for ‘subversion of state power’. Thought to have been tried for his membership of the banned China Democracy Party (CDP), for editing a publication called Opposition Party and posting articles on the Internet. : Wang suffers from renal failure and requires haemodialysis three times a week. He has been hospitalised since 10 February 2009, and was diagnosed with kidney failure in March 2009. In November 2009 he was reported to be critically ill.

**CONDITIONAL RELEASE:** He was released on six months’ medical parole on 12 January 2010, which has now been extended indefinitely. His health has reportedly stabilised as the authorities have provided him with medical insurance as well as a minimum living allowance.

**BACKGROUND:** A veteran pro-democracy activist, Wang has suffered harassment and brief detentions by the authorities since the late 1970’s when he joined the Democracy Wall movement. He later became a leader member of the banned CDP, and in 2005 he was detained for six months for organising the CDP in Zhejiang. In 2006 he was arrested for one month for his writings calling for religious freedom.

## **RELEASED**

## **SHI Tao:**

**PROFESSION:** journalist and poet. Member of Independent Chinese PEN Centre (ICPC).

**DATE OF ARREST:** 24 November 2004

**DETAILS OF ARREST:** Arrested for posting online his notes based on a government document that was read out at an editorial meeting of Dangdai Shang Bao (Contemporary Trade News) in April 2004.

**DETAILS OF TRIAL:** Sentenced on 30 April 2005 to 10 years’ imprisonment and two-year deprivation of political rights for “revealing state secrets”. Information supplied by the Internet Service Provider Yahoo! Inc. was used to convict him. The sentence was upheld on appeal on 2 June 2005.

**DATE OF RELEASE:** Released in August 2013, 15 months before the end of his sentence.

## **CASE CLOSED**

### **GAO Yingpu:**

**PROFESSION:** journalist who has worked for publications such as the Guangdong-based Asia Pacific Economic Times.

**DATE OF ARREST:** July 2010

**DETAILS OF ARREST:** His arrest and trial were reported on 23 March 2012. Said to have been sentenced in a secret trial to a three-year prison term for criticising disgraced Chongqing City Communist Party Secretary Bo Xilai on his blog. According to the journalist's wife, he was sentenced on charges of endangering state security. Case closed, sentence expired.

### **HU Lianyou:**

**PROFESSION:** activist and blogger

**DATE OF ARREST:** September 2010

**DETAILS OF ARREST:** Hu was arrested and taken to a police station in Dong'an county, where two policemen allegedly beat him while he was being interrogated, after he had written posts on popular websites accusing the two officers of corruption and torture. One of these officers filed a defamation case against him.

**DETAILS OF TRIAL:** He was reportedly sentenced to two years in prison on defamation charges on 24 April 2012. Case closed for lack of further information.

### **KONG Youping:**

**PROFESSION:** internet writer and factory worker

**DATE OF ARREST:** 13 December 2003

**SENTENCE:** 15 years in prison, reduced to 10 years in prison on appeal.

**EXPIRES:** 2013

**DETAILS OF ARREST:** Kong Youping was reportedly arrested on 13 December 2003 after posting five articles and seven poems on an overseas website challenging the official version of the "Beijing Spring" and alleging official corruption. Accused of posting online essays supporting the establishment of trade unions and the China Democratic Party (CDP).

**DETAILS OF TRIAL:** Sentenced on 16 September 2014 on charges of 'subverting state power' to 15 years in prison reduced to 10 years on appeal. Case closed, sentence expired.

## **TIBET AUTONOMOUS REGION (TAR)**

### **IMPRISONED: MAIN CASE**

**BHUDHA (pen-name: Buddha the Destitute), DHONKHO Jangtse (aka Rongke, pen-name: Nyen) and KHELSANG (KALSANG) Jinpa (pen-name: Garmi):**

**PROFESSION:** writers

Bhudha, aged 34, is a medical doctor by profession who works as an editor and writer in his spare time. He has published poems and short stories in the journal Panggyen Metok (Pasture

Adorning Flowers) and edited the Tibetan-language journal Duerab Kyi Nga (Modern Self). Dhonkho is a prize-winning poet and writer, born in 1978. He is a member of the Sichuan Writers Guild and has published several collections of poetry including Lharson (Revitalisation) and Thablam (Means).

Kelsang Jinpa, a poet and writer originally from Sangchu county, Amdo, Gansu province. Has reportedly published poetry and stories in the journal Panggyen Metok Pasture Adorning Flowers) and co-edited the Modern Self periodical.

**DATE OF ARREST:** 21 June, 26 June and 19 July 2010 respectively.

**SENTENCE:** Four years, four years and three years in prison respectively.

**DETAILS OF ARREST:** Reportedly detained in June and July 2010 after they published essays about the 2008 crackdown in Tibet in the Tibetan-language journal Shar Dugri (Eastern Snow Mountain). This collection of writings was the first known material in Tibetan on the 2008 protests to have been published in the People's Republic of China. The magazine was quickly banned, but not before copies had circulated in areas of Qinghai and Gansu provinces and beyond. Budha is believed to be targeted for the essay 'Hindsight and reflection' published in Shar Dugri in 2008. Dhonko is believed to be targeted for the essay 'What human rights do we have over our bodies?' published in Shar Dugri under the pen name 'Nyen' (the 'Wild One') in 2008. Kelsang Jinpa is believed to be targeted for his article written under the pen name 'Garmi' ('the Blacksmith'), 'The case for lifeblood and life-force', published in Shar Dugri in 2008.

**DETAILS OF TRIAL:** On 21 October 2010, the 'Eastern Snow Mountain' writers were put on trial by the Ngaba Intermediate People's Court, Sichuan Province, on charges of 'splittism'. The families were informed that they could not have lawyers of their choice, although the writers did have some legal representation. On 30 December 2010, Dhonkho and Bhudha were sentenced to four years in prison and Kelsang Jinpa to three years for "incitement to split the nation".

**DATE OF RELEASE:** Khelsang Jinpa was released on expiry of his sentence in July 2013 but was reportedly re-arrested in early 2014.

**HONORARY MEMBERS OF:** Independent Chinese PEN Centre (ICPC) and Suisse Romand PEN Centre

## **Kunchok Tsephel GOPEY TSANG:**

**PROFESSION:** internet writer and editor of the Tibetan language website Chomei <http://www.tibetcm.com> and also worked as an environmental officer for the Chinese government

**DATE OF BIRTH:** 1970

**DATE OF ARREST:** 26 February 2009

**SENTENCE:** 15 years in prison

**EXPIRES:** 2024

**DETAILS OF ARREST:** Arrested by Chinese security officials at his home in the town of Nyul-ra, Gannan Tibetan Autonomous Prefecture, Gansu Province. At the time of his arrest, Gopey Tsang's house was searched and his computer confiscated.

**DETAILS OF TRIAL:** He was sentenced on 12 November 2009 for 'disclosing state secrets'. His family was not told of his whereabouts until he was summoned to court to hear the verdict. The trial was held at the Intermediate People's Court of Kanlho, in a closed hearing.

**PLACE OF DETENTION:** Served four years of his sentence in Digxi prison in Lanzhou, Gansu province, before being transferred in August 2013 to another prison in the region where conditions are reported to be harsher.

: There are fears for his health.

**BACKGROUND:** Chomei website, which promotes Tibetan culture and literature, was created by

Gopey Tsang and Tibetan poet Kyab-chen De-drol in 2005 and has since been closely monitored by the authorities. It is said that the site was shut down several times during 2007 and 2008. In 1995, Kunchok Tsephel Gopey Tsang was held for two months by Public Security Bureau officials on unknown charges, and was reportedly ill-treated in detention. [RAN 16/09 – 17 March 2009; Update #1 – 23 November 2009; featured as [case for the 2013 Day of the Imprisoned Writer](#)]

### **\*Gartse JIGME:**

**PROFESSION:** writer and monk

**DATE OF BIRTH:** 1977

**DATE OF ARREST:** 1 January 2013

**SENTENCE:** Five years in prison

**EXPIRES:** January 2018

**DETAILS OF ARREST:** A team of security officials reportedly raided his room at the Rebgong Gartse monastery in the Malho prefecture on 1 January 2013, before escorting him away. Arrested for political views expressed in his book Tsenpoi Nyingtop (Tsenpo's Valour), which he had finished writing in early December 2012 and was planning to publish. The book in question is the second volume of Tsenpoi Nyintop, which contains the writer's reflections and opinions on wide ranging subjects including self-immolation protests. Between February 2009 and December 2013, the total number of self-immolation protests in Tibet reached 120, 91 of whom died.

**PLACE OF DETENTION:** After his arrest, Gartse Jigme was initially held in the provincial capital of Xining, followed by several months' detention in Rebkong County in Malho Prefecture.

**DETAILS OF TRIAL:** On 14 May 2013, Gartse Jigme was sentenced to five years in prison by Tsekhog County People's Court in Malho Tibetan Autonomous Prefecture, Qinghai Province.

**OTHER INFORMATION:** Gartse Jigme has been writing since 1999 and had won several local literary prizes. His first book, Musings on My Reflections received favorable reviews from friends and others in the community. He was also a Buddhist scholar having studied and successfully passed major Buddhist courses at his monastery in 2003. The first volume of Tsenpoi Nyingtop was published in 2008. In April 2011, the local Public Security Bureau (PSB) officers briefly detained him for his views published in the book. The second volume could not be published in Tibet as planned by its author. However, the book was published soon after Gartse Jigme's sentencing by exiled Tibetans in India. An English translation of his essay on Tibetan self-immolation protests is available from the [Tibetan Centre for Human Rights and Democracy](#) (TCHRD).

### **Dolma KYAB:**

**PROFESSION:** writer and teacher

**DATE OF ARREST:** 9 March 2005

**SENTENCE:** Ten and a half years in prison

**EXPIRES:** 2015

**DETAILS OF ARREST:** Dolma Kyab was reportedly arrested in the city of Lhasa for allegedly endangering state security in a book he authored. The charges against Dolma Kyab appear to be based on his unpublished book Sao dong de Ximalayasha (The Restless Himalayas). In another book, Dolma Kyab reportedly gives sensitive information on issues such as the location and number of Chinese military camps in Tibet.

**DETAILS OF TRIAL:** Dolma Kyab was charged with "espionage" and "illegal border crossing". His trial was conducted in secrecy.

**PLACE OF DETENTION:** Following his pre-trial detention at the Tibetan Autonomous Region



Public Security Bureau Detention Centre, also known as the 'Seitru', Dolma Kyab reportedly contracted tuberculosis and was transferred to Chushul Prison in March 2006 after receiving medical treatment for his condition. Believed to have been transferred to Xi'ning Prison, Qinghai Province, north-western China on 19 July 2007.

: Said to be in very poor health and has to do hard labour.

**HONORARY MEMBER OF:** English PEN, German PEN and PEN American Center.

### **Paljor NORBU (aka Panjue Ruobu):**

**PROFESSION:** printer

**DATE OF BIRTH:** 1927

**DATE OF ARREST:** 31 October 2008

**SENTENCE:** Seven years in prison

**EXPIRES:** 30 October 2015

**DETAILS OF ARREST:** Reportedly arrested from his home in Lhasa for allegedly printing 'prohibited material', including the banned Tibetan flag. His family were not informed of his arrest.

**DETAILS OF TRIAL:** Reportedly tried in secret in November 2008, possibly on charges of 'inciting separatism', and sentenced to seven years in prison. His family were informed of the sentence in writing but have not been allowed to visit him. His whereabouts are unknown.

**OTHER INFORMATION:** According to Human Rights Watch, Norbu comes from a family with a long history of printing and publishing Buddhist texts for monasteries. He is said to be an internationally renowned master printer. He used both modern and traditional woodblock printing techniques in his workshop, which employed several dozen workers. In addition to religious texts, the shop also printed prayer flags, folk reproductions, books, leaflets and traditional literature. After his arrest the shop was closed down and books and woodblocks confiscated.

### **Tashi RABTEN (pen-name Te'u rang):**

**PROFESSION:** writer and university student. Co-editor of the banned literary magazine Shar Dungri (Eastern Snow Mountain). Tashi Rabten edited the banned literary magazine Shar Dungri (Eastern Snow Mountain) on the 2008 protests in Tibet, and co-authored a collection of writings on democracy, freedom and equality called Written in Blood.

**DATE OF BIRTH:** 1986

**DATE OF ARREST:** 6 April 2010

**SENTENCE:** Four years in prison

**EXPIRES:** 2014

**DETAILS OF ARREST:** Reportedly arrested with fellow student editor DRUKLO (pen-name Shokjang) because of their critical writings and activism. Reports say that about 16 policemen approached the students' residence at the Northwest National Minorities University, where they seized Rabten and Druklo's books, mobile phones, laptops and course material. Druklo was reportedly released on 8 May 2010.

**DETAILS OF TRIAL:** Tried behind closed doors by the Ngaba Intermediate People's Court on 2 June 2011. Details of the charges against him have not been officially confirmed, although he is thought to have been convicted of "inciting separatism" for a collection of political articles entitled Written in Blood on the suppression of the March 2008 protests in Lhasa and surrounding regions.

**PLACE OF DETENTION:** Sichuan Mianyang Prison, Mianyang City, Sichuan Province.

**TREATMENT IN PRISON:** Said to be held without access to his family since his arrest, although a delivery of food and clothes were allowed in autumn 2010.

**BACKGROUND:** Prior to his arrest Tashi Rabten was a student at the Northwest Minorities University in Lanzhou, and had reportedly been under surveillance for some time.

### **Ugyen TENZIN:**

**PROFESSION:** singer and songwriter

**DATE OF BIRTH:** 1987

**DATE OF ARREST:** mid-February 2012

**SENTENCE:** Two years in prison

**EXPIRY:** 2014

**DETAILS OF ARREST:** Tenzin was arrested a month after the release of his album An Unending Flow of my Heart's Blood, in which he sings a song dedicated to the Tibet's exile prime minister.

**DETAILS OF TRIAL:** Reports say that Tenzin was sentenced for his patriotic songs and for being one of the leaders in a protest in Nangchen, Yulshul prefecture.

**TREATMENT IN PRISON:** Tenzin has reportedly been beaten in custody.

**BACKGROUND:** In 2008, Tenzin was imprisoned for one year for his activism against mining operations in Tibet.

### **Kunga TSEYANG (aka Gangnyi 'Snow Sun'):**

**PROFESSION:** Tibetan writer and environmentalist activist and photographer for Yutse Environment Department. He has written many articles about Buddhism and Tibetan art and culture, including the widely-read, "China must apologise to His Holiness the Dalai Lama".

**DATE OF BIRTH:** c.1989

**DATE OF ARREST:** 17 March 2009

**SENTENCE:** Five years in prison

**EXPIRES:** 2014

**DETAILS OF THE TRIAL:** On 17 November 2009, a court in the Prefecture of Golok, Qinghai Province, sentenced Tseyang on various charges including posting articles online.

**BACKGROUND:** Tseyang studied at Labdrang Tashi Kyil monastery and the Institute for Higher Buddhist Studies. Prior to his arrest, Tseyang lived in the Lungkar monastery in Golok county (eastern Tibet).

### **IMPRISONED: INVESTIGATION**

### **DROKRU Tsultrim:**

**PROFESSION:** Tibetan writer from Ngaba county

**DATE OF ARREST:** 24 May 2010

**SENTENCE:** Four and a half years in prison

**DETAILS OF ARREST:** he was reportedly arrested after police searched his room at the Gomang Monastery, eastern Tibet, and took documents and his laptop. There was allegedly no warrant for the raid or Tsultrim's arrest., A relative in exile reported that Tsultrim was planning to publish a compilation of writings by young Tibetan writers prior to his arrest.

**DETAILS OF TRIAL:** Family members were told of his trial on 8 May 2011, but when they arrived, found it had taken place the day before. No details of charges available.

**PLACE OF DETENTION:** Initially believed to be held at the detention centre in Barkham, in Ngaba, but sent after his trial to a prison in Chengdu.

**CONDITIONS OF DETENTION:** His family were not allowed to visit him until the day after his trial,

when they were granted a 10-minute visit.

**PREVIOUS DETENTION:** Previously detained in early April 2009 while working as the magazine editor of Khawai Tsesok (Soul of the Snow). Held for a month for his alleged anti-government articles in support of 'separatist forces' of the Dalai Lama before being released. The authorities have suspended the publication of the magazine.

**HONORARY MEMBER OF:** Independent Chinese PEN Centre (ICPC). No further information as of 31 December 2013.

### **GANGKYE Drubpa Kyab:**

**PROFESSION:** said to be a well-known and popular writer, whose writings include 'Call of Fate', 'Pain of This Era' and 'Today's Tear of Pain'. He has worked as a teacher in Serthar for almost a decade.

**DATE OF BIRTH:** c.1979

**SENTENCE:** five and a half years in prison

**DATE OF ARREST:** 15 February 2012

**DETAILS OF ARREST:** Gangkye was arrested without a warrant by a team of 20 police officers from his home in Serthar county, Sichuan Province, just before midnight on 15 February 2012. He was held incommunicado for 18 months after his arrest.

**DETAILS OF TRIAL:** he was reportedly sentenced on 1 August 2013 at the County People's Court in Nyagchu County after conviction of inciting a split in the country. The charges are thought to be in relation to his alleged membership of a secret political group the "Anti-Communist Party Association (Mashog Ngogol Tsogpa)". According to reports, Gangkye was sentenced along with four other Tibetan men.

**PLACE OF DETENTION:** His present place and conditions of detention remain unknown.

**BACKGROUND:** His arrest came amidst escalating tensions in Tibetan areas following a series of self-immolations and protests against Chinese rule which were violently suppressed by the security forces. PEN International is seeking information about his whereabouts and wellbeing. [RAN 10/12 – 22 February 2012]

### **\*Choepa GYAL:**

**PROFESSION:** Tibetan monk and blogger

**SENTENCE:** Six years in prison and three years of deprivation of political rights.

**DETAILS OF TRIAL:** The Malho Intermediate People's Court in Tsekhog county reportedly sentenced Gya in early April 2013 on charges of 'inciting splitism' for sending information and images related to Tibet through the Internet, and participating in 'separatists' discussion sites online. PEN is seeking further information.

### **Lo LO:**

**PROFESSION:** singer

**DATE OF BIRTH:** 1983

**DATE OF ARREST:** Briefly detained on 19 April 2012 and rearrested later

**SENTENCE:** Six years in prison

**DETAILS OF ARREST:** Lo was reportedly arrested on 19 April 2012, a few months after the release of his album Raise the Flag of Tibet, Sons of the Snow. The lyrics call for independence for Tibet and for the return of the Dalai Lama. Lo is originally from Dhomda town in Yulshul county. He was released shortly afterwards but was later redetained.

**DETAILS OF TRIAL:** On 23 February 2013, he was reportedly sentenced to six years'

imprisonment in connection with his songs. An English translation of one of his songs can be read [here](#).

### **\*Lobsang NAMGYAL:**

**PROFESSION:** poet. Writing under the pseudonym Sangmig (Secret Eye), Namgyal has authored a collection of poetry entitled Tsol (Search) in which he wrote about his life goals and the state of fellow Tibetans.

**DATE OF ARREST:** sometime around 15 May 2012

**DETAILS OF ARREST:** According to 25 September 2013 reports, Namgyal was reported to have been found in a detention centre in Chengdu. It is thought that Namgyal is being held for publishing speeches by exiled spiritual leader the Dalai Lama and writings on other Tibetan issues. He was reportedly detained outside his workplace, Buddha Cultural Centre, by Chinese police. His family members reportedly had not heard anything about his whereabouts until February 2013.

### **TASHI Dondrup (or Dhondup) and KELSANG Gyatso (Pen names: Mewod and Gomkul respectively):**

**PROFESSION:** monks and writers. Both wrote books critical of the Chinese policies in the Tibetan region. Two years ago Tashi wrote Painful Hope and Kelsang wrote My Pitiful World. They are reportedly members of the literary group 'The State of our Snow Mountains'.

**DATE OF ARREST:** 14 July 2012

**DETAILS OF ARREST:** they were reportedly arrested at the Palyul monastery, Kardze (Ganzi in Chinese), Sichuan province where they lived. They were taken to an undisclosed location and their current whereabouts is unknown. Tashi and Kelsang belong to Palyul monastery; PEN International is seeking further information on their current situation.

### **\*Gonpo TENZIN:**

**PROFESSION:** singer and song-writer

**DATE OF ARREST:** 30 November 2013

**DETAILS OF ARREST:** He had reportedly been on a police 'wanted' list prior to his being taken into custody in Lhasa. His CD entitled, "How Can We Have New Year's Celebrations in Tibet?" is thought to be the main reason for his detention.

**PLACE OF DETENTION:** Unknown

**BACKGROUND:** Tenzin's recordings reportedly focused on themes involving Tibetan unity and the promotion of the Tibetan language.

### **\*TOBDEN:**

**PROFESSION:** nomad and writer

**SENTENCE:** was reportedly sentenced to five years in prison on 30 November 2013.

**DETAILS OF TRIAL:** The exact charges are unclear, but it is thought that he and eight others were convicted of maintaining contacts with "the Dalai clique" and "engaging in activities to split the nation".

**BACKGROUND:** according to reports, Tobden's writings on Tibetan national themes may have especially angered the Chinese authorities.

### **\*TRITSUN (aka Tri Bhoe Trak):**

**PROFESSION:** Tibetan monk and writer

**DATE OF BIRTH:** 1987

**DATE OF ARREST:** 11 March 2013

**SENTENCE:** unknown

**DETAILS OF THE ARREST:** Detained on unknown charges by the People's Armed Police in Grade (Gade) County, while he was visiting his mother. It is widely believed that Tritsun's arrest is linked to the book he authored and published on 8 March 2013 Denpai Khalang (Breath of Truth), at Tongkyap Monastery, which contains essays on self-immolations.

**DETAILS OF TRIAL:** In late April 2013 an officer from Grade county police is said to have visited Tritsun's mother with a notification that her son had been sentenced. She was not given information on the length of the sentence or the prison where Tritsun is currently held. PEN is seeking further information.

### **\*Trinley TSEKAR:**

**PROFESSION:** singer and song-writer

**DATE OF ARREST:** 20 November 2013

**DETAILS OF ARREST:** He was reportedly arrested in Nagchu town. Tsekar had reportedly gone to Nagchu in order to apply for a driver's license.

**BACKGROUND:** Tsekar has reportedly written many songs on Tibetan themes. His CD entitled, "Links of Unity" is especially well known. PEN International is seeking further details.

### **CASE CLOSED**

### **Dawa GYALTSEN:**

**PROFESSION:** Studied banking and accountancy, and worked for a bank

**DATE OF ARREST:** November 1995

**SENTENCE:** 18 years' imprisonment

**DETAILS OF ARREST:** Arrested for writing pro-independence pamphlets which were posted in April 1995 as part of a widespread protest against the Chinese authorities. The pamphlets reportedly contained a brief history of Tibet as an independent nation and pro-independence slogans. In May 1996, Nagchu Prefecture Intermediate People's Court sentenced Gyalsten to 18 years' imprisonment on charges of carrying out "counter-revolutionary propaganda". Presumed released on expiry of sentence in November 2013.

**HONORARY MEMBER:** PEN American Centre

# XINJIANG UYGHUR AUTONOMOUS REGION (XUAR)

## IMPRISONED: MAIN CASE

### Tursunjan HEZIM:

**DATE OF BIRTH:** 1973

**PROFESSION:** Former history teacher and founder of the now closed popular Uyghur history website Orkhun ([www.orkhun.com](http://www.orkhun.com)).

**DATE OF ARREST:** July 2009

**SENTENCE:** Seven years in prison

**EXPIRES:** July 2016

**DETAILS OF ARREST:** Reportedly arrested shortly after the 5 July 2009 protests in Urumchi, which turned violent after police cracked down on peaceful protesters. Hezim's family was never informed of the charges against him and his whereabouts remain unknown. No official reason has been given for his detention though he is believed to be targeted for his peaceful cultural activism and writings.

**DETAILS OF TRIAL:** Reported in March 2011 to have been sentenced in July 2010 to seven years in jail by the Aksu district court at a closed trial. According to Amnesty International, the Orkhun website mainly featured scholarly articles on Uyghur history and culture and was an important resource for Uyghur intellectuals and students.

### Hailaite NIYAZI (aka Hairat or Gheyret Niyaz):

**PROFESSION:** freelance journalist and former editor of the website Uighur Online ([www.uighurbiz.net](http://www.uighurbiz.net))

**DATE OF BIRTH:** 1960

**DATE OF ARREST:** 1 October 2009

**SENTENCE:** 15 years in prison

**EXPIRES:** 2024

**DETAILS OF ARREST:** According to PEN's information, Hailaite Niyazi was taken from his home in Tianshan District, Tacheng Prefecture, Xinjiang Uyghur Autonomous Region (XUAR), on 1 October 2009. It is believed that his arrest stems from critical interviews given to foreign media following the unrest which broke out in Urumqi, the capital of Xinjiang Uyghur Autonomous Region, on 5 July 2009 and which he had tried to warn the authorities about.

**DETAILS OF TRIAL:** The prosecution reportedly used as evidence essays written by Niyazi highlighting mounting ethnic tension in the region prior to the riots, and interviews he gave to Hong Kong media after the violence. Niyazi was convicted by the Urumqi Intermediate People's Court on charges of 'endangering national security' on 23 July 2010. His appeal was rejected.

**PLACE OF DETENTION:** Changji Prison, Changji Hui Autonomous Prefecture, XUAR, PR China

**OTHER INFORMATION:** A week after his sentencing, a group of 51 Chinese lawyers and intellectuals, including Wang Lixiong, Mao Yushi, Cui Weiping, published an [open letter](#) expressing their concern about the "criminalisation of free speech" that occurred in the case of Gheyret Niyaz. An English translation of the letter may be read [here](#).

**BACKGROUND:** Hailaite Niyazi is a former reporter and columnist for Xinjiang Economic Daily

and Xinjiang Legal News. Until June 2009 he edited and managed uighurbiz.net, the website owned by the academic, writer and Uyghur PEN member Iham Tohti, himself arrested in July 2009 and held for six weeks for allegedly 'promoting separatism'.

**HONORARY MEMBER OF:** Independent Chinese PEN. [Update #1 to RAN 56/09]

### **Dilishat PAERHAT (aka Dilixiati Paerhati):**

**PROFESSION:** editor of the Uyghur-language website Diyarim.com

**DATE OF ARREST:** 7 August 2009

**SENTENCE:** Five years in prison

**EXPIRES:** 2014

**DETAILS OF ARREST:** Reportedly taken from his home in Urumqi, capital of the Xinjiang Uyghur Autonomous Region (XUAR), by unidentified men on 7 August 2009. Paerhati had been previously arrested on 24 July 2009 and interrogated for eight days about the 5 July 2009 unrest in Urumqi before being released without charge. According to relatives, the website Paerhati edits is a social networking site, which includes information on local amenities, and has a message board. Some of the organisers of the Urumqi protests reportedly used this message board to publicise their demonstration. Paerhati's relatives said that when he saw these messages, he deleted them and reported the incident to the police.

**DETAILS OF TRIAL:** Reportedly tried by the Intermediate People's Court of Urumqi and sentenced to five years in prison for 'endangering state security' on 21 July 2010. Two other men who ran Uyghur-language websites were tried and convicted in separate trials on the same day, also for 'endangering national security'. Nureli, who administered the website Salkin, was sentenced to five years in prison and Nijat Azat who ran the website Shabnam received an eight-year prison sentence. Little more is known about these two cases.

**TREATMENT IN PRISON:** Held at an unknown location without access to family visits since his arrest.

### **Nurmuhemmet YASIN:**

**PROFESSION:** freelance Uighur writer

**DATE OF BIRTH:** 6 March 1974

**DATE OF ARREST:** 29 November 2004

**SENTENCE:** 10 years in prison

**EXPIRES:** 30 November 2014

**DETAILS OF ARREST:** Nurmuhemmet Yasin was arrested in Kashgar on 29 November 2004 for the publication of his short story Wild Pigeon (Yawa Kepter), which was first published in the bi-monthly Uighur-language Kashgar Literature Journal, issue No. 5, November 2004. Authorities also confiscated Yasin's personal computer containing an estimated 1,600 poems, commentaries, stories, and one unfinished novel. Yasin's story was widely circulated and recommended for one of the biggest Uighur literary websites in the Uighur Autonomous Region for outstanding literature award. It also attracted the attention of the Chinese authorities, who apparently consider the fable to be a tacit criticism of their government in the Xinjiang Uighur Autonomous Region.

**DETAILS OF TRIAL:** After a closed trial in February 2005, at which he was not permitted a lawyer, Yasin was sentenced by the Maralbesh County court to 10 years in prison for "inciting Uighur separatism" in his book Wild Pigeon (Yawa Kepter). The Kashgar Intermediate Court upheld his sentence on appeal and Yasin was transferred on 19 May 2005 to Urumqi No. 1 Jail.

**PLACE OF DETENTION:** Urumqi No.1 Jail, Siping Road 5, Urumqi City 830013, Xinjiang Uyghur Autonomous Republic, P.R.China.

**TREATMENT IN PRISON:** According to PEN's information, unconfirmed reports that Nurmuhemmet Yasin had died in prison which have been circulating since 2010 were recently disputed by a family member, who claims to have visited him in Urumqi No.1 prison in July 2012 and found him in reasonably good health. She also reports to have received a letter from him in October 2012 which she believes is genuine. Yasin has spent most of the past eight years detained incommunicado without access to family visits, fostering speculation about his condition and possible death. However, Yasin's wife and two children were reportedly been given permission to visit him at the prison on 16 January 2013 but PEN is awaiting information as to whether that visit took place. In spite of repeated requests for information about his condition, the Chinese government has remained silent on the issue.

**BACKGROUND:** Nurmuhemmet Yasin is an award-winning and prolific freelance Uighur writer. He has published many highly acclaimed literary works and prose poems in recent years, including the poetry collections First Love, Crying from the Heart, and Come on Children. He is married with two young sons. An English translation of his story Wild Pigeon can be read in two parts [here](#) and [here](#).

**HONORARY MEMBER OF:** PEN American Center, English PEN and Independent Chinese PEN Centre (ICPC). [RAN 01/13 – 9 January 2013]

## **IMPRISONED: INVESTIGATION**

### **Gulmire IMIN (f):**

**PROFESSION:** Uyghur poet and website moderator for the Uyghur language website Salkin

**DATE OF ARREST:** 14 July 2009

**DETAILS OF ARREST:** arrested after protests which took place in Urumqi on 5 July 2009.

**DETAILS OF TRIAL:** She was handed down a life imprisonment sentence for 'splittism, leaking state secrets and organising an illegal demonstration' by the Urumqi Intermediate Court on 1 April 2010.

**TREATMENT IN DETENTION:** There are reports that Imin was tortured and ill-treated in detention.

**PLACE OF DETENTION:** She is said to be held at the Xinjiang Women's Prison in Urumqi. WiPC learned of the case in late 2012 and is seeking further details.

**AWARDS:** Imin is recipient of the 2012 Hellman/Hammett award.

## **HARASSED**

### **\*Perhat HALMURAT:**

**PROFESSION:** editor of Uyghur Online

**DATE OF ARREST:** 28 September 2013

**DETAILS OF ARREST** he was reportedly taken into custody at Beijing International Airport on suspicion of "attempting to escape the country". Halmurat was about to board a flight to Turkey where he had received a scholarship to study anthropology at Istanbul University.

**DATE AND DETAILS OF RELEASE:** He was released 16 hours later following pressure from a number of prominent activists.

**BACKGROUND:** Uyghur Online is a website run by university professor and member of Uyghur PEN Ilham Tohti (see below). The website is critical of the Chinese government's treatment of Uyghurs. A number of people associated with the website have reportedly been prevented from travelling abroad this year (see Mutellip IMIN below).



## \*Mutellip IMIN:

**PROFESSION:** ethnic Uyghur, student and volunteer for Uyghur Online

**DATE OF ARREST:** 15 July 2013

**DETAILS OF ARREST:** he was reportedly detained by police at Beijing International Airport as he attempted to return to Turkey, where he is a university student. Imin was reportedly held without charge for 79 days in his hometown outside of Hotan, Xinjiang.

**DATE AND DETAILS OF RELEASE:** He was released on 1 October 2013; however, police reportedly confiscated his passport – effectively barring him from returning to Turkey to continue his studies – as well as his identity card, computer and mobile telephone.

**BACKGROUND:** Imin is the third Uyghur linked with Uyghur Online to have been prevented from travelling abroad this year. In February 2013, the authorities reportedly stopped Ilham Tohti – PEN member and owner of the website – from travelling to the United States to take up a post as a visiting scholar at Indiana University (see below); while on 28 September 2013 Perhat Halmurat, editor of the website, was reportedly detained for 16 hours when he tried to board a flight to Turkey to take up studies at Istanbul University (see above).

## \*Ilham TOHTI:

**PROFESSION:** writer, academic, member of Uyghur PEN and founder of the website Uyghur Online

**DETAILS OF HARASSMENT:** He has reportedly faced continued harassment on the part of the Chinese authorities over the course of 2013. According to reports, Tohti was reportedly prevented from leaving his home four times between March and July 2013, most recently in July. Visitors to his home were forced to register with police there. On 2 February 2013, Tohti was prevented from travelling to the United States to take up a post as a visiting scholar at Indiana University and repeatedly questioned by the authorities. According to reports, in November 2013, policemen threatened to kill his wife and children after ramming the car that they were travelling in.

**BACKGROUND:** An economics professor at Beijing's Central University for Nationalities, Tohti is known as an outspoken critic of the government's ethnic policies in the Xinjiang Uyghur Autonomous Region (XUAR). In 2009, Tohti spent over six weeks in detention after he spoke out about the ethnic unrest which broke out in Urumqi, capital of Xinjiang, on 5 July 2009 (see under 'released' in July-December 2009 case list). A number of people associated with Uyghur Online, a website dedicated to the promotion of understanding between ethnic Uyghurs and Han Chinese, have faced similar harassment. Two students, Perhat Halmurat and Mutellip Imin (see above), were prevented from taking up their studies abroad, while Hailaite Niyazi, also known as Gheyret Niyaz, is serving a 15-year prison sentence for "endangering national security" following his conviction on 23 July 2010 (see 'Imprisoned: main case'). [Arrested on 15 January 2014]

# INDIA

**KILLED: MOTIVE UNKNOWN**

## \*Narendra DABHOLKAR:

**PROFESSION:** editor of the weekly Marathi-language magazine Sadhana (Spiritual Devotion)

**DATE AND DETAILS OF KILLING:** He was reportedly shot dead by two unidentified gunmen on motorcycles on 20 August 2013. Dabholkar, aged 71, was reportedly shot in his neck and back. He had reportedly spent several years campaigning for legislation to ban fraudulent and exploitative superstitious practices. His murder came days after the Maharashtra state government said it would introduce an anti-superstition bill. Police are investigating the case; the Police Commissioner stated he believed it was a contract killing. On 2 September, the police stated that seven surveillance cameras had captured footage of the two assassins, and the footage had been sent to a London-based forensic lab for analysis.

### **\*Nemi Chand JAIN:**

**PROFESSION:** journalist for the Hindi dailies Hari Bhoomi, Nayi Duniya and Dainik Bhaskar

**DATE AND DETAILS OF DEATH:** Jain was found dead near Tongapal, Chhattisgarh, central India, on 13 February 2013. Jain, aged 43, was found with a note which said that he was a police informer. Some colleagues believe that a local gang could be responsible for the journalist's murder, as days before his death Jain exposed mineral smuggling. The authorities are investigating the case.

**UPDATE:** According to a 10 December 2013 report, 45 days after his murder, Maoist insurgents took responsibility for his attack. The perpetrators remain at large.

### **\*Sai REDDY:**

**PROFESSION:** reporter for the daily Hindi-language newspaper Deshbandhu

**DATE AND DETAILS OF DEATH:** Reddy, aged 51, was beaten and stabbed to death in Basaguda, Chhattisgarh, on 6 December 2013. A group of Maoist rebels are suspected of carrying out the attack at a market near Reddy's home. He sustained severe head and neck injuries, and died on his way to hospital.

**BACKGROUND:** Reddy covered local issues such as health, education, water supply, food distribution and corruption, often criticising the government, Maoist insurgents and the security forces. According to reports, Reddy had been targeted in the past by both the authorities and Maoists in connection with his investigative reporting of the Naxalite (Maoist) insurrection. In March 2008, he was arrested for his supposed links with Maoists – he was later released on bail – while the Maoists reportedly accused him of having links with the security forces, set fire to his home and threatened to kill him. Reddy fled Chhattisgarh and only returned after he apologised to the Maoists.

### **\*Rakesh SHARMA:**

**PROFESSION:** senior reporter for the Hindi-language daily newspaper Dainik Aaj

**DATE AND DETAILS OF DEATH:** On 23 August 2013, he was shot dead in Etawah, in the northern state of Uttar Pradesh, by five assailants on a motorcycle. According to reports, Sharma, aged 50, had left his home after receiving a call from an unknown number. He reportedly sustained several gunshot wounds. Local journalists suspect the involvement of a local gambling mafia in his murder, in response to an article published by Sharma critical of illegal gambling operations. No one was known to have been arrested in connection with his killing by the end of the year.

### **\*Jitendra SINGH:**

**PROFESSION:** reporter for the daily newspaper The Hindu

**DATE AND DETAILS OF DEATH:** He was killed in Khunti district, Jharkhand state, on 27 April 2013. There are reports that the groups People's Liberation Front of India (PLFI), claimed responsibility for his killing. Singh also ran a local construction business. The authorities are investigating the case.

## **IMPRISONED: INVESTIGATION**

### **Sudhir DHAWLE:**

**PROFESSION:** activist and editor of the bi-monthly Marathi magazine Vidrohi

**DATE OF ARREST:** 2 January 2011

**DETAILS OF ARREST:** Reportedly arrested in Wardha railway station, Maharashtra state, after participating in a literary conference.

**DETAILS OF TRIAL:** Charged with waging war against the state, sedition (Sections 121 and 124 of the Penal Code) and under Sections 17, 20 and 39 of the Unlawful Activities Prevention Act (UAPA). These sections relate to: raising funds for terrorist acts; being a member of a terrorist organisation and providing support to a terrorist organisation. Thought to be targeted for his alleged links to banned Maoist groups. Still detained pending trial as of 31 December 2013.

## **ON TRIAL**

### **Lingaram KODOPI:**

**PROFESSION:** journalist for the Tehelka magazine, based in New Delhi

**DATE OF ARREST:** 9 September 2011

**DETAILS OF ARREST:** Kodopi was reportedly arrested by police from a weekly market at Palnar village in Dantewada district of Chhattisgarh

**DATE AND DETAILS OF RELEASE:** He was reportedly granted interim bail on 12 November 2013 and released from prison on 14 November 2013. The Indian Supreme Court has forbidden Kodopi from entering Chhattisgarh state and ordered that he check in weekly with a local police station in Delhi. He has reportedly been charged with criminal conspiracy, sedition, and waging war against the state, according to the New Delhi-based Tehelka magazine. His next court hearing was scheduled for 3 December 2013. His colleagues believe his arrest is linked to his reporting on police violence, although other reports allege he is linked to an insurgent Maoist group in Chhattisgarh. He is the nephew of tribal activist Soni Sori who was also arrested and held for over two years, during which time she says she was tortured and pressured to say that Kodopi worked for Maoists.

### **\*S. Nagesh KUMAR:**

**PROFESSION:** editor of the English-language newspaper The Hindu

**DETAILS OF TRIAL:** reportedly faces criminal proceedings following the 13 September 2013 publication of a report on a meeting between the Director-General of the Police in Andhra Pradesh and the head of a spiritual cult based in Hyderabad. The complaint alleges intent to bring the police force into disrepute. Kumar succeeded in securing bail, providing him with provisional immunity against arrest.

## ATTACKED

### \*Dinesh CHOUDHARY:

**PROFESSION:** correspondent for the Marathi-language daily Solapur Tarun Bharat

**DATE AND DETAILS OF ATTACK:** He suffered an acid attack while he was at his home in Parbhani district, western state of Maharashtra, on 12 March 2013. The attackers entered Choudhary's home and threw acid on him, his wife and his daughter. There are reports that the attack was directly linked to his investigative reporting on illegal sales of "gutka" (a preparation of betel nut, tobacco and other ingredients) in Parbhani. Choudhary, aged 40, and his family are receiving medical treatment. The authorities reportedly arrested five men in March 2013; the investigation continues.

## INNER MONGOLIA

### IMPRISONED: INVESTIGATION

### Dolgor CHULUUNBAATAR:

**PROFESSION:** editor-in-chief of Mongolia's Ulaanbaatar Times

**DATE OF ARREST:** 24 March 2011

**DETAILS OF ARREST:** Reportedly arrested for alleged illegal privatisation and damage to public property in relation to the privatisation of the newspaper.

**DATE AND DETAILS OF RELEASE:** Released on bail on 27 July 2011.

**DETAILS OF TRIAL:** In August 2012, Chuluunbaatar was reportedly convicted of causing "huge damage" to state property and the illegal purchasing of a newspaper and its offices, and was sentenced to a five-year prison term; he will have to spend two years in jail. The sentence was upheld on appeal on 25 September 2012 by the Capital City Court.

## MYANMAR (BURMA)

### IMPRISONED: INVESTIGATION

### \*NAW KHINE Khine Aye Cho (pen name: Ma Khine) (f):

**PROFESSION:** reporter for Eleven Daily

**DATE OF ARREST:** 17 December 2013

**SENTENCE:** one month in prison for criminal defamation, three months in prison for trespassing and one month in prison for using abusive language

**DETAILS OF TRIAL:** She was reportedly convicted under Articles 294, 451 and 500 of the penal code and sentenced to on 17 December 2013. She will serve the terms simultaneously in Loikaw Prison, in eastern Kayah State. On 27 October 2013, Ma Khine was investigating an alleged video piracy case. According to reports, Khine went to the house of a lawyer who had agreed to be interviewed. The lawyer reportedly became angry and ordered Khine to leave after she enquired as to how much the lawyer charged for handling the case.

## ON TRIAL

### HERJULE:

**PROFESSION:** journalist for the Snap Shot journal

**DETAILS OF TRIAL:** He is reportedly facing trial on charges of defamation after publishing articles about a karaoke business in Kaatha neighbourhood. The articles were published in April 2012, and the charges filed on 16 July 2012 by the owner of a karaoke shop. Herjule, who goes by one single name, was freed on bail on 30 July 2012. The trial continues.

## RELEASED

### AUNG Than, Zeya AUNG, and MAUNG Maung Oo:

**PROFESSION:** poet, publisher and distributor respectively; student activists

**DATE OF ARREST:** 29 March 2006

**SENTENCE:** 19 years in prison (Aung Than and Zeya Aung), and 14 years in prison (Maung Maung Oo)

**DETAILS OF TRIAL:** Sentenced for publishing an 'anti-government' book of poems entitled Dawn Mann (The Fighting Spirit of the Peacock). The peacock is the symbol of the pro-democracy movement in Myanmar. Also charged with associating with outlawed organisations and illegally crossing an international boundary.

**DETAILS OF RELEASE:** Released under amnesty, date unknown.

### Nyi Nyi TUN:

**PROFESSION:** editor-in-chief of the Kandarawaddy news journal based in Karenni state

**DATE OF ARREST:** October 2009

**SENTENCE:** 13 years in prison

**DETAILS OF TRIAL:** Convicted of violating section 17 (1) of the Unlawful Associations Act, section 13 (1) of the Immigration Emergency Provisions Act, section 505 (b) of the Penal Code and section 6 (1) of the Wireless Act. Released under amnesty, date unknown.

## CASE CLOSED

### WAI Hlyan and THET Su Aung:

**PROFESSION:** managing editor and journalist, respectively, for the Modern Journal

**DATE OF ARREST:** early March 2012

**DETAILS OF ARREST:** Arrested after being accused of libel. The case was brought by a government construction officer after being named in an article about the bad condition of some roads in Thabeikkyin Township.

**DATE OF RELEASE:** On 6 March 2012, Wai and Thet were freed on bail. Case closed for lack of further information.

# NEPAL

## DEATH THREAT

### \*Somnath BASTOLA:

**PROFESSION:** journalist for the daily Annapurna Post

**DETAILS OF THREAT:** Reportedly received a death threat in Itahari city, eastern Nepal, by one of the leaders of the Nepali Congress party, on 25 May 2013. The incident is said to be linked to a report about criminal activities committed allegedly by another leader of that party.

## ATTACKED

### \*Ganesh BASNET:

**PROFESSION:** news editor of Rajdhani Daily

**DETAILS OF ATTACK:** Reportedly suffered an attempt on his life in Thapathali, Kathmandu, on 27 April 2013. Basnet was riding a motorcycle returning to his home, when he realised that he was being followed by a car which then drove into him in a targeted attack.

### \*Gopal DEWAN:

**PROFESSION:** editor of the weekly newspaper Bishwastasutra and correspondent for the daily newspaper Blast Times

**DETAILS OF ATTACK:** He was reportedly the target of a shooting on 10 November 2013. Unidentified individuals on a motorbike reportedly fired at him while he was on his way to his office in Chatara Line, Dharan. Dewwan was unharmed. The police are reported to be investigating the incident.

## THREATENED

### \*Harihar Singh RATHAUR:

**PROFESSION:** journalist for the daily Kantipur, based in Jajarkot, western Nepal

**DETAILS OF THREAT:** He was reportedly threatened with attack by an alleged cadre of the Communist Party of Nepal (CPN), in early January 2013. According to Rathaur, the party-member referred to articles he had written about the alleged illegal building of huts in forest land.

## HARASSED

### \*Rabin BHATTARAI:

**PROFESSION:** editor of the Nepal Samacharpatra daily newspaper

**DETAILS OF HARASSMENT:** He was reportedly threatened with legal action by a police officer on 16 December 2013. The police officer of Govind Acharya reportedly threatened to bring a case against Bhattarai and

Devraj Gurung, reporter for ABC TV, under the cybercrime law in connection with a news report on the misuse of public vehicles in Taplejung. The report had alleged that government

officials had misused vehicles to travel to a picnic spot. The police officer reportedly apologised after news of his threat was disseminated.

# PAKISTAN

## KILLED

### \*Mahmoud Ahmed AFRIDI:

**PROFESSION:** correspondent for the newspaper Intikhab

**DATE AND DETAILS OF DEATH:** was reportedly killed in Baluchistan, southwestern Pakistan, on 1 March 2013. Two unknown men approached Afridi when he was in a shop, opened fire and the journalist died immediately. Afridi, aged 56, was also the president of the Kalat Press Club. There are reports that the Baluchistan Liberation Army (BLA) claimed responsibility for the killing. The authorities are investigating this death.

### \*Ahmed Ali JOIYA (or Joya):

**PROFESSION:** journalist for various newspapers and magazines

**DATE AND DETAILS OF DEATH:** he was shot dead by an unknown man in Bahawalnagar district, Punjab province, on 24 May 2013. Joiya, aged 25, had been investigating a crime story in coordination with the local police. It is said that Joiya had already received death threats for investigating this particular case. The journalist had previously exposed local criminal activities. Police said they believed the man responsible for the death threats may have been behind the killing.

### \*Ayub KHATTAK:

**PROFESSION:** reporter for Karak Times newspaper

**DATE AND DETAILS OF DEATH:** he was shot dead by two men on a motorcycle outside his home in Karak district, Khyber Pakhtunkhwa province, on 11 October 2013. The journalist, aged 42, had received a number of threats previously related to his investigation into an alleged increase in drug dealing in the Wrana Mir Hassankhel neighbourhood. Khattak had recently published a story on the sale of illegal drugs and drug dealing. According to reports, two men identified as brothers involved in drug dealing are being investigated by police and are said to be on the run.

### \*Malik MUMTAZ:

**PROFESSION:** journalist for the daily News International

**DATE AND DETAILS OF DEATH:** was shot dead by unidentified men in a car, while driving to his home in Miran Shah, North Waziristan, on 27 February 2013. Aged 48, Mumtaz, worked for over 20 years for media outlets in Urdu and English. Before his death, Mumtaz had written articles about violence in North Waziristan and on the polio vaccination programme, a controversial topic in Pakistan. He had recently been elected president of the regional press association.

## **KILLED: MOTIVE UNKNOWN**

### **\*Haji Abdul RAZZAK:**

**PROFESSION:** reporter for the Balochi-language daily newspaper Tawar

**DATE AND DETAILS OF DEATH:** Found dead in Karachi on 21 August 2013. Missing since 24 March, Razzak was reportedly tortured to death. According to reports, his body was so badly mutilated that only his arms and legs were sufficiently intact to enable identification. Razzak was reportedly found alongside that of another, as of yet unidentified, mutilated body. Thirteen days after his disappearance, Tawar's single-room office was burned, and the computers taken away. The paper frequently reported on human rights abuses against the Baloch population and several other of its reporters have been killed in previous years such as Javed Naseer Rind in 2011.

## **DETAINED: INVESTIGATION**

### **\*Muhammad Zaib MANSOOR:**

**PROFESSION:** journalist with the Dargai-based daily newspapers Ayeen and Awaz-e-Swat

**DATE OF ARREST:** 14 October 2013

**DETAILS OF ARREST:** He was reportedly taken away for questioning by military intelligence officials. According to reports, Mansoor was being questioned in connection with "suspicious phone calls". It is not known if it refers to calls made or received by Mansoor. PEN International is seeking to establish whether he is still detained.

## **BRIEF DETENTION**

### **\*Ali CHISHTI:**

**PROFESSION:** writer for The Friday Times covering security and intelligence matters

**DETAILS OF DETENTION:** He was reportedly abducted and beaten in Karachi on 30 August 2013. According to reports, Chishti was picked up in Karachi by uniformed police before being blindfolded and transferred to a different vehicle. He was later taken to a small room, where he was beaten. After nine hours he was reportedly dropped at the side of the road. The journalist believes that the police were operating on behalf of a third party.

## **DEATH THREAT**

### **\*Rana TANVEER:**

**PROFESSION:** reporter with the English daily newspaper Express Tribune

**DETAILS OF THREAT:** He reportedly received a one-page letter in Urdu, which termed him an apostate and accused him of writing in favour of Ahmadis and Christians in October 2013. The letter went on to warn him against writing against Islam and to seek forgiveness from God, before informing him that if he did not desist he would be shot. A week after receiving the letter, Tanveer reports being followed by someone on a motorcycle. Tanveer felt unable to go to work following the incident for fear for his life. He filed a complaint with the police, but did not name anyone "due to security reasons".



## ATTACKED

### \*Shams KEERIO:

**PROFESSION:** editor of the Sindhi-language newspaper Daily Aaino and joint secretary of the Karachi Press Club

**DETAILS OF ATTACK:** He was reportedly beaten with sticks by 12-15 men believed to be supporters of the Pakistan Tehreek-e-Insaf (PTI) political party on 17 December 2013. Keerio reportedly sustained injuries to his head and hand after he tried to prevent them from entering the press club following the staging of a PTI protest outside the club's premises.

### \*Sardar SHAFIQ:

**PROFESSION:** reporter for the Urdu-language daily newspaper Ittehad and former general-secretary of the Abbottabad Union of Journalists

**DETAILS OF ATTACK:** He was reportedly attacked by three unidentified men on 10 October 2013. According to reports, Shafiq was leaving his office when he was beaten with iron rods. He sustained a broken nose in the attack. The motive behind the attack remains unclear.

## CASE CLOSED

### Iftikhar SHAIKH: (US national)

**PROFESSION:** American writer and professor, of Pakistani origin

**DETAILS OF ARREST:** 9 December 2012

**DETAILS OF ARREST:** Arrested in Islamabad on charges of 'blasphemy' and held for at least four days. There are reports that Shaikh's nephew had accused him of writing a blasphemous book about the Prophet Muhammad. Shaikh completed his PhD in the United States, and taught at different universities there. He returned to Pakistan five years ago, and was unable to return to the US due to health problems. Case closed for lack of further information.

# PHILIPPINES

## KILLED: MOTIVE UNKNOWN

### \*Vergel BICO:

**PROFESSION:** publisher and editor of the newspaper Kalahi

**DATE OF BIRTH:** 1972

**DETAILS OF DEATH:** he was reportedly shot dead on 4 September 2013 in Calapan City, Mindoro. The journalist, aged 41, was reportedly travelling on a motorcycle when he was shot twice in the head by two unidentified men also on a motorcycle.

**DETAILS OF INVESTIGATION:** Police are reported to suspect a personal grudge as a motive, although they have not ruled out the possibility that it was related to his work.

**BACKGROUND:** Bico had reportedly previously received threats from the subjects of his columns in Bandera Pilipino, the last of which was published in December 2012, where he often wrote on illegal gambling.

### **\*Bonifacio LORETO Jr. and Richard KHO:**

**PROFESSION:** respectively publisher and reporter for the tabloid Aksyon Ngayon

**DETAILS OF DEATH:** They were reportedly shot dead in Quezon City, Manila, on 30 July 2013.

**DETAILS OF INVESTIGATION:** The police filed two counts of murder charges against Clemente Bersosa and Roel Manaog on 13 August 2013, according to news reports. The suspects were reportedly identified by witnesses who looked at photographs of people with criminal records. The police have not yet established the motive for the journalists' murders as the suspects have yet to be apprehended. Family members believe that it is related to their work as journalists.

### **ON TRIAL**

### **\*Gil C. CABACUNGAN, Letty JIMENEZ-MAGSANOC (f), Jose Ma. D. NOLASCO and Raul PANGALANGAN:**

**PROFESSION:** respectively, a reporter, the editors, and the publisher of the Manila broadsheet Philippine Daily Inquirer

**DETAILS OF TRIAL:** They face charges of criminal libel filed against them by Janet Lim Napoles on 7 August 2013. In July 2013, the Inquirer published a series of reports on a recent corruption scandal relating to the misuse of pork barrel funds. The reports allege that fake NGOs misused at least P10 billion (approx. US\$200 million) of public funds. Whistleblowers reportedly identified Napoles as the head of several of the fake NGOs and as a major beneficiary of the scam. Napoles is reportedly seeking P10 million (approx. US\$275,000) and attorney's fees. If convicted the journalists could face a maximum six-year prison sentence.

**BACKGROUND:** The charges filed against the journalists came a day after Napoles filed similar charges against Natashya Gutierrez and Berteni Causing (see above). A warrant for Napoles' arrest was reportedly issued on 14 August in relation to the illegal detention of one of the whistleblowers, her former assistant.

### **\*Berteni CAUSING and Natashya GUTIERREZ (f):**

**PROFESSION:** lawyer-blogger and reporter for the online news site Rappler.com, respectively.

**DETAILS OF TRIAL:** On 6 August 2013, Janet Lim Napoles, a business woman connected to a current multi-billion peso corruption scandal, reportedly filed charges of criminal libel against both Gutierrez and Causing in connection with their coverage of the "lavish lifestyle" of the businesswoman's daughter. If convicted, the pair face a maximum six-year jail sentence and/or fine. Napoles is reportedly seeking damages of P10 million (approx. US\$275,000) and attorney's fees from each of them.

### **BRIEF DETENTION**

### **\*Carmelo RIMA:**

**PROFESSION:** publisher and editor of the Island Sandigan weekly newspaper

**DATE OF ARREST:** 15 January 2013

**DETAILS OF ARREST:** He was arrested at the local police station in Catanduanes, southeast of Manila, on. An executive judge of the Regional Trial Court of Virac, ordered his arrest for 'indirect contempt of court' on 12 January, after the weekly published an article that allegedly maligned the court. Rima tried to post bail for his release, but the judge was unable to

consider it as she was outside the city.

**DATE AND DETAILS OF RELEASE:** On the judge's return, and after receiving an apology from Rima, on 18 January 2013, the judge issued a fine against the journalist instead of a prison sentence.

## THREATENED

### \*Fernan ANGELES:

**PROFESSION:** correspondent for the news website Interaksyon.com

**DETAILS OF THREAT:** He reportedly received an anonymous threatening phone call during the evening of 2 June 2013.

**BACKGROUND:** Previously, in March 2012, while Angeles was working for The Daily Tribune, he was attacked and shot six times in Manila, apparently as a reprisal for his reports on the illegal drug trade. The journalist believes that both incidents are related.

## RELEASED

### Ericson ACOSTA:

**PROFESSION:** activist, journalist, songwriter and poet. He is a former editor of the student publication Philippine Collegian, and chairperson of the student cultural group Alay Sinin. He also worked as cultural writer for the Manila Times, and has acted in and directed a number of theatre plays.

**DATE OF ARREST:** 13 February 2011

**DETAILS OF ARREST:** he was arrested by the military, in San Jorge, Samar, east of the country, on suspicion of being a member of the New People's Army (NPA). At the time of his arrest, Acosta was said to be unarmed and conducting research on human rights and environmental issues in the area. He was reportedly held incommunicado for three days, during which he was ill-treated, tortured and threatened with death.

**DETAILS OF TRIAL:** On 16 February 2011, the charge of illegal possession of explosives was filed against Acosta at the Regional Trial Court Branch 41 in Gandara, Western Samar. Under Philippine law, this is a non-bailable offence and he remained in prison.

**DETAILS OF RELEASE:** The charges were reportedly dropped on 31 January 2013 and he was released.

# SRI LANKA

## REPORTED MISSING

### Pregeeth EKANALIYAGODA:

**PROFESSION:** political analyst, journalist and visual designer for the Lanka eNews

**DATE OF DISAPPEARANCE:** He was reported missing on 24 January 2010, and his whereabouts remain unknown.

**DETAILS OF DISAPPEARANCE:** He was last seen leaving his office that evening, and his family believe that he was abducted by pro-government forces and subsequently killed. Government sources have denied the allegation and have suggested he fled abroad, but have been unable

to provide any evidence of this. Ekanaliyagoda is a leading columnist, and reportedly published articles in favour of the defeated opposition candidate General Sarath Fonseka ahead of the Sri Lankan presidential elections that took place on 26 January. The Lanka eNews website was reportedly blocked during the elections, and its offices were searched by unidentified individuals on 28 January 2010.

**BACKGROUND:** Previously, on 27 August 2009, Ekanaliyagoda had been abducted and held blindfolded overnight, and was released after being told that he was not the correct target. Family and colleagues have expressed increasing concern that the authorities have done very little to investigate Pregeeth Ekanaliyagoda's disappearance. [RAN 09/10 - 26 February 2010]

## **BRIEF DETENTION**

### **\*Shanmugampillai (Vis) JAYAPALAN:**

**PROFESSION:** renowned Tamil writer and poet

**DATE OF ARREST:** 22 November 2013

**DETAILS OF ARREST:** He was arrested as he attempted to visit his mother's grave in Vattakkadu, Wannu. After his arrest, Jayapalan was held by Sri Lankan police in Vavunia before being transferred to Colombo on 23 November. It is thought that he was held on allegations of "violating visa regulations" and "disrupting the ethnic harmony of the country".

**DETAILS OF RELEASE:** He was deported and put on a plane headed for Turkey, on 26 November 2013. According to reports, he was not brought before the courts prior to his deportation and was held in a prison where they normally detain people charged with immigration offences.

**BACKGROUND:** Jayapalan began writing in the 1970s while a student at the University of Jaffna. He published his first anthology in 1986 and has, since then, published at least 12 other anthologies of poetry and short novels. His writings are among the set texts in many universities and colleges in Tamil Nadu. In 1995 he was awarded a prize for the best immigrant writer by the Norwegian Writers Association. His works have been translated into English, Norwegian and Sinhala. Jayapalan fled Sri Lanka in 1988 claiming asylum in Norway where he has lived ever since. His visit was the first time that he had returned to Sri Lanka since 2006. He had been interviewed by several Tamil newspapers in Jaffna following his arrival.

## **DEATH THREATS**

### **\*Mandana Ismail ABEYWICKREMA (f) and Romesh ABEYWICKREMA:**

**PROFESSION:** co-editor and business editor of the Sunday Leader respectively

**DETAILS OF THREAT:** On 24 August 2013 an armed group, reported to include a number of serving military personnel, raided the couple's home, spending three hours examining various documents in their possession, and threatening the couple with severe consequences before fleeing the scene when police arrived. On 8 September, an unidentified gang reportedly broke in to the couple's home and stole a computer. Mandana Abeywickrema had reported receiving several death threats. They are reported to have fled Sri Lanka on 17 September 2013 fearing for their safety.

## **ATTACKED**

### **\*Faraz SHAUKETALY: (joint Sri Lankan/UK national)**

**PROFESSION:** investigative journalist for the weekly Sunday Leader

**DETAILS OF ATTACK:** On the evening of 15 February 2013, he was attacked in his home in Mount Lavinia, Colombo, by three armed men who broke into his home and shot him in the neck. The journalist was reportedly on the phone discussing the content of the next edition of the Sunday Leader with its editor, when the attack occurred. He was taken to hospital and underwent surgery.

**BACKGROUND:** Some weeks before this attack, unknown men approached the journalist's home and asked about his whereabouts in a threatening manner. [RAN 10/13 – 22 February 2013]

## THAILAND

### IMPRISONED: MAIN CASE

#### Somyot PRUKSAKASEMUSK:

**PROFESSION:** independent journalist, editor of the magazine Voice of Taksin, and prominent labour activist

**DATE OF ARREST:** 30 April 2011

**SENTENCE:** 11 years in prison

**DETAILS OF ARREST:** Reportedly arrested by the Department of Special Investigation (DSI) on 30 April 2011 and charged with two counts of lèse-majesté under Article 112 of the Criminal Code which prohibits acts of insulting, defaming or threatening Thailand's king, heir apparent or Regent for publishing two articles written by an anonymous author in his magazine. Pruksakasemus, aged 50, was reportedly charged after refusing to reveal the identity of the writer of the articles, which are deemed to be defamatory to the King. Pruksakasemus may have been targeted for his campaign calling for the repeal of the lèse-majesté law. Details of trial: His trial started on 21 November 2011. On 23 January 2013, the Bangkok Criminal Court found Prueksakasemus guilty on both counts. He was sentenced to five years for each count. He received an additional year's imprisonment for a previous suspended sentence passed in a separate defamation case in 2009.

**PLACE OF DETENTION:** Petchaboon Prison, 31 Praputabat Rd, Ni-Muaeng Sub-district, Muaeng District, Petchaboon 67000, Thailand.

**TREATMENT IN PRISON:** Reportedly ill-treated in detention.

: Somyot suffers from hypertension and gout and there are concerns for his health, which is said to have deteriorated during his detention. [RAN 04/13 – 24 January 2013]

### ON TRIAL

#### \*Andy HALL: (UK national)

**PROFESSION:** labour activist and researcher who blogs at <http://andyjhall.wordpress.com/>

**DETAILS OF TRIAL:** He is facing trial for both criminal and civil defamation, as well as offences under the Computer Crimes Act, after publishing a report on alleged abuses committed by the Natural Fruit Company Limited, a fruit processing company in Thailand. Hall's investigative report entitled 'Cheap has a high price: Responsibility problems relating to international private label products and food production in Thailand', was published in late 2012, by the Finnish

NGO FinnWatch. The report focuses on production practices of juices and fruit sold in Finland, and was reportedly based on interviews of employees, many of them undocumented migrants from Myanmar, who suffered labour rights abuses, from poor working conditions to child labour. Andy Hall was the lead researcher of the report, while working as Associate Researcher at Mahidol University in Thailand. If found guilty, Hall faces up to two years in prison and civil damages of US\$10 million. The charges were filed on 14 February 2013, and are now being dealt with by the South Bangkok Criminal Court. The hearings have been postponed on a number of occasions. According to his blog, his case was expected to be heard on 23 December 2013 following further postponements. Andy Hall is not believed to be currently residing in Thailand.

### **\*Alan MORISON and Chutima SIDASATHIAN (f):**

**PROFESSION:** respectively editor and reporter for the news website Phuketwan.com

**DETAILS OF TRIAL:** They were charged with criminal defamation, as well as offences under the Computer Crimes Act, on 18 December 2013. The charges were reportedly brought against the journalists by a Thai naval officer, on behalf of the Royal Thai Navy, following the 17 July 2013 publication of a report, which detailed the treatment of Rohingya migrants fleeing Burma. The article reportedly quoted extensively from a Reuters report which implicated the Thai Navy in human trafficking. Their trial had not begun by the end of the year. If convicted, they could face prison terms for up to two years for criminal defamation and five years if convicted under the Computer Crimes Act.

**BACKGROUND:** Phuketwan has reported on the Rohingya people's exodus from Burma since 2008.

### **CASE CLOSED**

### **Chiranuch PREMCHAIPORN (f):**

**PROFESSION:** editor of the independent website Prachatai

**DATE OF ARREST:** 6 March 2009

**DATE OF RELEASE:** released on bail days after arrest

**SENTENCE:** Premchaiporn was initially sentenced to one year in prison and a fine of 30,000 Thai Baht (approx US\$1,000). However, the judge reduced it to eight months' imprisonment, suspended for one year, taking into account her cooperation. She was also fined 20,000 Thai Baht.

**DETAILS OF TRIAL:** she was charged with violations of Article 15 of the Computer Crimes Act for allegedly endangering national security in comments published on the website. The website is said to publish issues that Thai newspapers refuse to report. On 30 May 2012, the Criminal Court found Premchaiporn guilty of allowing third party comments made in the website she edits; comments which were reportedly offensive to the Thai monarchy, which she failed to delete for about 20 days. Premchaiporn subsequently appealed against her conviction. On 8 November 2013, a Bangkok appeals court reportedly upheld Premchaiporn's May 2012 conviction. Sentence expired, case closed.

# VIET NAM

## IMPRISONED: MAIN CASE

### CU Huy Ha Vu:

**PROFESSION:** dissident writer, artist and activist

**DATE OF BIRTH:** 1957

**DATE OF ARREST:** 5 November 2010

**SENTENCE:** Seven years in prison and three years of probationary detention

**EXPIRES:** 2017

**DETAILS OF ARREST:** Arrested after publishing critical articles online and giving interviews to foreign media.

**DETAILS OF TRIAL:** Sentenced by a court in Ha Noi city on 4 April 2011 to a seven-year prison sentence and three years' probationary detention for "conducting propaganda against the Socialist Republic of Viet Nam", under Article 88 of the Criminal Code. On 2 August 2011 the Supreme People's Court upheld the sentence against the writer. His trial reportedly did not comply with international standards of fairness.

**PLACE OF DETENTION:** Labour camp #5, Yen Dinh district, Thanh Hoa province, Viet Nam

**TREATMENT IN PRISON:** During 25 days, from 27 May to 22 June 2013, Cu was on hunger strike in protest against his treatment in prison, after filing a complaint to the prison director without any response. In his complaint Cu alleged deterioration of his health because of ill-treatment. According to Cu's wife, the director agreed to examine Cu's complaint. In October 2013 it was reported that Cu had begun another hunger strike owing to the seizure of artwork that he had drawn while in prison. The artworks, which he had given to his wife, were reportedly confiscated on the grounds that they were "politically sensitive".

**BACKGROUND:** Cu is the son of a celebrated poet and confidante to late president Ho Chi Minh. Cu is known for his environmental activism and had previously twice sued the Prime Minister in an attempt to stop controversial bauxite mining project which he believed would be harmful to the environment. He holds a Doctorate in law from the Sorbonne University,

**AWARDS:** 2011 Hellman/Hammett award

### DANG Phuc Tue (religious name: Thich Quang Do):

**PROFESSION:** Buddhist monk, writer, scholar. Secretary General of the outlawed Institute for the Propagation of the Dharma, United Buddhist Church of Viet Nam (UBCV).

**DATE OF BIRTH:** 1928

**DATE OF ARREST:** 9 October 2003

**DETAILS OF ARREST:** Part of a delegation of nine UBCV leaders who were all arrested on 9 October 2003. The delegation had left Binh Dinh at 5.00 a.m. on 8 October 2003 en route for Ho Chi Minh City when security services blocked their departure. After a protest in which over two hundred monks formed a human shield around their vehicle, the delegation was allowed to continue its journey, only to meet another police barricade on the following day, when all nine UBCV leaders were arrested and taken away for interrogation. Thich Quang Do was placed under house arrest.

**PLACE OF DETENTION:** Thanh Minh Zen Monastery in Ho Chi Minh City.

**BACKGROUND:** On 27 June 2003 he was released from a 27-month detention order. Has spent most of the last 20 years in detention or under residential surveillance because of his campaign for religious freedom and free expression. In August 2008, Thich Quang Do was

appointed as the new Patriarch of the Unified Buddhist Church of Vietnam.

**OTHER INFORMATION:** The UN Working Group on Arbitrary Detention declared his imprisonment as 'arbitrary' in May 2005.

**AWARDS:** Laureate of 2001 Hellman-Hammet Award, 2002 Czech Human Rights Homo Homini Award for his "outstanding merits in promoting human rights, democracy, and the non-violent resolution of political conflicts". Also awarded the 2006 Norwegian Thorolf Rafto Human Rights Prize.

**HONORARY MEMBER OF:** French PEN, German PEN and Swedish PEN

### **DINH Dang Dinh (pen-name: Van Nguyen):**

**PROFESSION:** blogger and chemistry teacher

**DATE OF BIRTH:** 1963

**DATE OF ARREST:** 21 October 2011.

**SENTENCE:** Six years in prison

**EXPIRES:** October 2017

**DETAILS OF ARREST:** Arrested at his house by public security police agents, who searched his home and seized his computer, writings and documents.

**DETAILS OF TRIAL:** On 9 August 2012, Dinh Dang Dinh was sentenced by the Dak Nong province's People court to six years in prison under Article 88-1 (c) of the Criminal Code for "conducting propaganda against the Socialist Republic of Viet Nam". No defence lawyer was present at his half-day closed trial. The accused defended himself and pleaded not guilty. In a 45-minute appeal hearing, on 21 November 2012, Dinh's sentence was confirmed.

**PLACE OF DETENTION:** Public Security Police Cong An detention camp, Dak Nong province, Viet Nam

**HEALTH CONCERNS:** Dinh is reported to have undergone an operation for liver and stomach cancer in November 2013. His health is said to have declined rapidly while in detention owing in part to poor detention conditions, and ill-treatment.

**OTHER INFORMATION:** Before Dinh Dan Dinh was brought to trial, the official newspaper disclosed that he would be charged with writing and posting anti-government documents on the internet between 2007 and 2012.

**BACKGROUND:** Dinh was author of several online articles in which, amongst other issues, he called for democracy, denounced repression against dissident writers and human rights defenders, and protested against controversial Chinese-run bauxite mines in Viet Nam's highland. [Stop press: Dinh Dang Dinh was released on 21 March 2014, and died at home on 3 April 2014.]

### **\*DINH Nguyen Kha:**

**PROFESSION:** blogger, human rights activist, student of the Long An University of Economics and Industry, and member of the banned human rights defenders' group Tuoi Tre Yeu Nuoc (Young Patriots).

**DATE OF BIRTH:** 1988

**DATE OF ARREST:** 11 October 2012

**SENTENCE:** Eight years in prison, reduced to four on appeal

**DETAILS OF ARREST:** Reportedly arrested after dropping 2000 anti-government leaflets at An Suong, Ho Chi Minh City which the prosecution claimed distorted "the party and the state's policies related to religion and land, and exhibit[ing] a twisted viewpoint regarding the Spratly and Paracel islands [whose sovereignty is disputed] and the border land between Viet Nam and China".



**SENTENCE:** Eight years in prison and three of probationary detention halved on appeal

**DETAILS OF THE TRIAL:** Dinh was convicted on 16 May 2013 for “conducting propaganda against the Socialist Republic of Viet Nam”. prohibited under Article 88-1(c) of the Criminal Code.

**APPEAL:** on 16 August 2013, Dinh’s sentence was reportedly halved, while that of his co-accused was over-turned.

**PLACE OF DETENTION:** Camp Thanh Hoa (Public Security Police Ministry), Long An province, Viet Nam.

**OTHER INFORMATION:** According to a copy of the indictment, on 29 September 2012 the People’s Court of Tan An city convicted and sentenced Dinh Nguyen Kha to two years in prison for “intentionally causing injuries to others”. Dinh was tried with poet, activist and blogger Nguyen Phuong Uyen (see below).

### **DINH Van Nhung:**

**PROFESSION:** human rights activist and dissident writer

**DATE OF BIRTH:** 1958

**DATE OF ARREST:** 7 June 2011

**SENTENCE:** Four years in prison and three years of probationary detention

**EXPIRY:** June 2015

**DETAILS OF TRIAL:** On 16 July 2012, Dinh was convicted after a one-day trial in Bac Giang province under article 88-1(c) of the Criminal Code for “conducting propaganda against the Socialist Republic of Viet Nam”. He was tried for publishing critical articles online allegedly containing defamatory comments to the reputation of the Communist party and its leaders, illegal land expropriation and giving interviews to overseas Vietnamese-language media. Tried together with Do Van Hoa and Nguyen Kim Nhan (see below).

**PLACE OF DETENTION:** Nam Hà Prison – Ba Sao, Huyện Kim Bang district, Hà Nam province, Việt Nam.

### **DO Van Hoa:**

**PROFESSION:** human rights activist and dissident writer

**DATE OF BIRTH:** 1966

**DATE OF ARREST:** 7 June 2011

**SENTENCE:** Four years in prison and three years of probationary detention.

**EXPIRY:** June 2015

**DETAILS OF TRIAL:** On 16 July 2012, Do was convicted after a one-day trial in Bac Giang province under article 88-1(c) of the Criminal Code for “conducting propaganda against the Socialist Republic of Viet Nam”. He was tried for publishing critical articles online allegedly containing defamatory comments to the reputation of the Communist party and its leaders, illegal land expropriation and giving interviews to overseas Vietnamese-language media.

**PLACE OF DETENTION:** Nam Hà Prison – Ba Sao, Huyện Kim Bang district, Hà Nam province, Việt Nam

### **HO Thi Bich Khuong (f):**

**PROFESSION:** Internet writer and human rights activist

**DATE OF BIRTH:** 1967

**DATE OF ARREST:** 15 November 2011

**SENTENCE:** Five years in prison and three years’ probationary detention

**EXPIRY:** 2016

**DETAILS OF ARREST:** Ho was arrested by the public security police after a search of her house, where agents confiscated many items, including books and computers.

**DETAILS OF TRIAL:** Ho was tried on 29 December 2011, at Nghe An People's Court, for "conducting propaganda against the Socialist Republic of Viet Nam" under Article 88-1(c) of the Criminal Code. The accusation alleged that Ho and Nguyen Trung Ton, a priest and activist who was present at her house at the time of Ho's arrest (see 'Conditional release' below), had been collecting documents and writing several online articles which tarnished the reputation of the Socialist Republic of Viet Nam. Ho Thi Bich Khuong was also accused of giving interviews to foreign radio stations criticising the government's abuse of power and belonging to illegal human rights organisations. During the trial, she openly criticised the Communist Party. On 30 May 2012, the Appeal Court in Hanoi confirmed the sentence against Ho and Nguyen. The trial, reportedly, did not comply with international fair trial standards.

**PLACE OF DETENTION:** K4 Detention Camp No. 5 Yen Dinh district Thanh Hoa Province. Viet Nam

**BACKGROUND:** Ho Thi Bich Khuong served two prison sentences, in 2005 and 2007, after conviction of offences under article 245 of the Criminal Code (Causing public disorder), and article 258 (Abusing democratic freedoms to infringe upon the interest of the State), respectively. She has also been attacked, threatened and subject to brief detentions.

: There are concerns that Ho's health is deteriorating as a result of the conditions of her detention. According to her family, Ho is said to have been attacked on various occasions by other inmates, which they believe were orchestrated by prison authorities, most recently on 4 November 2012, when four other detainees beat Ho badly; she is said to have suffered a broken arm as a result of the attack and adequate medical attention is not available at the detention camp.

**OTHER INFORMATION:** Ho's writings urged the release of prisoners of conscience and political detainees, and promoting freedom of expression, religion and association. She wrote a memoir of her time in prison which was published in 2009 by Nguoi Viet Online, a Vietnamese-American newspaper in the United States. She has also written some satirical poems and was a member of the prodemocracy movement Bloc 8406.

**AWARDS:** Ho is the recipient of the 2011 Hellman/Hammett 2011 award.

## **LE Quoc Quan:**

**PROFESSION:** human rights lawyer and prominent blogger

**DATE OF BIRTH:** 1971

**DATE OF ARREST:** 27 December 2013

**SENTENCE:** 30 months in prison and a fine of 1.2 billion dong (approx. US\$ 59,000)

**DATE OF EXPIRY:** 2016

**DETAILS OF ARREST:** Le was arrested on 27 December 2012 and held, reportedly incommunicado, at Temporary camp B14 (Public Security Police Ministry) Thanh Liet village, Thanh Tri district, Hanoi. His pre-trial detention exceeded the maximum four months stipulated by the Vietnamese Criminal Procedures Code, during which time he was reportedly prohibited from seeing his family and said not to have regular access to legal counsel. In his blog, Le regularly writes about issues such as human rights abuses, social injustice, and lack of political and religious freedoms, amongst others. Nine days before his arrest on 27 December 2012, Le Quoc Quan wrote a critical article on the re-drafting of Vietnam's Constitution, in which he expressed concern that it should not be used as a political vehicle for the ruling party. In addition he called for its careful revision, arguing that it should provide the foundations for democracy.

**DETAILS OF THE TRIAL:** Le Quoc Quan was convicted of charges of tax evasion under Article

161 of the Criminal Code on 2 October 2013. The charges related to the alleged evasion of tax equivalent to approximately US\$30,000 in relation to a consultancy company which he owned, but are widely believed to be politically motivated. Le Quoc Quan denies the charges, arguing that he is targeted for his human rights activism. Following his conviction, Le Quoc Quan was imprisoned in Hanoi detention camp No1, Tu Liem district, Hanoi. He is thought to be appealing the sentence.

**HEALTH:** Le Quoc Quan is reported to be in ill-health following two hunger-strikes. Concerns for his well-being are heightened owing to the reported cramped and unsanitary conditions in the Hanoi detention camp where he is currently held.

**ADDITIONAL INFORMATION:** On 12 November 2013, the United Nations Working Group on Arbitrary Detention determined that Le's detention violated his right to freedom of expression and his right to fair trial. The working group found that Le had been targeted for his work as an activist and blogger and called for his immediate release or for his conviction to be reviewed by an independent court.

**BACKGROUND:** Le was detained in 2007 and held for four months without formal charges against him; later he was not allowed to exercise his profession. In April 2011, he was detained again while attempting to observe the trial of another human rights defender, released without charges three days later. In August 2012 Le was attacked by unknown individuals, and was hospitalised as a result.

**AWARDS:** Le Quoc Quan is the recipient of the 2013 Vietnam Human Rights Prize.

### **LE Thanh Tung: (pen-name Le Ai Quoc)**

**PROFESSION:** independent reporter, member of the banned human rights defenders network Bloc 8406

**DATE OF BIRTH:** 1968

**DATE OF ARREST:** 1 December 2011

**SENTENCE:** Four years in prison and four years in probationary detention

**EXPIRY:** 2015

**DETAILS OF ARREST:** Reportedly arrested by public security police after searching his house, seizing his computers and camera, and confiscating underground publications of the Bloc 8406, letters and articles.

**DETAILS OF THE TRIAL:** Le was tried for "conducting propaganda against the Socialist Republic of Viet Nam" on 10 August 2012, and was sentenced after an hour-long hearing. No defence lawyer was present during the trial; Le defended himself and pleaded not guilty. On 28 November 2012, an appeal court reduced his sentence from five to four years imprisonment.

**PLACE OF DETENTION:** Labour camp No. 5, Yen Dinh district, Thanh Hoa province, Viet Nam.

**BACKGROUND:** Under the pen-name Le Ai Quoc, he wrote several online articles denouncing violations of human rights, freedoms of opinion and religion, and defending farmers whose land has been confiscated by local authorities. In 2008, he was briefly arrested and denounced as a "traitor" at a so-called "people's tribunal" for writing and publishing online several articles on the situation of human rights and democracy, and an account of his life, entitled 'Memoir of a Former Volunteer Fighter in the Vietnamese People's Army'.

### **LU Van Bay:**

**PROFESSION:** pro-democracy activist and internet writer. He has contributed to a number of websites such as Dan Chim Viet (Vietnamese Birds), Doi Thoai (Dialogue) and To Quoc (Fatherland).

**DATE OF BIRTH:** 1952

**DATE OF ARREST:** 26 March 2011

**SENTENCE:** Four years in prison and three years of probationary detention.

**EXPIRY:** 2015

**DETAILS OF THE ARREST:** Arrested at his home by security police officers, who also seized his computer and several of his articles.

**DETAILS OF THE TRIAL:** After a half-day trial, on 22 August 2011, Lu was convicted under article 88-1(c) of the Vietnamese Criminal Code for ‘conducting propaganda against the Socialist Republic of Viet Nam’ in relation to 10 articles he posted on various overseas internet sites over the last four years, calling for the end of one-party rule in the country and the introduction of a multiparty system. The judge also stated that Lu ‘confessed’ to the crime and asked for leniency. It has been reported that during the trial, Lu was not allowed to access an independent lawyer or to defend himself.

**PLACE OF DETENTION:** Trai tam giam Cong an Kien Giang, Khu pho 6 Duong Nguyen Chi Thanh, Rach Soi district, Kien Giang province, Viet Nam

**TREATMENT IN PRISON:** Lu Van Bay is allowed three five-to-ten minute visits with his family every month. He has lost weight and frequently suffers from back pain. His family are concerned for his well-being.

**OTHER INFORMATION:** Lu is known for his writings on social and political issues including freedom of expression and freedom of the press. For security reasons, he has written under various pseudonyms, including Tran Bao Viet, a pen-name he has used since 2010.

**HONORARY MEMBER OF:** Suisse Romand PEN Centre. [RAN 49/11 – 21 September 2011]

## **NGUYEN Huu Cau:**

**PROFESSION:** poet, songwriter, human rights defender and anti-corruption activist

**DATE OF BIRTH:** 1945

**DATE OF ARREST:** 9 October 1982

**SENTENCE:** Death sentence, commuted to life imprisonment

**DETAILS OF ARREST:** Reportedly arrested at his residence by public security police of Kien Giang province for being the author of an “incriminating” manuscript of songs and poems. In his original book, Nguyen Huu Cau noted on the back of the pages allegations of rape and bribery committed by the two high level officers. The original manuscript was not used as evidence in the trial, in order to protect the two officers concerned.

**PLACE OF DETENTION:** Forced labour camp K2 Z30A Xuan Loc district, Dong Nai province, Viet Nam.

**DETAILS OF TRIAL:** Nguyen was accused of committing “Destructive acts” that were supposedly “damaging” to the government’s image. On 23 May 1983, he was sentenced to death. He pleaded not guilty and his mother submitted an appeal on his behalf. On 24 May 1985, the Court of Appeals commuted his death sentence to life imprisonment.

**TREATMENT IN PRISON:** During most of his imprisonment, Nguyen Huu Cau has been held in solitary confinement. According to Nguyen’ son, who last visited him on 4 June 2013, letters and visits remain closely monitored by security police agents.

: Nguyen has lost vision in his left eye, and has little vision left in the right one. He is almost completely deaf and in very poor health. There are serious concerns about his well-being.

## **NGUYEN Kim Nhan:**

**PROFESSION:** human rights defender. Known for dissident writings concerning illegal land expropriation and abuses of authority in Bac Giang province, and contributing to the underground review Tô Quốc (Fatherland).

**DATE OF BIRTH:** 1949

**DATE OF ARREST:** 7 June 2011

**SENTENCE:** Five-and-a-half years in prison and four years of probationary detention

**EXPIRY:** December 2016

**DETAILS OF ARREST:** Nguyen Kim Nhan was arrested after public security policemen searched his residence and confiscated a number of personal effects including a computer and several documents.

**DETAILS OF TRIAL:** On 16 July 2012, Nguyen was convicted after a one-day trial in Bac Giang province under Article 88-1(c) of the Criminal Code for “conducting propaganda against the Socialist Republic of Viet Nam”. He was tried for publishing critical articles and letters online, allegedly containing defamatory comments damaging the reputation of the Communist party and its leaders, reporting human rights violations, illegal land expropriation and giving interviews to overseas Vietnamese-language media. Nguyen was tried together with Do Van Hoa and Dinh Van Nhung (see ‘main cases’ above).

**PLACE OF DETENTION:** Trai giam số 6, Huyện Thanh Chuong district, Nghệ An, Việt Nam.

**TREATMENT IN PRISON:** Since his arrest, he has had no direct access to his family.

**BACKGROUND:** Nguyen Kim Nhan has previously served two prison sentences for his dissident activities and writings, from 24 September 2008 to 22 January 2009 and from 8 May 2009 to 20 December 2010, also after convictions under article 88 of the Criminal Code.

### **NGUYEN Thanh Long (religious name Nguyen Cong Chinh):**

**PROFESSION:** pastor, online writer, head of the Evangelical Lutheran Church of Viet Nam, member of the banned human rights defenders network Bloc 8406 and the Vietnamese Political and Religious Prisoners Friendship Association.

**DATE OF BIRTH:** 10 October 1969

**DATE OF ARREST:** 28 April 2011

**SENTENCE:** 11 years in prison

**EXPIRES:** 2022

**DETAILS OF ARREST:** Arrested at his house where security police seized a dozen of his writings and documents.

**DETAILS OF TRIAL:** On 26 March 2012, Nguyen was sentenced by the People’s Court of the Gia Lai province for ‘undermining the unity policy’ under article 87 of the Criminal Code. He was accused of writing and spreading online his texts (about 19 titles) that “slandered Communist authorities” and “distorted the situation of freedom of opinion and religion” in Viet Nam. He was also accused of sending to NGOs, foreign media and international institutions his online critical writings and complaints about human rights violations and the persecution of ethnic minorities, and for giving interviews to foreign radio and newspapers. No defence lawyers, even court-appointed ones, were present at Nguyen Thanh Long’s trial.

**PLACE OF DETENTION:** Camp An Phuoc, Phu Giao district, Binh Duong province, Việt Nam.

**TREATMENT IN PRISON:** Reportedly attacked and ill-treated in prison. His family is seriously concerned for his well-being.

**OTHER INFORMATION:** Nguyen Thanh Long has long been subject to harassment, interrogations and arbitrary detention by public security police, and has also been attacked and beaten. His family has also faced harassment, intimidation and threat. His house is permanently kept under surveillance by the public security police.

### **NGUYEN Tien Trung:**

**PROFESSION:** dissident writer and poet

**DATE OF BIRTH:** 1983

**DATE OF ARREST:** 7 July 2009

**SENTENCE:** Seven years in prison and three years' probationary detention

**EXPIRES:** 2016

**DETAILS OF ARREST:** Reportedly arrested by the security police in Ho Chi Minh City and charged with "plotting to overthrow the government of Viet Nam" and "conducting propaganda against the Socialist Republic of Viet Nam" under article 88 of the Criminal Code.

**DETAILS OF TRIAL:** Sentenced on 20 January 2010 for "endangering national security" and "organising campaigns in collusion with foreign-based reactionary groups aimed at overthrowing the people's government via the internet".

**PLACE OF DETENTION:** Public security detention camp, 4 Phan Dang Luu Street, Phuong 14, Binh Thanh district, Ho Chi Minh city, Viet Nam.

**BACKGROUND:** Believed to be charged for his online writings on the issues of freedom of opinion, religion and media, and alleged official corruption. He is known for several open letters and petitions to Communist Party leaders and government. His letters, essays and poems have been published online and relayed by many forums in and outside Viet Nam. He has also given many interviews to overseas media including BBC, RFA, New Horizon Radio, Paltalk.

**HONORARY MEMBER OF:** Suisse Romand PEN Centre. [RAN 49/09 - 15 September 2009]

### **NGUYEN Van Hai (pen-name Hoang Hai, aka blogger Dieu Cay):**

**PROFESSION:** independent journalist and blogger

**DATE OF BIRTH:** 1952

**DATE OF ARREST:** 19 April 2008

**SENTENCE:** 12 years in prison and five years of probationary detention.

**EXPIRY:** October 2022

**DETAILS OF ARREST:** Initially arrested on tax fraud charges, but not released at the end of his sentence. On the day of the expiry of his first conviction, he was transferred to a Public Security detention camp in Ho Chi Minh City, and held there on different charges. During his pre-trial detention, he was held incommunicado, without access to family visits, letters or medical and food supplies.

**DETAILS OF TRIAL:** On 24 September 2012, Nguyen was convicted of "conducting propaganda against the Socialist Republic of Viet Nam, under Article 88-1(c) of the Criminal Code. He pleaded not guilty. Nguyen Van Hai was tried for his online writings for the banned website Free Journalist Club (Cau Lac Bo Nha Bao Tu Do), which he co-founded, and on his own blog. These writings were published prior to his arrest in 2008. His family and his supporters were prevented from entering the court on the day he was sentenced. Nguyen was tried together with bloggers Phan Thanh Hai and Ta Phong Tan (see below). The trial against the three bloggers had been repeatedly postponed, and did not comply with international fair trial standards.

**PLACE OF DETENTION:** Camp No. 6, Hanh Lam village, Thanh Chuong district, Nghe An province, Viet Nam. During the first half of 2013, Nguyen was transferred to two different detention camps, without knowledge of his family. He began a hunger strike on 23 June in protest at his conditions of detention. A previous hunger strike in 2011, also conducted in protest against poor detention conditions, lasted about 28 days and almost killed him due to the adverse effects on his organs.

**PREVIOUS CONVICTION:** Nguyen Van Hai was previously charged with alleged tax fraud and sentenced on 10 September 2008 to two-and-a-half years' imprisonment. He is widely believed to be targeted for his criticism of Vietnamese government policy. He was due for release on 20 October 2010 on completion of this sentence.

**OTHER INFORMATION:** Nguyen Van Hai is known for his critical internet postings calling for greater democracy and human rights in Viet Nam and his participation in protests against

Chinese foreign policy. On 27 July 2013, Nguyen ended a five-week hunger strike after judicial authorities agreed to investigate his complaint over abusive treatment in prison. Nguyen reportedly started his hunger strike in response to authorities' at Prison No. 6 attempt to force him to sign documents confessing guilt to the charges for which he was convicted.

**AWARDS:** He is recipient of the 2009 Hellman/Hammett award; the 2013 International Press Freedom award (CPJ) and PEN Canada's 2013 One Humanity Award. [RAN 47/08 Update #1 – 9 April 2009; RAN 66/12 – 24 September 2012; RAN 27/13 24 July 2013; open letter from WiPC Chair to President Obama asking him to raise Nguyen Van Hai's case during a visit]

### **NGUYEN Van Khuong (pen name Hoang Khuong):**

**PROFESSION:** journalist for the daily newspaper Tuoi Tre (<http://tuoitre.vn>)

**DATE OF BIRTH:** 1989

**DATE OF ARREST:** 2 January 2012

**SENTENCE:** Four years in prison upheld on appeal on 27 December 2012

**DETAIL OF THE ARREST:** Nguyen was arrested in Ho Chi Minh City. His arrest was linked to an undercover investigation that concluded with the publication of an article on 10 July 2011, in the daily Tuoi Tre, exposing police corruption.

**DETAILS OF TRIAL:** Nguyen was tried on the charge of "taking bribes" under Article 289 of the Criminal Code for his alleged involvement in handing US\$720, to a traffic police officer, in return for the release of an impounded motorbike. At the end of the trial the prosecution asked for a seven-year prison sentence against Nguyen; however, the court imposed a lighter sentence due to his work as a journalist. The traffic police officer was given a five-year sentence for 'taking bribes'.

**PLACE OF DETENTION:** Public Security Police Cong An detention camp, Phan Dang Luu street, Ho Chi Minh City, Viet Nam.

**OTHER INFORMATION:** On 3 December 2011, Nguyen was suspended from the Tuoi Tre daily, allegedly after pressure from the authorities.

### **NGUYEN Van Ly:**

**PROFESSION:** priest, scholar, essayist and co-editor of the underground online magazine Tu Do Ngon luan (Free Speech)

**DATE OF BIRTH:** 1946

**DATE OF ARREST:** 19 February 2007

**SENTENCE:** Eight years in prison and five years of probationary detention (a form of house arrest)

**EXPIRES:** February 2015

**DETAILS OF ARREST:** Reportedly arrested on 19 February 2007 during an "administrative check" at the archdiocesan building where he lives in the city of Hue. Two other editors of Tu Do Ngon luan, Father Chan Tin and Father Phan Van Loi, were reportedly also placed under house arrest.

**DETAILS OF TRIAL:** On 30 March 2007, a People's Court in Hue (Central Viet Nam) sentenced Father Nguyen Van Ly under Article 88 of the Criminal Code for "conducting propaganda against the Socialist Republic of Viet Nam". A video footage of his sentencing is available on the Internet: <http://www.youtube.com/watch?v=bUSJeAakoXI>.

**PLACE OF DETENTION:** Labour camp Trai K1 Ba Sao Nam Ha, Kim Bang district, Ha Nam province, Viet Nam

**TEMPORARY RELEASE:** On 15 March 2010, Nguyen Van Ly was released provisionally on medical grounds. The decision was taken by the Supreme Judge of the People's Court on Ha Nam province, who ordered to temporarily defer Nguyen Van Ly's imprisonment for one year

as he was in urgent need of medical treatment which is unavailable in prison.

**RETURN TO PRISON:** On 25 July 2011, Ly was returned to the labour camp to continue serving his sentence.

: Reportedly suffering from a number of health complaints.

**OTHER INFORMATION:** In September 2010, the United Nations Working Group on Arbitrary Detention called for the immediate and unconditional release of Nguyen Van Ly, who it said had been arbitrarily and illegally detained and denied access to legal counsel by the Vietnamese authorities.

**BACKGROUND:** Ly is a leading member of the pro-democracy movement Bloc 8406. He was previously detained from 1977-1978, and again from 1983-1992 for his activism in support of freedom of expression and religion. He was sentenced again in October 2001 to 15 years in prison for his online publication of an essay on human rights violations in Viet Nam, and was a main case of PEN International. The sentence was commuted several times and he was released under amnesty in February 2005.

**AWARD:** In July 2008 Nguyen Van Ly received the Hellman/Hammett award in recognition of his work in the face of persecution. He was nominated for the Sakharov Prize for Freedom of Thought 2009 and 2010.

**HONORARY MEMBER OF:** Sydney PEN. [RAN 12/07 - 28 February 2007; update #1 - 7 March 2007; updates #2 - 3 April 2007]

## **NGUYEN Xuan Nghia:**

**PROFESSION:** poet, journalist and novelist, member of the Hai Phong Association of writers and founding member of the banned democracy movement known as Block 8406, author of several online poems and articles.

**DATE OF BIRTH:** 1949

**DATE OF ARREST:** 11 September 2008

**SENTENCE:** Six years in prison and three years' probationary detention

**EXPIRES:** 10 September 2014

**DETAILS OF ARREST:** Nguyen Xuan Nghia was arrested and charged with "conducting propaganda against the Socialist Republic of Viet Nam" under article 88-1(c) of the Criminal Code for his pro-democracy writings and activities, in particular for being a leading member of the banned pro-democracy group Block 8406. Other members of the group were also arrested and sentenced. The indictment dated 3 July 2009 cited 57 pieces written by Nguyen Xuan Nghia from 2007 until his arrest in 2008, including poetry, literature, short stories and articles, which allegedly sought to "insult the Communist Party of Viet Nam, distort the situation of the country, slander and disgrace the country's leaders, demand a pluralistic and multiparty system ... and incite and attract other people into the opposition movement." He is amongst dozens of activists to have been arrested since September 2008 as part of an on-going crackdown on peaceful dissent.

**DETAILS OF TRIAL:** Tried and convicted by the Hanoi People's Court on 9 October 2009. His conviction was upheld on 21 January 2010.

**PLACE OF DETENTION:** Labour Camp An Diêm, Dai Lôc district, Quang Nam province, Viet Nam since October 2013

**TREATMENT IN PRISON:** In March 2012, Nguyen was transferred to a new detention facility nearer to the Laos border, about 400 km from his family home. This will make his wife's visits even more difficult and costly.

: His health has reportedly deteriorated because of age, insomnia, pollakiuria and terminal prostate cancer. Reportedly suffering from solitary confinement for refusing to plead guilty and engaging in hunger strikes to protest detention conditions.

**HONORARY MEMBER OF:** PEN American Center.



**AWARDS:** Recipient of the 2008 and 2011 Hellman/Hammett awards and the Liu Xiaobo Courage to Write Award (ICPC). [RAN 47/08 - 23 September 2008, update 1 – 9 April 2009]

### **PHAN Ngoc Tuan:**

**PROFESSION:** dissident poet, writer and human rights defender

**DATE OF BIRTH:** 1959

**DATE OF ARREST:** 10 August 2011

**SENTENCE:** Five years in prison and three years in probationary detention

**EXPIRES:** August 2016

**DETAILS OF ARREST:** Arrested by the public security police when he took refuge with one of his acquaintances in Ho Chi Minh city. He was then escorted back to his place of residence for interrogation.

**DETAILS OF TRIAL:** On 6 June 2012, Phan Ngoc Tuan was sentenced by the Ninh Thuan province's people court to five years in prison and three years in probationary detention after conviction of "conducting propaganda against the Socialist Republic of Viet Nam" under article 88-1(c) of the Criminal Code. The indictment alleged that Phan Ngoc Tuan's writings "slandered" the government and its leaders. No defence lawyers, even court-appointed ones, were present at Phan Ngoc Tuan's half-day trial. Phan Ngoc Tuan denied the charges.

**PLACE OF DETENTION:** Camp T345 Xuyên Mộc district, Ba Ria – Vung Tau province, Việt Nam.

**BACKGROUND:** Phan is the author of several satirical texts, lampoons, pamphlets and documents criticising the communist authorities for their human rights violations and denouncing corruption, social injustice and ideological discrimination in the regime's legal system.

### **TA Phong Tan (f) (Pen name : Cong Ly Va Su That):**

**PROFESSION:** blogger for Conglysuthat (Justice & Truth), jurist and former police officer. Ta is a popular blogger among dissidents in Viet Nam. Her articles have been published in many mainstream media outlets in Viet Nam, including Tuoi Tre (Youth), Nguoi Lao Dong (Labourer), Viet Nam Net, and the Vietnamese Service of the BBC.

**DATE OF BIRTH:** 1969

**DATE OF ARREST:** 5 September 2011

**SENTENCE:** 10 years in prison and five years in probationary detention (a form of house arrest)

**EXPIRES:** 4 September 2021

**DETAILS OF THE TRIAL:** On 24 September 2012, the Court in Hi Chi Minh City tried and sentenced Ta for "conducting propaganda against the Socialist Republic of Viet Nam" under article 88-1(c) of the Criminal Code, for her online writings for the banned website Free Journalist Club (Cau Lac Bo Nha Bao Tu Do), which she co-founded, and on her own blog. She has written articles about corruption, abuse of power, confiscation of land, among other issues. Ta was tried together with bloggers Nguyen Van Hai and Phan Thanh Hai (see above). The trial against the three bloggers had been repeatedly postponed, and did not comply with international standards of fairness. Her conviction and sentence were upheld on appeal on 28 December 2012.

**PLACE OF DETENTION:** She is currently being held at Camp No. 5, Thong Nhat, Yen Dinh district, Thanh Hoa province, Viet Nam. During the first half of 2013, Nguyen was transferred to two different detention camps, without her family being informed.

**OTHER INFORMATION:** On 30 July 2012, her mother died after self-immolating outside government buildings following months of harassment from Public Security officials.

**AWARDS:** Ta is a recipient of the 2011 Hellman/Hammett award, and the 2013 US Government 'International Women of Courage' honour. [RAN 66/12 – 24 September 2012]

## **TRAN Anh Kim:**

**PROFESSION:** Internet writer and dissident. Former army officer. Author of more than 60 articles and essays focusing in human rights and social injustice, secretary of the banned Vietnamese Democratic Party and member of banned democracy movement known as Bloc 8406.

**DATE OF BIRTH:** 1949

**DATE OF ARREST:** 7 July 2009

**SENTENCE:** Five-and-a-half years in prison and three years' probationary detention.

**EXPIRES:** 2015

**DETAILS OF ARREST:** Among five activists who were arrested in June 2009. Reportedly arrested and charged with "conducting propaganda against the Socialist Republic of Viet Nam" under article 88-1(c) of the Criminal Code.

**DETAILS OF TRIAL:** Later convicted of the more serious charge of "carrying out activities aimed at overthrowing the people's administration" under article 79 of the Criminal Code for his pro-democracy activities on 29 April 2010. Prosecutors asked for a lighter sentence in view of the military background of Mr. Kim, a wounded veteran.

**PLACE OF DETENTION:** Labour Camp nr 6, K1, Cell A, Hanh Lam village, Thanh Chuong district, Nghe An province, Viet Nam.

**BACKGROUND:** Tran Anh Kim was known for drafting and circulating petitions protesting injustice and corruption in the Vietnamese Communist Party. In 1991, he was briefly detained and accused of "abuse of power to steal public wealth." He was arrested again in 1994 and sentenced to two years in prison. He was released after one year. He was member of the editorial board of the underground journal Fatherland.

**AWARDS:** Recipient of the 2009 Hellman/Hammett Award. [RAN 49/09 - 15 September 2009]

## **TRAN Huynh Duy Thuc (pen name: Tran Dong Chan):**

**PROFESSION:** businessman, poet and prolific Internet writer. Tran is said to be the director general of the company One Connection Internet Inc., and founder of the Studies Group for Improving and Promoting Viet Nam. He has various web blogs, the most prominent being 'Change we need', where he publishes his articles on the social and political situation in Viet Nam, as well as his poems. He is said to be the co-author of the clandestine book The Way for Viet Nam.

**DATE OF BIRTH:** 1966

**DATE OF ARREST:** 24 May 2009

**SENTENCE:** Sixteen years in prison and three years of probationary detention

**EXPIRES:** 23 May 2025

**DETAILS OF THE ARREST:** Reportedly arrested at his home by the Security Agency and was originally charged with "conducting propaganda against the Socialist Republic of Viet Nam" under article 88-1(c) of the Criminal Code. There are reports that in August 2009, Tran was compelled to make a public "confession".

**DETAILS OF TRIAL:** Tried and convicted on 17 January 2010 for "carrying out activities aimed at overthrowing the people's administration" under article 79 of the Criminal Code. The trial lasted one day, and neither Tran's relatives or the press were allowed into the courtroom. Said to be convicted for his dissident activities and writings.

**PLACE OF DETENTION:** Labour camp T345 Xuyên Mộc district, Ba Ria – Vung Tau province, Việt Nam.

**AWARDS:** Tran is the recipient of the 2013 Viet Nam Human Rights Network Prize.

## **TRAN Vu Anh Binh:**

**PROFESSION:** songwriter and blogger. Tran has written songs which deal with social matters, advocating the respect of human rights, denouncing social injustice and abuse of power. His best-known songs include Father, You Gave Me (Your Child) the Future, and The Lullaby is Not Fully Sung Yet. He is also credited with writing the music for Courage in the Dark Prison, a song that reportedly expresses support for imprisoned blogger Nguyen Van Hai.

**DATE OF BIRTH:** 1974

**DATE OF ARREST:** 19 September 2011

**SENTENCE:** Six years in prison

**EXPIRY:** 2017

**DETAILS OF ARREST:** Arrested by a group of about 10 plain-clothed police, who confiscated his computers and audio-visual equipment.

**DETAILS OF TRIAL:** On 30 October 2012, Tran was convicted after a five-hour trial at Hi Chi Minh People's Court of "conducting propaganda against the Socialist Republic of Viet Nam" under article 88-1(c) of the Criminal Code. He was tried with songwriter and performer Vo Minh Tri (see 'main case' below).

**PLACE OF DETENTION:** Detention Camp Z30A, District Xuan Loc, Province Dong Nai, Viet Nam.

**TREATMENT IN PRISON:** He is said to be held in solitary confinement. [RAN 70/12 – 31 October 2012]

## **Vi Duc HOI:**

**PROFESSION:** former high-ranking Communist party member, democracy activist and online commentator

**DATE OF BIRTH:** 1956

**DATE OF ARREST:** 27 October 2010

**SENTENCE:** Five years in prison and three years of probationary detention.

**EXPIRES:** 2015

**DETAILS OF ARREST:** Arrested over his writings and his activities for the banned human rights defenders organisation Bloc 8406.

**DETAILS OF TRIAL:** Hoi was sentenced to eight years in prison and five years of probationary detention in January 2011 on charges of "conducting propaganda against the Socialist Republic of Viet Nam" under article 88-1(c) of the Criminal Code for commentaries he posted on the internet. An appeals court in Lang Son province reduced his sentence on 26 April 2011 to five years in prison and three years of probationary detention.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

**OTHER INFORMATION:** In 2006 he started publishing articles online calling for democratic reforms and criticising alleged government corruption.

**BACKGROUND:** Arrested in 2007 and held for one week before being expelled from the Community Party and dismissed from his official positions. In June 2008 he was subjected to a 'people's tribunal' for being a 'traitor'. He has since been subject to regular harassment, interrogation and house arrest.

**AWARDS:** Recipient of the Hellman/Hammett awards 2009 and 2011.

## **VO Minh Tri (aka Minh Tri) and Việt Khang:**

**PROFESSION:** songwriter and performer

**DATE OF BIRTH:** 19 January 1978

**DATE OF ARREST:** 23 December 2011

**SENTENCE:** Four years in prison and two-year probationary period.

**DETAILS OF ARREST:** Arrested on 16 September 2011 and held for a week. Rearrested in December 2011 at his home by public security police. His computer and recording equipment were seized by the police.

Details of the **TRIAL:** On 30 October 2012, Vo was sentenced after a five-hour trial at Ho Chi Minh People's Court for "conducting propaganda against the Socialist Republic of Viet Nam" under Article 88 of the Criminal Code. Vo was tried with songwriter and blogger Tran Vu Anh Binh (see above).

**OTHER INFORMATION:** In April 2011 Vo and other young professionals, students and activists founded the organisation Tuoi Tre Yeu Nuoc (Young Patriots), a human rights defenders' group. Vo's lyrics and writings have been published on the group's website, [www.tuoitreyeunuoc.net](http://www.tuoitreyeunuoc.net). The group advocates for respect for issues including human rights and democratic reforms. With that spirit, Vo's songs Who are you?, Where is my Viet Nam? and The Mother in the Mekong Delta, among others, quickly spread on internet sites.

**PLACE OF DETENTION:** On 28 January 2013, Vo was transferred to Detention Camp Z30A, Xuan Loc district, Dong Nai province, Viet Nam.

**TREATMENT IN PRISON:** Held in solitary confinement. [RAN 70/12 – 31 October 2012]

## **GROUP OF ACTIVISTS, BLOGGERS and CITIZEN JOURNALISTS**

Between August and December 2011, the following activists, bloggers and citizen journalists, most of them members of the Catholic organisation Congregation for the Holy Redeemer, were arrested by the Vietnamese authorities, after attending a training course in Bangkok held by the banned Viet Tan political party; which, according to Human Rights Watch, currently works for peaceful political reform, democracy and human rights in Viet Nam. The group of 13 were initially charged and later prosecuted in one of the biggest trials in Viet Nam under Article 79 of the Criminal Code for 'carrying out activities aimed at overthrowing the people's administration'. The criminal activities the group are said to have engaged in include writing commentaries that are critical of the Government and distributing them on the internet, as well as participating in and encouraging peaceful protest. On 9 January 2013, the People's Court of Nghe An province sentenced the activists to terms of up to 13 years in prison. On 23 May 2013, on appeal, some of their convictions were reduced and one of the bloggers was given a suspended sentence. There are reports that these activists have been facing difficult prison conditions, and that some of them have received limited water and food. The names and prison sentences are the following:

### **DANG Ngoc Minh (f):**

**PROFESSION:** human rights activist, former secondary school teacher and housewife

**DATE OF BIRTH:** 1957

**DATE OF ARREST:** 2 August 2011

**SENTENCE:** Three years in prison and two years in probationary detention.

**OTHER INFORMATION:** Dang is said to have participated in workshops about citizen journalism. She is the mother of Nguyen Dang Minh Man and Nguyen Dang Vinh Phuc, both convicted in this group.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

## **DANG Xuan Dieu:**

**PROFESSION:** Human rights activist, blogger contributing to Viet Nam Redemptorist News

**DATE OF BIRTH:** 1979

**DATE OF ARREST:** 30 July 2011

**SENTENCE:** 13 years in prison and five years in probationary detention.

**APPEAL:** Dang was unable to appeal, as he submitted a request for a new trial, which was rejected after the deadline for appeal had passed.

**PROFESSIONAL DETAILS:** Dang is also an engineer, and was active in mobilising access to education for students from disadvantaged backgrounds.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

## **HO Duc Hoa:**

**PROFESSION:** human rights activist, blogger and contributor to Viet Nam Redemptionist News

**DATE OF BIRTH:** 1974

**DATE OF ARREST:** 30 July 2011

**SENTENCE:** 13 years in prison and five years in probationary detention (a form of house arrest); conviction upheld on appeal.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

## **HO Van Oanh:**

**PROFESSION:** human rights activist, catholic student and contributor to Viet Nam Redemptorist News

**DATE OF BIRTH:** 1985

**DATE OF ARREST:** 16 August 2011

**SENTENCE:** Three years in prison and two years in probationary detention; the prison term was reduced on appeal to two-and-a-half years.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

## **LE Van Son Paulus:**

**PROFESSION:** blogger, writer and Christian activist

**DATE OF BIRTH:** 1985

**DATE OF ARREST:** 3 August 2011

**SENTENCE:** 13 years in prison and five years in probationary detention, reduced on appeal to four years in prison and four of probationary detention.

Expiry: 2015

**OTHER INFORMATION:** Le Van Son writes for his blog [paulusleson.wordpress.com/](http://paulusleson.wordpress.com/) and contributes to the collective blog Baokhongle and Viet Nam Redemptorist News. Previously, he signed a petition for the release of the dissident writer Cu Huy Ha Vu, (see above), and covered his trial in April 2011. He is also a community organizer on matters that include HIV and public education.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

### **NGUYEN Dang Minh Man (f):**

**PROFESSION:** human rights activist

**DATE OF BIRTH:** 1985

**DATE OF ARREST:** 2 August 2011

**SENTENCE:** Nine years in prison and five years in probationary detention

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

**OTHER INFORMATION:** She is said to have drafted documents allegedly containing dissident opinion.

### **NGUYEN Dang Vinh Phuc:**

**PROFESSION:** human rights activist and worker from Tra Vinh city

**DATE OF BIRTH:** 1980

**DATE OF ARREST:** 2 August 2011

**SENTENCE:** Three-year suspended sentence and three years of probationary detention.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

**OTHER INFORMATION:** It has been reported that she was arrested for participating in citizen journalism's training workshops.

### **NGUYEN Dinh Cuong:**

**PROFESSION:** human rights activist and businessman

**DATE OF BIRTH:** 1981

**DATE OF ARREST:** 24 December 2011

**SENTENCE:** Four years in prison and three years in probationary detention, confirmed on appeal.

**EXPIRY:** 2015

**OTHER INFORMATION:** Nguyen is said to have worked for the John Paul II Group for Pro-Life, and participated in peaceful protests against local authorities' arbitrary confiscation of church lands.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

### **NGUYEN Van Duyet:**

**PROFESSION:** human rights activist and citizen journalist writing for the media network and contributing to Viet Nam Redemptorist News

**DATE OF BIRTH:** 1980

**DATE OF ARREST:** 7 August 2011

**SENTENCE:** Six years in prison and four years in probationary detention (a form of house arrest); prison term reduced on appeal to three-and-a-half years.

**EXPIRY:** 6 February 2014

**OTHER INFORMATION:** Nguyen is President of the Association of Catholic Workers of Vinh city in Hanoi. He is said to have covered the trial of dissident writer Cu Huy Ha Vu (see above).

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

### **NGUYEN Van Oai:**

**PROFESSION:** human rights activist, citizen journalist contributor to Viet Nam Redemptorist News

**DATE OF BIRTH:** 1981

**DATE OF ARREST:** 30 July 2011

**SENTENCE:** Three years in prison and two years in probationary detention.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

### **NONG Hung Anh:**

**PROFESSION:** human rights activist, fourth year student at Hanoi University, blogger for [boxitvn.net](http://boxitvn.net) and [baokhongle.wordpress.com](http://baokhongle.wordpress.com)

**DATE OF BIRTH:** 1983

**DATE OF ARREST:** 5 August 2011

**SENTENCE:** Five years in prison and three years in probationary detention.

**EXPIRY:** 2016.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

### **THAI Van Dung:**

**PROFESSION:** human rights activist and blogger

**DATE OF BIRTH:** 1988

**DATE OF ARREST:** 19 August 2011

**SENTENCE:** Four years in prison and three years in probationary detention, confirmed on appeal.

**EXPIRY:** 2016.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

### **TRAN Minh Nhat:**

**PROFESSION:** human rights activist, contributor to the Viet Nam Redemptorist News. Student of the Ho Chi Minh City University of Foreign Languages and Information Technology.

**DATE OF BIRTH:** 1988

**DATE OF ARREST:** 27 August 2011

**SENTENCE:** Four years in prison and three years in probationary detention.

**PLACE OF DETENTION:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam.

### **IMPRISONED: INVESTIGATION**

#### **\*NGO Hao:**

**PROFESSION:** Internet writer and human rights activist

**DATE OF BIRTH:** 1948

**DATE OF ARREST:** 8 February 2013

**SENTENCE:** 15 years in prison and 5 years in probationary detention on 11 September 2013, upheld on appeal on 23 December 2013.

**EXPIRY:** February 2028

**PLACE OF DETENTION:** Temporary prison Tuy Hoa, Phu Yen province, Viet Nam

**DETAILS OF TRIAL:** Accused of “carrying out activities’ aimed at overthrowing the people’s administration” under article 79 of the Criminal Code. He reportedly criticised social injustice and human rights violations committed by the administration of his country in online articles, in particular official corruption and religious persecution. He sent an appeal to foreign governments and international human rights organisations seeking support for victims of repression against freedom of expression and opinion and freedom of religion.

### **\*PHAM Viet Dao (pen-name Phuoc Loc Tho):**

**PROFESSION:** writer, journalist, blogger, and member of the Association of Viet Nam Writers and Association of Vietnamese Journalists

**DATE OF BIRTH:** 1952

**DATE OF ARREST:** 13 June 2013

**DETAILS OF ARREST:** arrested for his online writings; he had reportedly posted on his blog <http://phamvietdao.blogspot.com/> many articles criticising the government and calling for a multi-party democratic system. He faces charges under article 258 of the Criminal Code which prohibits “Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organisations and/or citizens”; if found guilty he could face up to seven years in prison. Pham is currently being held at the Public Security Ministry’s detention camp in Ha Noi, Viet Nam.

**BACKGROUND:** Pham studied in Romania, where he obtained a literature degree in 1974, and was a high cadre of the Ministry of Culture’s cinema department, then head of the Press and Publications Inspection Bureau of the Ministry of Culture (1992-2007). He had been summoned for questioning by the public security police several times in the past. His blog had been the target of three cyber-attacks.

### **\*TRUONG Duy Nhat:**

**PROFESSION:** well-known blogger who writes for his blog Another Viewpoint, in which he is said to have written critical comments against high government officials. Truong is a former journalist who worked for two state newspapers, and resigned in 2010 to focus on his blog.

**DATE OF BIRTH** 1964

**DATE AND DETAILS OF ARREST:** He was arrested at his home in Danang city on Sunday 26 May 2013. The police reportedly carried a warrant issued by the Ministry of Public Security ordering an urgent arrest against Truong, who was escorted by plane to Hanoi for questioning and investigation.

**DETAILS OF TRIAL:** Truong was reportedly charged with “abusing democracy and infringing upon the interests of the state,” under article 258 of the Criminal Code, and could face seven years in prison. Access to his blog has been disabled.

**PLACE OF DETENTION:** He is reportedly held at Temporary camp B14 (Public Security Police Ministry) Thanh Liet village, Thanh Tri district, Hanoi.

### **BRIEF DETENTION**

### **\*BUI Tuan Lam and TRAN Hoai Bao:**

**PROFESSION:** bloggers

**DATE OF ARREST:** 5 October 2013

**DETAILS OF ARREST:** They were reportedly detained, along with two others, at Ho Chi Minh City’s Tan Son Nhat airport on upon their return from a two-week 2013 Civil Society study programme with rights organisation Asian Bridge Philippines, in Manila.



**DETAILS OF RELEASE:** The bloggers were reportedly questioned about the study programme and released on 6 October 2013.

**BACKGROUND:** Bui and Tran were among 12 young activists detained in three separate groups upon their return from the study programme in Manila.

### **\*LE Anh Hung:**

**PROFESSION:** blogger

**DATE OF BIRTH:** 1973

**DATE OF ARREST:** 24 January 2013

**DETAILS OF ARREST:** he was reportedly taken from his workplace in Hug Yen city, by six security officials in order to be questioned over his temporary residence documents, but was instead sent to a psychiatric institution in Hanoi. The authorities reportedly stated that Hung was taken there at his mother's request; however, other sources say that she had not made such a request.

**DATE OF RELEASE:** On 5 February 2013, Hung was released from the psychiatric institution.

**BACKGROUND:** The blogger is known for his critical posts about abuse of power, and has reported suffering previous harassment by the authorities for that reason.

### **\*LE Cong Cau:**

**PROFESSION:** activist and head of the youth group of the Unified Buddhist Church of Viet Nam (UBCV)

**DATE OF ARREST:** 13 March 2013

**DETAILS OF ARREST:** Held and questioned over three days, from 13 to 16 March 2013. The authorities in Thua Thien Hue province, central Viet Nam, reportedly threatened to charge Cau with "conducting state propaganda" under Article 88 of the Criminal Code.

**BACKGROUND:** Cau had written articles about human rights and religious persecution in Viet Nam, as well as for the government's position regarding the land dispute in the South China Sea. The UBCV was banned in Viet Nam in 1981.

### **\*Ly CHHOUN:**

**PROFESSION:** editor of the Cambodian weekly Prey Nokor

**DATE OF ARREST:** 13 April 2013

**DETAILS OF ARREST:** He was briefly detained in An Giang province, southern Viet Nam with his wife and daughter. They were held over a weekend for allegedly visiting Viet Nam illegally; however, Chhoun was visiting his hometown in Tra Vinh province for the Khmer New Year.

**DATE OF RELEASE:** The family was released on Sunday 14 April 2013.

**BACKGROUND:** Chhoun's weekly covers issues related to the persecution of the Khmer Krom people in Viet Nam, and it is believed that this was the reason for his arrest.

### **\*NGUYEN Lan Thang:**

**PROFESSION:** blogger for Radio Free Asia's Vietnamese service

**DATE OF ARREST:** 30 October 2013

**DETAILS OF ARREST:** He was detained for one night upon his arrival at Hanoi's Noi Bai airport following a six-month trip abroad. Nguyen had been travelling in Thailand, the Philippines, and Europe where he reportedly met with United Nations human rights officials and media and advocacy groups. The authorities were reportedly particularly interested in his campaign to

abolish Article 258 of the Vietnamese penal code, which has frequently been used to jail dissidents.

**DATE OF RELEASE:** 31 October 2013

## **ATTACKED**

### **\*CHAU Van Thi, HOANG Dung:**

**PROFESSION:** bloggers

**DETAILS OF ATTACK:** They were reportedly beaten by police in Ho Chi Minh City between 8 and 10 December 2013 as Vietnam's bloggers gathered to celebrate Human Rights Day, on 8 December 2013, and the official launch of the Network of Vietnamese Bloggers, on 10 December 2013.

### **\*DAO Trang Loan, LE Hien Duc, PHAM Minh Vu:**

**PROFESSION:** bloggers

**DETAILS OF ATTACK:** They were reportedly beaten by police in Hanoi between 8 and 10 December 2013 as Vietnam's bloggers gathered to celebrate Human Rights Day, on 8 December 2013, and the official launch of the Network of Vietnamese Bloggers, on 10 December 2013.

### **\*NGUYEN Hoang Vi (f) and NGUYEN Ngoc Nhu Quynh (Pen name: ME Nam) (f):**

**PROFESSION:** bloggers

**DETAILS OF ATTACK:** They were reportedly attacked by individuals believed to be plain clothes police in Ho Chi Minh City on 8 December as they headed to Human Rights Day demonstrations. Nguyen was reportedly dragged and beaten, while Me was reportedly pushed to the ground while carrying her five-year-old son. Seven other bloggers, Hoang Van Dung, Nguyen Tien Tuyen, Tran Hoang Han, Trung Hieu Hieu, Vo Cong Dong, Hoang Bui and Tin Ba, were reportedly beaten when they went to Nguyen and Me's aid. Hoang Van Dung reportedly sustained an eye injury in the course of the incident.

### **\*NGUYEN Van Thanh and THANH Hoang:**

**PROFESSION:** bloggers

**DETAILS OF ATTACK:** they were reportedly beaten by unknown assailants outside the Hoa Minh ward's police station in Lien Chieu district, Da Nang city when they arrived to assist fellow bloggers Le Anh Hung and Thi Phuong Anh, who were demanding that the authorities return confiscated belongings on 8 December 2013. According to reports, Hoang was injured in the attack.

### **\*PHAM Thanh Nghien (f):**

**PROFESSION:** internet writer and independent journalist

**DETAILS OF ATTACK:** she was reportedly verbally abused by police officers when she began reading the Universal Declaration of Human Rights out loud, according to a May 2013 news report. Pham was prevented by police from leaving her house, and visitors were prevented from entering. Pham then reportedly showed her support for the burgeoning human rights picnic movement by organising a picnic with her mother in her own garden, posting pictures of it on the internet.

**BACKGROUND:** Pham was released from prison upon completion of her four-year sentence for 'conducting propaganda against the Socialist Republic of Viet Nam' on 18 September 2012. She is currently under probationary detention. See July-December 2012 case list for more information. [RAN 47/08 - 23 September 2008; Update #1 – 9 April 2009]

## **CONDITIONAL RELEASE**

### **\*DINH Nhat Uy:**

**PROFESSION:** blogger and human rights activist

**DATE OF ARREST:** 15 June 2013

**SENTENCE:** 15 months' suspended sentence

**DETAILS OF TRIAL:** he was handed down a 15-month suspended sentence followed by a year of probation by Long An provincial court on 29 October 2013 following a one-day trial. According to reports, members of Dinh's family were denied permission to attend the trial and were detained during the hearing along with other supporters and protesters. Arrested on suspicion of being the author of articles and photos published on his personal blog that "distort the truth and defame state organisations," Dinh faced charges under article 258 of the Criminal Code which prohibits "abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organisations and/or citizens". According to reports, the indictment only referred to postings made on his Facebook page. Although the offending articles reportedly date back to December 2012, Dinh was not arrested until June 2013 when the campaign for his brother's release got under way. On Facebook, Dinh had reportedly called for the release of his brother Dinh Nguyen Kha (see 'Imprisoned: main case' above). He was held at camp Thanh Hoa (Public Security Police Ministry), Long An province, Viet Nam.

### **NGUYEN Phuong Uyen (f):**

**PROFESSION:** poet and blogger, human rights activist, student of the Ho Chi Minh City's Food Technology University, and member of the banned human rights defenders' group Tuoi Tre Yeu Nuoc (Young Patriots).

**DATE OF ARREST:** 14 October 2012

**DETAILS OF ARREST:** Arrested for distributing leaflets critical of the government. She was taken to Tan Phu police station, where she was held for a week without her family being informed. Her parents launched a search by various non-state media outlets, and a week after her arrest the family was told that Nguyen had been transferred to the police station in Long An province.

**DETAILS OF TRIAL:** She was officially charged on 19 October 2012. On 16 May 2013, Nguyen was sentenced to six years in prison and three years in probationary detention for violating Article 88-1(c) of the Criminal Code for "conducting propaganda against the Socialist Republic of Viet Nam", in connection with leaflets she distributed which the prosecution reportedly claimed distorted "the party and the state's policies related to religion and land, and exhibit[ed] a twisted viewpoint regarding the Spratly and Paracel islands [the sovereignty of which is disputed between China and Viet Nam] and the border land between Viet Nam and China".

**DETAILS OF RELEASE:** On 16 August 2013, Nguyen was released on appeal after her sentence was commuted to a three-year suspended prison sentence, with four years' and three months' probationary detention. Nguyen represented herself during the hearing. Since her release, Nguyen has reportedly been the subject of harassment. On 29 November 2013, she was reportedly expelled from her university for "violating the law of the Socialist Republic of Viet Nam".

## NGUYEN Trung Ton:

**PROFESSION:** pastor, Internet writer, human rights defender and former member of the banned human rights defenders network Bloc 8406

**DATE OF ARREST:** 15 November 2011

**DETAILS OF ARREST:** Arrested at the home of fellow internet writer Ho Thi Bich Khuong (see 'Imprisoned: main case' above). His house was searched on 17 November 2011 and personal documents and a computer were confiscated.

**DETAILS OF TRIAL:** Convicted at a one-day trial with Ho Thi Bich Khuong (f) on 29 December 2011 at Nghe An People's Court. Sentenced to two years in prison and two years' probationary detention (a form of house arrest). The trial had been announced as "open to the public" but on the day only plain clothes security police agents and authorised individuals were admitted into the court house. Accused of "conducting propaganda against the Socialist Republic of Viet Nam" by "making, storing and circulating documents and cultural products with contents against the Socialist Republic of Viet Nam" by collecting documents, and writing and publishing several online articles which allegedly tarnished the reputation of the Communist Party and the Socialist Republic of Viet Nam. in violation of the Article 88 of the Criminal Code.

**DETAILS OF RELEASE:** Conditionally released in November 2013 upon completion of his prison term.

## RELEASED

## LE Cong Dinh:

**PROFESSION:** lawyer and dissident writer

**DATE OF ARREST:** 13 June 2009

**SENTENCE:** five years in prison and three years' probationary detention

**DETAILS OF TRIAL:** convicted of "conducting propaganda against the Socialist Republic of Viet Nam" under Article 88-1(c) of the Criminal Code, for allegedly reporting 'distorted' facts to foreign media and offending the country's Prime Minister. Later also convicted for "activities aiming to overthrow the people's government" under article 79 of the Criminal Code.

**DETAILS OF RELEASE:** On 6 February 2013, on the occasion of the celebration of the Vietnamese Lunar New Year, Le Cong Dinh was released from prison. The reason given is reportedly good behaviour and the fact that Le's mother is in poor health.

## CASE CLOSED

## NGUYEN Phong:

**PROFESSION:** human rights activist and dissident, co-founder of the Viet Nam Progressive Party and co-editor associate of Tu Do Ngon Luan (Freedom of Speech) underground online magazine.

**DATE OF ARREST:** 29 March 2007

**SENTENCE:** Six years in prison and three years of probationary detention by the People's Court in Hue

**DETAILS OF TRIAL:** Convicted of "conducting propaganda against the Socialist Republic of Viet Nam" under Article 88 of the Criminal Code.

**DETAILS OF RELEASE:** Nguyen was released from prison in late March 2013 on expiry of his prison sentence. He remains under probationary detention for three more years.

### **NGUYEN Xuan Anh:**

**PROFESSION:** human rights and environmental activist, and blogger

**DATE OF ARREST:** 7 August 2011

**SENTENCE:** three years in prison and three years in probationary detention, imprisonment term reduced on appeal to two years.

**DATE OF RELEASE:** Released on expiry of sentence in August 2013.

### **PHAN Thanh Hai (also known as Anh Ba Sai Gon):**

**PROFESSION:** Lawyer, independent journalist and blogger

**DATE OF ARREST:** 18 October 2010

**SENTENCE:** sentenced to four years in prison and three years of probationary detention, reduced to three years in prison on appeal on 28 December 2012

**DETAILS OF TRIAL:** On 24 September 2012, the Court in Ho Chi Minh City tried and sentenced Phan for “conducting propaganda against the Socialist Republic of Viet Nam” under article 88-1(c) of the Criminal Code. Phan was tried for his online writings for the banned website Free Journalist Club (Cau Lac Bo Nha Bao Tu Do), which he co-founded, and on his own blog. He had written about Viet Nam’s territorial disputes with China and the issue of bauxite mining. Phan’s family and supporters were not allowed to attend the trial. Phan was tried together with bloggers Nguyen Van Hai and Ta Phong Tan (see ‘Imprisoned: main case’ above). The trial against the three bloggers had been repeatedly postponed, and did not comply with international standards of fairness.

**DETAILS OF RELEASE:** Conditionally released upon completion of his prison term on 1 September 2013.

# **EUROPE and CENTRAL ASIA**

## **AZERBAIJAN**

**KILLED: IMPUNITY**

### **Rafiq TAGI**

**PROFESSION:** journalist

**DATE OF DEATH:** 23 November 2011

**DETAILS:** Died in hospital after he had been attacked while returning home from work on 19 November 2011. Although the motive for the attack remains unknown, it is reported that it may have been related to an article Tagi published on 10 November 2011, entitled 'Iran and the Inevitability of Globalisation,' in which he criticised the Iranian regime and described threats made against Azerbaijan by Iran as "ridiculous".

**DETAILS OF INVESTIGATION:** a criminal investigation into the crime was launched by the Khatai District Prosecutor's Office in November 2011. In February 2012, media reports stated that the authorities ruled out medical negligence as a contributory factor, which was criticised by Tagi's family members.

**BACKGROUND:** Tagi, a former PEN main case, was previously arrested in November 2006 for an article entitled 'Europe and Us,' published in Sanat newspaper, and for which he was accused of insulting the Prophet Mohammad. Following the publication of the article the Grand Ayatollah Fazil Lankarani of Iran issued a fatwa calling for Tagi's death. He was sentenced to three years in prison for the article under Article 283 of the Azerbaijani Criminal Code for "inciting national, racial and religious enmity". Following significant international pressure, Tagi was granted amnesty on 28 December 2007.

## **IMPRISONED: MAIN CASE**

### **Hilal MAMEDOV**

**PROFESSION:** editor-in-chief of independent newspaper Talyshi Sado (Voice of the Talysh) and human rights activist

**DATE OF BIRTH:** 1959

**DATE OF ARREST:** detained since 21 June 2012

**SENTENCE:** five years in prison

**DETAILS OF TRIAL:** Convicted on 28 September 2013 of illegal selling of drugs (Article 234.4.3 of the Criminal Code), treason (Article 274 of the Criminal Code), and incitement to national, racial, social and religious hatred and hostility (Article 283 of the Criminal Code). According to reports, a preliminary hearing took place in Baku during the first week in January 2013. Mamedov's family claim that the drugs that police claimed to find in his apartment were planted, and have stated their belief that the arrest was politically motivated. Another hearing of his case took place on 29 May 2013 at the Baku Grave Crimes Court. The trial started with the presentation of a written 'objection to the composition of the jury' by the defence, which was not accepted by the judge. During the hearing Mamedov said that the prosecution was a reprisal for his social activism and critical opinions. The next hearing was scheduled for 5 June 2013. A further hearing was held on 10 July 2013. Lawyers for Mamedov petitioned the court to be allowed to question the investigators who searched Mamedov's house during his arrest. The court rejected the petition. Human rights observers inside and outside Azerbaijan believe that that he is being punished for his journalism and activism for national minorities' rights. There are concerns over the fairness of his trial, including reports of coercion of witnesses and lack of substantive evidence against him.

**ATTACKS WHILE IN CUSTODY:** Mamedov was reportedly attacked and injured by his cellmate on 29 November 2012. He was saved from serious injury by the intervention of prison guards.

**OTHER DETAILS:** In a press release, Azerbaijan's Interior Ministry stated that Mamedov had undermined the country's security in his article for Talyshi Sado, in his interviews with the Iranian broadcaster Sahar-2, and also in unnamed books he had allegedly translated and distributed. The statement also denounced domestic and international protests against Mamedov's imprisonment and said the journalist had used his office to spy for Iran. (Mamedov's newspaper is printed in the Talysh language, which is related to Persian. The Talysh minority's leader in Azerbaijan, Novruzali Mamedov, who edited the newspaper before Mamedov, died in prison in 2009 after he was found guilty of spying for Iran and was

sentenced to 10 years in prison).

### **Faramaz NOVRUZOGLU (also known as Faramaz ALLAHVERDIYEV):**

**PROFESSION:** freelance investigative journalist, contributor to the independent newspapers Milletim and Nota

**DATE OF ARREST:** April 2012

**SENTENCE:** four and a half years in prison

**DETAILS OF TRIAL:** convicted on 23 August 2012 on charges of “incitement to mass disorder and violence against citizens” (Articles 220.2 of the Criminal Code) and “crossing protected borders of the Azerbaijan Republic without established documents or outside of border checkpoints” (Article 318.1 of the Criminal Code) via social media. Novruzoglu denied the charges, pointing to the conflict between the alleged date of his ‘border crossing’ (November 2010) and stamps in his passport which show travel elsewhere at the time. Furthermore, he claims that there is no evidence that he is the owner of the Facebook page that is the alleged source of the “incitement to mass disorder”.

**BACKGROUND:** Human rights observers have criticised the judicial process, pointing to the lack of any credible evidence against Novruzoglu and the ineffectiveness of the state-appointed defence attorney. Novruzoglu was previously imprisoned in 2007 for allegedly defaming the interior minister, and in 2009 for allegedly insulting the chairman of the pro-government Azadlyg Harakatchilari. In November 2013, it was reported that the journalist was on hunger strike to protest the conditions in which he is being detained.

### **Avaz ZEYNALLI:**

**PROFESSION:** editor-in-chief of the Khural newspaper

**DATE OF ARREST:** 28 October 2011

**DETAILS OF ARREST:** Arrested by members of the Anti-Corruption Office, and placed under pre-trial detention by the Nasimi District Court; he was transferred to the Kurdakhani Investigation Prison the following day.

**SENTENCE:** handed a nine-year jail sentence on 12 March 2013

**DETAILS OF TRIAL:** Zeynali was charged under Article 311.3.4 of the Azerbaijani Criminal Code with extortion and under Article 311.3.3 with bribery. These two charges related to a video that reportedly showed MP Gular Ahmadova demanding a \$1million bribe in exchange for a parliamentary seat; Ahmadova claims that Zeynali extorted a bribe out of her not to release this video (although the video has, reportedly, been released). He was also charged under Article 213.1 with tax evasion (though he claims the investigation into his tax payments was conducted illegally), and under Article 306.2 with contempt of court (reported to be the result of his non-adherence to a court decision which ordered Khural to pay US\$18,000 to two men who had accused the paper of “insulting their honour and dignity”; the newspaper had reportedly appealed for the termination of the fines due to lack of funds). At his trial, Zeynali said that the evidence collected against him was obtained illegally.

**APPEAL:** The nine-year prison sentence decision was upheld by Baku Appeals Court on 13 May 2013.

: there are serious concerns about Zeynali’s health. According to a reported prison infirmary report, Zeynali has been diagnosed with “hepatocholecystitis, hepatomegaly, kidney stones, spinal osteochondrosis, neuralgia radiculitis and chronic subatrophic rhinitis” during his imprisonment.

**PREVIOUS HARASSMENT:** Zeynali previously reported receiving a threatening phone call on 26 June 2011 from someone claiming to be Binagadi District Police Department Chief Agalar Maharramov. The caller insulted Zeynali and threatened to kill him. The call followed an article

Zeynalli had published which claimed that Maharramov had taken bribes from business institutions run by high-ranking officials in the district. Maharramov has denied that the call came from him.

## **IMPRISONED: INVESTIGATION**

### **\*Sardar ALIBEILI:**

**PROFESSION:** chief editor of the independent newspaper P.S. Nota

**DATE OF ARREST:** on 2 August 2013 a district court in Baku ordered Alibeili to be imprisoned for two months pending investigation of a charge of criminal hooliganism charge.

**SENTENCE:** Four years in prison

**DETAILS OF TRIAL:** Convicted of “hooliganism using a weapon” under Article 221.3 of the Criminal Code on 13 November 2013. A preliminary hearing was held on the 3 October 2013 at the Khatai District Court. The judge denied a petition requesting the journalist’s pre-trial detention order to be changed to house arrest (Alibeili wanted to care for his child who has learning difficulties) and the return of his case to the preliminary investigation agency due to alleged serious procedural violations. Addressing the court, Alibeili said that he was targeted for his criticisms of the government and that he had been held as a hostage for two months.

**BACKGROUND:** The charges against him apparently arose from an alleged complaint by a member of the public that the journalist had assaulted him. Alibeili denied the allegation and believes that he is being persecuted for his criticism of President Ilham Aliyev via social media.

**BACKGROUND:** P.S. Nota has published articles by exiled politicians and army officers who accuse the president of corruption, human rights abuses, and authoritarianism. Alibeili also edits the independent newspaper Nota Bene, and has previously been imprisoned in retaliation for his work. In April 2007, the editor was convicted and sentenced for defaming Interior Minister Ramil Usubov and served 18 months in prison with hard labour. In July 2009, a court in Baku convicted Alibeili on criminal defamation charges, and sentenced him to three months’ imprisonment. He was imprisoned in late 2009 after the Supreme Court upheld his conviction and was released in February 2010.

### **Nijat ALIYEV:**

**PROFESSION:** editor-in-chief of <http://azadxeber.net/> website

**DATE OF ARREST:** 20 May 2012. near Memar Aiami metro station. Taken to Yasamal District police office.

**SENTENCE:** handed a 10-year prison sentence on 9 December 2013

**DETAILS OF PRE-TRIAL DETENTION:** given two months pre-trial detention; extended by a month at a 16 October 2012 hearing. At a 29 October 2012 hearing, Aliyev’s appeal against his continued pre-trial detention was rejected. His pre-trial detention term was extended for two months by Nasimi District Court on 15 February 2013.

**ALLEGATIONS OF TORTURE IN CUSTODY:** Aliyev’s lawyer has said that Aliyev was beaten by officers whilst in custody, and that they had also tried to coerce him into making a “confession”. (The police allegedly told Aliyev that if he did not admit to the drug-related charges, they would sentence him to more than five years in prison, under more serious charges.)

**DETAILS OF TRIAL:** initially charged with possession of illegal drugs (Article 234.1 of the Criminal Code of Azerbaijan), three other charges were brought against him some nine months later: “distributing or selling religious literature, goods or any other religious informational content as a person or as part of a group without special dispensation (article 167.2.2.1 of the Criminal Code); and publicly calling for the overthrow of the government, the



constitution and the territorial integrity of the Republic of Azerbaijan by force (Article 281.2). He was also charged with incitement to ethnic hatred by using mass media as part of an organised group (Article 283.2.3). Aliyev denied the charges and claimed the drugs had been planted in his house. A hearing took place on 30 May 2013 at the Baku Grave Crimes Court. Due to the alleged beating of the journalist whilst in detention, his lawyer filed a petition requesting the court to arrange a forensic medical examination for the journalist; it was granted. However, at another hearing of the case at the Baku Grave Crimes Court on 27 June 2013, Aliyev's lawyer stated that the examination of his client had taken place without the presence of legal representation, and that because of this, his client had refused to comply fully. The lawyer alleged that irregularities such as these were delay tactics to allow the signs of torture to fade. The next hearing was due to take place on 6 June 2013. Some international and local human rights groups believe that Nijat Aliyev was arrested for criticising Azerbaijan's hosting of the Eurovision Song Contest, including the high expenditure involved. He also allegedly wrote articles criticising a proposed gay pride parade in Azerbaijan.

### **\*Araz GULIYEV:**

**PROFESSION:** editor in chief of the Islamic news website, xeber44.com

**SENTENCE:** eight years in prison

**DATE OF ARREST:** the journalist was arrested on 8 September 2012 while reporting on a protest in the city of Massally, where residents were allegedly angry at the dress code of festival dancers.

**DETAILS OF TRIAL AND CONVICTION:** Originally arrested on hooliganism charges. Guliyev was convicted and sentenced on 5 April 2013 by the Lankaran Court of Grave Crimes. He was convicted of illegal possession of firearms (Article 228.1 of the Criminal Code), organising and participating in a public order disturbance (Article 233), inciting national, racial or religious hatred (Article 283.1), resisting the authorities in an manner dangerous to life or health (Article 315.2) and insulting the republic's flag and insignia (Article 324). Guliyev's lawyer claimed that the police planted a grenade on the journalist when he was arrested and that he was beaten and denied access to legal advice. Guliyev is the brother of Nazim Guliyev (see below). Guliyev rejected all of the charges, claiming that he was arrested for his journalistic and religious activities.

**APPEAL:** On 30 May 2013 the Shirvan City Appellate Court held a preliminary appeal hearing. The hearing was held in absentia. The journalist's lawyer Fariz Namazli filed a petition for partial reconsideration, indicating that Araz Guliyev had not seen the persons alleged to be victims of his alleged actions during his trial; Guliyev said he did not know persons involved. The petition was granted and the judicial review was scheduled for 13 July 2013; PEN is seeking further information

### **Nazim GULIYEV:**

**PROFESSION:** founder and editor-in-chief of the newspaper Ideal, currently shut down

**DATE OF ARREST:** April 2009

**SENTENCE:** sentenced to six months in prison in May 2009. He was further sentenced to 13 years and three months in prison and confiscation of his property by the Grave Crimes Court on 15 January 2010.

**DETAILS OF TRIAL:** He was charged with extortion (Article 182 of the Criminal Code); hooliganism (Article 221); and the illegal manufacturing, purchase, storage, transportation, transfer or selling of narcotics/psychotropic substances (under Article 234). Guliyev is serving his sentence in a special penitentiary.

**PREVIOUS CONVICTION:** Guliyev was arrested in late April 2009 and sentenced to six months in

prison. He was convicted in a criminal case filed in September 2008 by a Nagorno-Karabakh war veteran, who alleged that two articles published in Ideal in August 2008 harmed her dignity. Guliyev was sentenced to pre-trial detention during a hearing in the Nasimi District Court on 30 October 2008; however, by then he had gone into hiding. In late April 2009, Guliyev was arrested and on 26 May 2009 he was sentenced to six months on defamation charges (see previous caselist). He later faced a case brought by the anti-corruption department of the Chief Prosecutor's Office which resulted in his 13 year, 3 month sentence. PEN is seeking clarification of the current criminal charges so as to ascertain whether he is in fact detained for his writings.

### **\*Parviz HASHIMLI:**

**PROFESSION:** journalist

**DATE OF ARREST:** 17 September 2013

**DETAILS OF ARREST:** arrested by Ministry of National Security official

**DETAILS OF PRE-TRIAL DETENTION:** Issued with a two-month pre-trial detention order on 18 September 2013 by the Sabail District Court and is currently awaiting trial under two articles of the Azerbaijani Criminal Code: Article 206.3.2 (“pre-arranged smuggling of firearms by an organised group”) and 228.2.1 (“pre-arranged illegal procurement, storage, and transport of firearms and their spare parts by an organised group”). His detention term was extended for another three months on 7 November 2013. On 26 September 2013, the Baku Appellate Court denied his appeal against his pre-trial detention. On 23 December 2013, the Baku Appellate Court denied the Hashimli’s appeal against the denial of his request for transfer from the Ministry of National Security remand centre to a pre-trial detention facility.

**CONDITIONS IN DETENTION:** Hashimli has allegedly been subjected to torture and inhuman treatment during his detention at the Ministry of National Security remand centre. His lawyer reports that the journalist was placed in a ‘punishment cell’. Hashimli alleges that he was stripped naked and that he refused the food served to him by guards; he says that he has been denied contact with his family and lawyer.

**BACKGROUND:** News reports said that agents also raided Hashimli's home in Baku, where they claimed to have found a pistol and several hand grenades. The agents conducted the search without presenting Hashimli's wife with a court order, and in the absence of the journalist's lawyer, the reports said. The agents also raided the newsrooms of his places of work, the Moderator and Bizim Yol, and confiscated their equipment, according to reports. Both outlets are known for their coverage of corruption and human rights abuses as well as for their critical reporting on the government of Azerbaijan's authoritarian president Ilham Aliyev. Hashimli is also the Chairman of the Centre for Protection of Political and Civil Rights.

### **\*Rashad RAMAZANOV (Rashad Hagigat Agaaddin):**

**PROFESSION:** blogger

**SENTENCE:** nine years in prison

**DATE OF ARREST:** 9 May 2013

**DETAILS OF ARREST:** arrested near the ‘20 January’ metro station and taken to the Department for Combating Organised Crime. The police reportedly found 9 grams of heroin on his person.

**DETAILS OF TRIAL:** He was charged with “illegal possession and sale of a large scale of drugs (Article 234.4.3 of the Criminal Code). On 7 August 2013, his case was referred to the Baku Court on Grave Crimes and he was convicted and sentenced to nine years in prison on 13 November 2013. Ramazanov rejects the charges and has claimed that he was tortured during interrogation.

**BACKGROUND:** Ramazanov is well-known for his anti-government postings.

## **\*Tofig YAGUBLU:**

**PROFESSION:** columnist for Yeni Musavat newspaper and Deputy Leader of the opposition Musavat Party

**DATE OF ARREST:** 4 February 2013

**DETAILS OF ARREST:** Yagublu was arrested with co-leader of the REAL movement, Ilgar Mammadov. Still held in pre-trial detention

**DETAILS OF TRIAL:** Initially charged with organising public disorder (Article 233 of the Criminal Code), Yagublu was charged in May 2013 under Article 220.1 of the Criminal Code of Azerbaijan (“organising mass acts of violence”, which carries a maximum 12 year prison term) and Article 315.2 (“resisting the authorities in a manner dangerous to life or health which”, carries a maximum seven year prison term).

**FURTHER DETAILS:** Yagublu was accused along with Ilgar Mammadov of organising a mass protest which led to violence and the breakdown of order in the province of Ismailli on 23-24 January 2013. The protest took place after a traffic incident involving a government minister’s son and local residents led to an altercation. This incident led to a series of violent reprisals by local residents including the burning of cars and a hotel alleged to belong to Nizami Alakbarov. On the second day, a group of protesters attempted to walk on the Governor’s home, demanding his resignation and throwing stones. This then led to confrontation with security forces who responded with force. In a statement afterwards, Tofig Yagublu and Ilgar Mammadov both stated that they went to the region and protest as observers and played no role in stirring up unrest among the local population. The founder of Yeni Musavat newspaper and the head of the Musavat Party executive board have both confirmed that Yagublu was on a reporting assignment in Ismayilli and that he was carrying a press card at the time of his arrest. Yagublu was reportedly initially arrested on 24 January 2013, when he arrived at the town to interview local residents about the causes of the unrest. In August 2013, the Nasimi District Court of Baku ruled to extend his detention until 4 December 2013. His trial began on 18 November 2013 in the Sheki Court of Grave Crimes.

## **ON TRIAL**

## **Ogtay GULALIYEV:**

**PROFESSION:** editor-in-chief for Transparency magazine and the coordinator of the Kur Civil Society, which works to alleviate the damage caused by the 2010 Kur River floods

**DATE OF ARREST:** He was detained on 8 April 2012 at a meeting with Minbashi village residents

**DETAILS OF CHARGES AND TRIAL:** On April 9, Sabirabad Regional Court detained him under Article 296 (minor hooliganism) based on a lawsuit brought by the head of Minbashi village municipality, Ruffulla Gojayev. Shortly before the expiry of the 12-day detention, on 19 April, Ogtay Gulaliyev was further charged under Article 220.2 of the Criminal Code of Azerbaijan for “active resistance to orders from the authority” and “incitement of mass riots and violence towards citizens”. These charges may result in three years imprisonment. On 2 May 2012, Ogtay Gulaliyev was examined by Dr. Bayali Mammadov of the Ministry of Justice's Medical Department, who found serious problems with his intestines and recommended surgery. When Ogtay Gulaliyev requested that the surgery be carried out only in the presence of his personal doctor, this was refused by the investigation body, who are required to give their permission. According to some sources he has been subject to ill-treatment and abuses by officials of the Sabirabad Region Police Department. PEN is seeking an update on the trial.

### **\*Genimet ZAKHIDOV:**

**PROFESSION:** editor of the opposition daily Azadlyg

**CHARGES:** Criminal defamation charges reportedly filed by two public officials in connection with an article published in March 2013, which alleged that the ministers supported two opposing factions within the administration and were therefore in conflict with each other.

**BACKGROUND:** Zakhidov has been targeted for his journalism in the past. In 2008, he was sentenced to four years in prison and served more than half a term before being issued a presidential pardon. PEN is seeking an update.

### **ATTACKED**

### **\*Tural GURBANLY, Emil NIHIL and Parvin ZEYNALLY:**

**PROFESSION:** a Hafta Ichi newspaper correspondent, a journalist, and a reporter for news website Azad Xeber respectively

**DATE OF ATTACK:** 12 October 2013

**DETAILS OF ATTACK:** they were among seven journalists who were beaten and harassed by police whilst attending an opposition rally against the fraudulent presidential elections the same month. Zeynally had his mobile phone and camera taken from him; he was detained briefly and questioned. His camera was not allegedly returned.

### **THREATENED**

### **\*Arkam AYLISLI:**

**PROFESSION:** award-winning writer, poet and script writer

**DETAILS OF THREAT:** In February 2013, angry protestors gathered outside the author's home, burning copies of his book Stone Dreams. An opposition figure also issued threats against him. Stone Dreams, published in December 2012, is set in the disputed region of Nagorno-Karabakh, and provides a sympathetic view of Armenians in the conflict: the dispute over this region is a source of tension between Armenia and Azerbaijan. In early February 2013, Azerbaijani law makers accused Aylisli of insulting the Azerbaijani people, and questioned Aylisli's own ethnicity, suggesting that he might be forced to leave Azerbaijan to live in Armenia. Some demanded that he be deprived of his special status as a state writer, a demand that was met on 7 February 2013, when President Ilham Aliyev stripped Aylisli of his pension, which had been awarded to him in recognition of his past contribution to literature in Azerbaijan. On 11 February 2013, the chairman of the opposition Modern Musavat Party announced that he would pay a ransom of 10,000 AZN (approx. US\$12,750) to anyone who cut off Aylisli's ear. The Minister of Interior subsequently announced that such calls for violence were unacceptable and would be investigated.

### **\*Asef RZAYEV:**

**PROFESSION:** chief editor of Unikal newspaper

**DETAILS OF THREAT:** Reported receiving threats on 14 February 2013 after the paper published several articles which stated that a hotel in the Absheron district functioned as a brothel. The owner of the hotel reportedly telephoned Rzayev and intimidated him, saying that if he did not stop publishing articles about the hotel, he would regret it. Rzayev reported the incident to the authorities.

## HARASSED

**\*Mursel ALIYEV (head of the Telebe.az news website), Shahveled CHOBANOGLU (journalist), Zaur GURBANLI (blogger), Ilgar NASIBOV (journalist and human rights activist), Malahat NASIBOVA (journalist and human rights activist), Zaur RASULZADEH (reporter for 1News.az news portal)**

**PROFESSION:** writers, bloggers and human rights defenders

**DATE OF DETENTION:** 26 January 2013

**DETAILS OF DETENTION:** They were briefly detained after the security services dispersed a peaceful protest in Baku. According to reports, some of the demonstrators were injured by security officers. Aliyev and Rasulzadeh – who were carrying press cards - were arrested by plain-clothes policemen; police officers in the truck carrying Nazibova and Nasibov allegedly discharged tear-gas while the windows in the vehicle were closed.

**BACKGROUND:** The 26 January protest arose as a response to the reportedly violent dispersal of another, larger protest in Ismayilli on 24 January. Aliyev, Chobanoglu, Gurbanli, Nasibov, Nasibova, Rasulzadeh were detained along with Bakhtiyar HAJIYEV, Emin MILLI and Khadija ISMAYILOVA (see 'Judicial harassment' below)

### **\*Rahim HAJIYEV:**

**PROFESSION:** deputy chief editor of Azadliq newspaper

**DETAILS OF HARASSMENT:** Was summoned to the Prosecutor General's Office on 5 February 2013, in connection with an article he published on the same day entitled 'Shamakhi residents prepare to protest', which reported that residents of Shamakhi were planning a protest in front of the local authority on 20 February to demand social justice. According to reports, the Deputy Prosecutor General informed Hajiyev that the information was incorrect and stated that such information causes tensions in the country. Hajiyev was reportedly required to retract it and warned that if similar things happened in the future, the newspaper would possibly face criminal liability.

### **\*Mehman HUSEYNOV:**

**PROFESSION:** blogger and photojournalist with the Baku-based Institute for Reporters' Freedom and Safety (IRFS), and local news agency Turan

**DATE OF ARREST:** 17 June 2013

**DETAILS OF ARREST:** He was detained briefly while attempting to leave for Norway to receive the Gerd Bucerius Free Press of Eastern Europe journalism award. Following his detention at the airport, Huseynov was transferred to the Baku district police station, where he was reportedly kept in custody for four hours and ordered to sign a pledge that said he would not leave the country. Huseynov was reportedly told that his detention and travel ban were connected to a criminal case against him, in which he is accused of assaulting a police officer during an anti-government protest in Baku in June 2012. Huseynov denied the allegations.

**BACKGROUND:** Huseynov has often reported on human rights abuses in the country.

### **\*Islam SHIKHALI:**

**PROFESSION:** correspondent for Azadliq newspaper

**DETAILS OF HARASSMENT:** Alongside another (unnamed) journalist from deyerler.org (and several

other television and radio reporters) he was harassed by riot police and prevented from covering a demonstration against the deaths of young Azerbaijani army conscripts on 12 January 2013. The OSCE Representative on Freedom of the Media, Dunja Mijatović, reportedly expressed concern over the use of excessive force against journalists during the protest in Baku, particularly given that the journalists were wearing reflective vests identifying them as journalists.

## **JUDICIAL HARASSMENT**

### **\*Bakhtiyar HAJIYEV, Emin MILLI and Khadija ISMAYILOVA (f)**

**PROFESSION:** Bloggers and independent journalist respectively

**DATE OF DETENTION:** 26 January 2013

**DETAILS OF DETENTION:** They were detained after the security services dispersed a peaceful protest in Baku. According to reports, some of the demonstrators were injured by security officers. While most of the journalists were released with a verbal warning, Milli was sentenced to 15 days in prison. Hajiyev was fined 600 manats (approx. US\$765). Isamayilova was fined 400 manats (approx. US\$510). Some of those arrested alleged that they received unfair hearings – lasting just minutes and using court-appointed lawyers. Ismayilova reported being prohibited from using her own lawyers, who were prevented from entering the court.

**BACKGROUND:** The 26 January protest arose as a response to the reportedly violent dispersal of another, larger protest in Ismayilli on 24 January. Hajiyev, Milli and Ismayilova were detained along with six others.

## **RELEASED**

### **Aydin JANIYEV (also CANIYEV):**

**PROFESSION:** regional correspondent for Xural newspaper

**SENTENCE:** three years in prison

**DATE OF ARREST:** 8 September 2011

**DETAILS OF ARREST:** detained by police following complaints from members of the religious community in the village of Sarpakaran. The leader of the Sahib az-Zaman mosque claimed that on 7 September Janiyev went to the house of a local woman and, after a dispute, broke the windows of her house and then went to the nearby mosque, broke its windows and insulted members of the village who attempted to stop him. The leader of the mosque claims he was physically assaulted and as a result lodged a complaint with the police.

**DETAILS OF TRIAL:** Janiyev was reportedly initially held under a 12 day administrative detention order for hooliganism committed with resistance to a state employee preventing violation of social order. He reportedly rejected legal representation in favour of defending his own rights. A criminal case was later brought against him and he was sentenced to three years in prison after conviction of Article 221.2.2 of the Criminal Code (“hooliganism committed with resistance to a state employee who is preventing violation of social order”) on 21 November 2011.

**BACKGROUND:** Janiyev wrote a series of articles critical of the activities of the religious authorities in the southern region, particularly Gani Akhundzade, a representative of the Caucasus Muslim Department. An independent investigation by local journalists, cited by the independent Azerbaijani news agency Turan, concluded that Janiyev’s charges stemmed from his reporting on authorities’ alleged involvement in drug trafficking in Lenkeran. PEN is seeking further information.

**DETAILS OF RELEASE:** Janiyev was pardoned on 27 December 2012 and released from prison.

## Taleh KHAMMAMADOV:

**PROFESSION:** blogger, human rights defender and founder of 'Law and Rights 2010', a legal consulting office

**SENTENCE:** Four years in jail

**DATE OF ARREST:** 12 November 2011

**DETAILS OF ARREST AND PRE-TRIAL DETENTION:** On 11 November 2011, Khasmammadov was reportedly approached by two men claiming to be policemen. They asked him to hand over material that he had collected pertaining to illegal actions carried out by police officers. Khasmammadov complied with the request but was called to the regional police department the following day where he was charged. Khasmammadov's home and office were searched and a computer and other possessions confiscated by police. He was held in pre-trial detention for two months.

**DETAILS OF TRIAL:** He was charged with hooliganism against police officers (Articles 221.2 and 221.3 of the Criminal Code). He was later charged with resisting and using physical assault against a government official (Article 315). His trial began on 7 March 2012 at Kurdamir Regional Court. Khasmammadov stated in court that the police officers had targeted him as a result of his work as a human rights defender and blogger. Sentenced to four years in prison on 20 April 2012. His appeal began on 20 July 2012.

**DETAILS OF RELEASE:** He was released under a presidential pardon on 27 December 2012.

# BELARUS

## IMPRISONED: MAIN CASE

### Ales BIALIATSKI:

**PROFESSION:** writer and human rights activist. He is the head of the Vyasna (Spring) human rights centre, was a founding member of the Belarusian literary organisation Tutejshyja (The Locals), and served as a former head of the Maxim Bahdanovich Literary Museum in Minsk.

**DATE OF BIRTH:** 25 September 1962

**SENTENCE:** four and a half years in prison

**DATE OF ARREST** 4 August 2011

**DETAILS OF TRIAL:** charged with tax evasion stemming from his reported use of personal bank accounts in Lithuania and Poland to receive funding from international donors for Vyasna's human rights activities in Belarus. He was sentenced to four and a half years in prison on 24 November 2011

**PLACE OF DETENTION:** Bialiatski was transferred from a detention centre in Minsk to labour colony No.2 in the eastern city of Babruysk on 17 February 2012.

**BACKGROUND:** Vyasna had campaigned for scores of opposition activists persecuted by the government of President Aleksander Lukashenko. The organisation had been stripped of its official registration in 2003, making it extremely difficult under Belarus' economic laws to raise funds for its activities.

**AWARDS:** In November 2011, Bialiatski was awarded the Freedom Prize by Danish newspaper Politiken; in November 2012 he was awarded the Petra Kelly Prize for "his efforts in protecting human rights"; in September 2013 he received the Council of Europe's Václav Havel Human Rights Prize; in the same month, the Foreign Affairs Committee of the European Parliament shortlisted him for the Andrey Sakharov Prize for 'Freedom of Thought.'

**OTHER INFORMATION:** In 2012, the UN Working Group on Arbitrary Detention found that his detention was arbitrary and urged the Belarusian authorities to release him and accord him an enforceable right to compensation. Bialiatski was the “Empty Chair” at PEN International’s 79<sup>th</sup> World Congress of Delegates in Reykjavik, Iceland in September 2013 and was referenced in a resolution passed on Belarus at the Congress, calling for his immediate and unconditional release.

## **BRIEF DETENTION**

### **\*Dzmitry HALKO:**

**PROFESSION:** freelance journalist and former employee of the independent newspaper Narodnaya Volya

**DETAILS OF IMPRISONMENT:** he was arrested in Minsk on 6 May 2013 after covering the release of a group of jailed demonstrators. Halko was bundled into a police minibus, apparently without being given any explanation, and after spending the night in police custody he was tried the following day before the Maskouski district court in Minsk, which sentenced him to 10 days in prison on charges of “resisting the police” and “hooliganism.”

## **HARRASSED**

### **\*Ihar KARNEY:**

**PROFESSION:** RFE/RL correspondent in Minsk

**DETAILS OF DETENTION:** He was detained briefly on 27 June 2013 while covering a one-day strike by the country’s entrepreneurs. After questioning at the police station, he was released.

## **CONDITIONAL RELEASE**

### **Andrzej POCZOBUT:**

**PROFESSION:** correspondent for the Polish daily Gazeta Wyborcza

**DATE OF ARREST:** 21 June 2012

**DETAILS OF ARREST:** Police raided Poczobut’s flat, confiscated at least one computer and detained him for questioning, the independent news website Charter 97 reported. He was released shortly afterwards.

**DETAILS OF CASE:** He was accused of libelling the president in relation to articles he wrote for Charter 97 and Belarussky Partizan, another independent website, in which he criticised President Aleksandr Lukashenko and his domestic and international policies. On 15 March 2013, the charges against Poczobut were dropped due to lack of evidence. However, he continued to serve a 3-year suspended sentence passed earlier in July 2011, also for his articles. Under this sentence he is not allowed to leave Grodno and must report to police regularly.

## **RELEASED**

### **Irina KHALIP (f):**

**PROFESSION:** journalist for Russian Novaya Gazeta

**DETAILS OF CASE:** Had her suspended sentence lifted in July 2013.

**BACKGROUND:** Khalip was handed a two-year suspended sentence for “participation in public



disorder” in May 2011. She was detained and assaulted during the mass arrests that took place following protests against the flawed presidential elections in December 2010, along with fellow journalist Natalia Radzina (f) (see Jan-June 2011 case list). During her suspended sentence it was reported that she was under a curfew that demanded she be in her home from 10pm to 6 am, and that she must report to police weekly. However, in a news conference held on 15 January 2013, President Lukashenko denied that Khalip faced any travel restrictions and suggested that she prefers to be known as a “victim of the regime”. Khalip is the wife of opposition candidate Andrei Sannikov, who was sentenced to five years in prison in 12 May 2011, and later pardoned and released in April 2012, for organising protests against the disputed presidential election on 10 December 2010. Sannikov currently resides in Britain, having received political asylum there.

**HONORARY MEMBER:** PEN New Zealand, Melbourne PEN. [RAN 35/10 Update # 2 – 20 December 2010; RAN 35/10 Update # 3 - 21 December 2010; RAN 35/10, Update # 5 – 5 January 2011; RAN 35/10 Update #6- 12 January 2011; RAN 35/10 Update #7-1 February 2011; RAN 35/10 Update #8- 18 February 2011; RAN 35/10 Update #9- 26 May 2011] RAN 35/10 Update #9 – 26 May 2011]

## **Pavel SEVERINETS:**

**PROFESSION:** an opposition activist, author of several books, and a member of Belarus PEN

**DETAILS OF CASE:** Severinets was released from Special Settlement No. 7 in the village of Kupli, Pruzhany District, Brest on 19 October 2013. He had been serving a three year sentence. On 21 October 2013, he had to register with his local police department and must report on any changes in his life, including change of residence, marital status etc.

**BACKGROUND:** He was arrested on 19 December 2010 and charged under Article 293 of the Criminal Code of Belarus (“organisation of riots”). He was reported to have been sentenced on 17 May 2010 to three years of restricted freedom, without being sent to a correctional institution. Severinets was denied release on parole on 27 April 2012. The administration of the special detention facility confirmed his certificate of good conduct, but he was denied the release on parole because he did not admit his guilt. Severinets said that the sentence and the order were illegal.

**AWARDS:** PEN Belarus Book of the Year prize.

# **DENMARK**

## **ATTACKED**

### **\*Lars HEDEGAARD:**

**PROFESSION:** Marxist historian and journalist

**DETAILS OF ATTACK:** Hedegaard was reportedly shot at by an unknown man in front of his house in Frederiksberg on 5 February 2013. The shooter missed the author. Hedegaard was the head of the International Free Press Society, a group claiming that Islam threatens press freedom. In 2011, he had been convicted of hate speech against Muslims, but in the Supreme Court acquitted him in April 2012 because his words were uttered in private without the intent to disseminate them in public.

# GREECE

## KILLED

### \*Pavlos FYSSAS (aka Killah P):

**PROFESSION:** hip hop artist

**DATE OF BIRTH:** aged 34 when killed

**DETAILS OF KILLING:** Fyssas was murdered on 18 September 2013, when he was stabbed twice outside a cafe in the Keratsini area west of Athens. The police arrested the suspected murderer, a supporter of far right political party Golden Dawn.

## ATTACKED

### \*Antonis SKYLLAKOS:

**PROFESSION:** director of the state-run Athens News Agency (and other TV and radio journalists)

**DATE OF ATTACK:** He was the victim of a targeted arson attack outside his home on 11 February 2013. Anarchists calling themselves the 'Lovers of Lawlessness' claimed responsibility. Makeshift gas canister bombs were left outside blocks of flats where journalists lived- the explosions caused little damage and no injuries. The anarchists were reportedly angry at media coverage of the country's economic crisis stating of those targeted, "While they use pro-workers rhetoric, they wink mischievously at their political bosses."

**BACKGROUND:** As recession in Greece continues to deepen and tough austerity measures are implemented, some radical groups have turned to direct action attacking public and private institutions deemed to represent the system.

## RELEASED

### \*Kostas VAXEVANIS:

**PROFESSION:** investigative journalist and editor of Hot Doc magazine

**DATE OF ACQUITTAL:** On 27 November 2013. he was acquitted on charges of breach of privacy.

**BACKGROUND:** Arrested on 28 October 2012 and held for a few hours before being freed to face trial on 1 November 2012. He was arrested a day after he published a list of over 2,000 Greek residents holding Swiss bank accounts (based on a document handed to the Greek government in 2010 by Christine Lagarde, then French minister of finance, urging the Greek authorities to use this as a source routing out tax evaders). Supporters say that he was justified in the publication, which was in the public interest, as he did not include details of the amount of money or suggest evasion – and at least one other newspaper published the list in solidarity. Vaxevanis was found not guilty of breaking privacy laws in early November 2012. This decision was later overturned by a district attorney and a fresh trial ordered.

# ITALY

## IMPRISONED: MAIN CASE

### \*Francesco GANGEMI:

**PROFESSION:** editor of monthly magazine The Debate

**DATE OF BIRTH:** Born 1934

**SENTENCE:** Two years in prison

**DATE OF ARREST:** 6 October 2013

**DETAILS OF TRIAL:** Convicted of a number of libel offences. Also convicted of perjury in 2012 (he refused to disclose his source for accusations of financial misconduct, made publicly before the municipal council of Reggio Calabria). He was ordered by a court in the province of Catania, Sicily, to serve a two-year prison sentence in October 2013, following his failure to file an application seeking an alternative to imprisonment in a 'timely' fashion.

**OTHER INFORMATION:** Gangemi is disabled and has cancer.

## ATTACKED

### \*Staff at *La Stampa*:

**DETAILS OF ATTACK:** On 9 April 2013, a packet containing explosives was received at La Stampa's office in Turin. A few days later it was reported that the anarchist group, Federazione Anarchica Informale/Fronte Rivoluzionario, claimed responsibility, saying that it was sent in retaliation for La Stampa's reportage on a criminal trial against one of the group's "friends". The group reportedly accused the newspaper of being "on the forefront of corroborating evidence against individuals at war with the state."

## SENTENCED

### \*Riccardo ARENA, Andrea MARCENARO and Giorgio MULE:

**PROFESSION:** journalists for the weekly news magazine Panorama

**DETAILS OF TRIAL:** convicted of defaming a Palermo magistrate in an article published in 2010. On 22 May 2013, Marcenaro and Mulè received a 12 month and eight month prison sentence respectively, and were ordered to pay €20,000 in compensation to the defendant. Arena was judged only to have contributed to the text, and so received a 12 month suspended sentence.

**BACKGROUND:** The article in question, which alleged that the magistrate had connections to organised crime, was written by Marcenaro. Mulè, the editor of Panorama, was accused of failing to check the article. (RAN 24/13)

# KAZAKHSTAN

## IMPRISONED: INVESTIGATION

### Aron ATABEK:

**PROFESSION:** poet, writer, newspaper publisher and political activist

**DATE OF BIRTH:** 31 January 1953

**SENTENCE:** 18 years in prison, four of which have been spent in solitary confinement.

**DETAILS OF TRIAL:** charged and convicted in 2007 of organising mass disorder. PEN is currently investigating reports that he was also convicted on other charges. The charges related to a 2006 riot that broke out in the Shanyrak shantytown of Almaty after local residents and activist groups clashed with security forces that had been brought in to clear the area for demolition. Atabek denied the charges. His appeal against the ruling was dismissed in August 2008. Some observers said that the trial was unfair; the prosecution's two key witnesses said – after the guilty verdict – that they had been tortured by the police into giving false evidence against Atabek.

**SOLITARY CONFINEMENT:** Atabek was held in a high security jail in Arkalyk, over 1,600km away from his family, until October 2013. He was placed in solitary as punishment for writing a book that criticised the president (the book, Heart of Eurasia, was written in prison, smuggled out, and published on the internet in 2012). He was reportedly denied access to natural light, communication with other prisoners, and writing materials. This was his second period in solitary confinement: he previously spent two years (2010-2012) there for refusing to wear a prison uniform. He was denied family visits from 2010 until the end of 2013. In September 2013, the Karaganda regional court said that it would hear an appeal against Atabek's solitary confinement sentence. In early October 2013, Atabek's family received an anonymous telephone call informing them that the poet was to be transferred to Karazhal Prison in the Kargandy region. The family say that they did not receive any communication from Atabek or from the prison authorities regarding this move. Atabek's son made several attempts to discover the whereabouts of his father. He contacted the prison administration numerous times, asking for confirmation that Atabek was now being held in Karazhal Prison. However, on each occasion, the prison authorities refused to give him this information. According to Atabek's son, a local Kazakh human rights organisation was able to confirm with the prison authorities that Atabek left Arkalyk Prison on 5 October 2013. In early December 2013, Askar Aidarkhan (Atabek's son) was able to visit his father in prison. On 5 December 2013, it was reported that Atabek would be transferred to a minimum-security penal colony near Almaty, closer to his family.

**BACKGROUND:** Atabek has written several books of poetry and prose inspired by Tengriist spirituality, as well as a book about the relationship between the Alash and the Kazakhs. In February 1992, he founded and organised the publication of the monthly newspaper Khak (The Truth). He was awarded the literary 'Almas Kylysh' prize in 2004, as well as the Freedom to Create 'Imprisoned' prize in 2010. [Call to action 5 August 2013; Updates on 24, 29 October, 12 November 2013 and 6 January 2014]

### **\*Vladimir KOZLOV:**

**PROFESSION:** journalist and leading member of Alga! (Forward!), a popular, unregistered opposition party in Kazakhstan. In addition to his work in print media, he has worked as an editor for the AKTiVi TV channel, and was also one of the founders of Kazakhstan's first private television channel, Aktau-Lada.

**DATE OF BIRTH:** 10 August 1960

**SENTENCE:** Seven years and six months in prison

**DETAILS OF TRIAL:** On 16 of August 2012, he was charged under the following articles of the Criminal Code of the Republic of Kazakhstan: Article 164.3 ("inciting social hatred"), Article 170.2 ("calling for the overthrow of the constitutional order of the state"), Article 235.1 ("creating and managing an organised criminal group with a view to committing one or more crimes"). He denied all charges. On 8 October 2012, he was convicted and sentenced to seven and a half years in prison, which was upheld on appeal by the Appellate Court on 19

November 2012. Kazakhstan's Supreme Court refused to review Kozlov's case on 5 August 2013, saying there were "no grounds for doing so".

**BACKGROUND:** Following a police massacre in December 2011 of approximately 15 striking oil workers in Zhanaozen, Kozlov travelled to Europe and met with Members of the European Parliament and the European Commission, calling for an international investigation into the event. He was arrested on his return to Kazakhstan on 23 of January 2012 by the staff of the National Security Committee. Human Rights Watch declared the conviction unsound and "fundamentally incompatible with human rights treaties Kazakhstan has signed." The Committee to Protect Journalists called for his immediate release. Amnesty International declared him a prisoner of conscience.

**PRISON CONDITIONS:** Kozlov is being held in a penal colony far away from his relatives. He spent the first two weeks of his detention in solitary confinement and has reportedly been denied adequate access to a lawyer and medical attention.

### **DETAINED: INVESTIGATION**

#### **\*Aleksandr KHARLAMOV:**

**PROFESSION:** journalist

**DATE OF ARREST:** 14 March 2013

**DETAILS OF ARREST:** Police reportedly searched his home and the office of the Ridderskiye Vesti ("The Ridder News") newspaper on 6 February, 2013, seizing his personal computer as well as seven newspapers containing his articles. When Kharlamov appeared at the police station demanding the return of his computer, he was arrested.

**DETAILS OF DETENTION:** Kharlamov spent six months in detention, including seven weeks enforced residency in a psychiatric clinic in Almaty, where his family were denied access to him. On 3 September 2013, he was released from jail but placed under house arrest.

**DETAILS OF TRIAL:** An investigation began in September 2012. He was charged after his arrest with 'inciting religious hatred' under Article 164.1 of the Kazakhstan Criminal Code in a number of his blog posts (the journalist is an atheist). His trial began on 19 July 2013, with the prosecution seeking a four year jail term; in August, the prosecution requested an adjournment for further investigation. He remains at risk of prosecution.

**OTHER INFORMATION:** According to the journalist's wife, local authorities in Ridder launched an investigation against him after an article he wrote criticising the local police was published in a local newspaper. PEN is seeking further information.

### **ATTACKED**

#### **\*Lukpan AKHMEDYAROV:**

**PROFESSION:** journalist with the independent newspaper Uralskaya Nedelya in Uralsk

**DETAILS OF ATTACK:** He was shot and stabbed by unidentified assailants on 19 April 2012 as he returned home from work at around 10:30pm

**POLICE INVESTIGATION AND PROSECUTION OF PERPETRATORS:** One of the suspects in the attempted murder reportedly confessed his guilt on 18 May 2012. The lawyer for the 20-year-old suspect, Bagdagul Azhigalieva, said the suspect "confessed voluntarily" to being part of group that tried to kill Akhmedyarov. On 14 May 2013, Askhat Takhambetov, Mursalim Sultangereyev, Manarbek Akbulatov and Almaz Batyrkhairov appeared before the Specialised Inter District Court of Criminal Cases (West Kazakhstan Oblast) charged with the attempted homicide of Lukpan Akhmedyarov. The prosecution argued that the attack on the journalist was a contract killing carried out by the suspects, all of who allegedly belong to a criminal

gang. On 10 July 2013, Askhat Takhambetov, Mursalim Sultangereyev, Almaz Batyrkhairov, and Manarbek Akbulatov were reportedly convicted of the attempted murder of Akhmedyarov, and ordered to pay a total of 4 million Kazakh tenge (approx. US\$26,000) in moral damages to the journalist.

**BACKGROUND:** Akhmedyarov's recent articles had criticised President Nursultan Nazarbayev's government, and had condemned the regional authorities' unwillingness to address the December clashes between police and oil workers in the town of Zhanaozen. Tamara Yeslyamova, the editor of Uralskaya Nedelya, said he had come under increasing pressure since January 2012, after he associated himself with the "malcontents' demonstrations" movement. On several occasions he had unsuccessfully sought permission from the local authorities to organise demonstrations and had continued to muster support among opposition supporters through social networks. The day before the attack, his wife, who works at the Certification and Standardisation Centre, was called in by her manager who tried to intimidate her. He told her to persuade her husband to stop criticising the authorities in his articles and to halt his militant activities.

**OTHER INFORMATION:** Akhmedyarov has been targeted for his reporting in the past. By late 2009, at least three defamation lawsuits had been filed by Kazakh authorities against the journalist.

### **\*Guzyal Baidalinova (f):**

**PROFESSION:** editorial worker at the recently closed newspaper Golos Respubliki

**DETAILS OF ATTACK:** attacked near the porch of her house on 26 April 2013. An unknown young man in black clothes and baseball cap approached the journalist, called out her name and then stabbed her with a sharp object. The journalist fainted, but was not seriously hurt. Baidalinova said that she believed that it was an attempt to intimidate her. She and other journalists from Golos Respubliki (shut down by the government in early 2012) had already reportedly received a number of threats from plain-clothes police officers for launching another news-reporting project, R-studio.

### **\*Igor LARRA:**

**PROFESSION:** journalist with the independent newspaper Svododa Slova

**DETAILS OF ATTACK:** was reportedly attacked by four men at 11 p.m. on 20 August 2013 as he left a friend's apartment building in Aktobe, a city in western Kazakhstan. The assailants hit him over the head with a crowbar and kicked him in the face, then took two mobile phones and 30,000 KZT (approx. US\$200). Larra suffered concussion, a head injury, cuts on his face, and abrasions on his body. Larra immediately went to the police station to report the assault, but it was reportedly several hours before the duty officers agreed to take his statement. They told him a forensic medical examination to document his injuries could wait until the next day. Only on 22 August, two days after the attack, did the police have him undergo a medical examination. Larra has a history of criticising the Kazakh authorities and reporting on sensitive issues, such as the oil worker strikes in Zhanaozen. The week before the attack, Larra published a critical article about the construction of a massive building in the centre of Aktobe by Chinese investors.

**OTHER INFORMATION:** Larra has been attacked before: on 22 March 2010, three unidentified men assaulted him near his home, breaking his nose and jaw and inflicting multiple contusions to his head. Reporters Without Borders reported that the assailants did not take any of Larra's belongings and that one had said, "Larra, this is a greeting from Zhanaozen."

## **\*Tamara VAAL (f):**

**PROFESSION:** journalist for newspaper Liter

**DETAILS OF ATTACK:** Was reportedly beaten by security staff at the Capital Palace of Peace and Reconciliation in Astana whilst going about her work on 7 June 2013. She had received information that there had been a fire at the venue during a concert which had led to a mass evacuation. On arriving at the site, Vaal was told to seek further information from the management at the venue. When she entered the building, security guards blocked her way and forced her back out into the street, where they beat and kicked her, causing bruises and cuts. She filed a complaint with District Department of Internal Affairs. PEN International is seeking further information.

## **SENTENCED**

## **\*Berik ZHAGHYPAROV:**

**PROFESSION:** independent journalist

**SENTENCE:** 15 days in jail

**DETAILS OF TRIAL:** Sentenced on 23 May 2013 for taking part in an unsanctioned protest. The protests took place on 21 May 2013, when dozens of homeowners demonstrated in front of parliament, protesting what they claimed were excessive mortgage interest rates. The journalist said he was there to cover the event. PEN is seeking further information as to whether he has served his sentence or not.

## **CONDITIONAL RELEASE**

## **Kuanbek BOTABEKOV:**

**PROFESSION:** chief editor of the newspaper Adilet

**SENTENCE:** one and a half years' suspended imprisonment

**DETAILS OF TRIAL:** Convicted of defamation on 19 October 2011 by the Al-Farabi district court in Shymkent, under Article 129 of the Criminal Code of Kazakhstan. He was also sentenced to pay 300,000 KZT (approx. \$2,000) in damages. The private complaint was filed by brothers Kenes and Bakitbek Nakipbekov. The charges followed the publication of two articles entitled 'Mr. Kenes, which team do you play for?' and 'Dear valued Mr. President', which accused the brothers of corruption. Kenes and Bakitbek Nakipbekov are the heads of the inter-regional transport office and inter-regional land inspection offices, respectively.

## **Zhambolat MAMAI and Serik SAPARGALI:**

**PROFESSION:** leader of the Kazakhstani organisation 'Rukh pen til' and journalist, respectively.

**DATE AND DETAILS OF ARREST:** 23 January 2012. by the National Security Committee of Kazakhstan

**DATE OF RELEASE:** July 2012 and 8 October 2012 respectively.

**DETAILS OF TRIAL:** Both were accused of "inciting social hatred". On 26 January 2012, the Almalinski court of the city of Almaty sanctioned the arrest of Igor Vinyavski, Vladimir Kozlov (see above), Zhambolat Mamai and Serik Sapargali at a closed court hearing in connection with their campaigning for justice in the wake of the Zhanaozen massacre of oil workers in December 2011. They were arrested on the 23 January 2012. Earlier that day, searches were undertaken at the office of the editorial staff of the 'Respublika' newspaper, the office of the

'Alga' party, as well as in the men's houses. Mamai was released in July 2012 and all charges against him dropped. On 8 October 2012, Sapargali was convicted of calling for the government to be overthrown, to which he had admitted partial guilt, and received a suspended sentence of four years' imprisonment. He was released from the court room.

## KYRGYZSTAN

### IMPRISONED: MAIN CASE

#### Azimjon ASKAROV:

**PROFESSION:** journalist and head of the human rights group Vozdukh, and member of the Uzbek minority

**DATE OF BIRTH:** 1951

**SENTENCE:** sentenced to life imprisonment

**DATE OF ARREST:** 15 June 2010

**DETAILS OF ARREST:** He was arrested in the village of Bazar-Korgon, where, on 12 June 2010, a police officer was killed and several others wounded in violent, inter-ethnic disturbances that took place in Kyrgyzstan in May and June 2010. Askarov's lawyer claims that his client was not present at the riot.

**PLACE OF DETENTION:** Prison No. 47 in Bishkek

**DETAILS OF TRIAL:** He was arrested on charges of inciting ethnic violence. Prosecutors subsequently extended the charges and he was convicted on 15 September 2010 of hostage-taking, inciting ethnic hatred, participation and organisation of mass disorder, possession of ten rounds of ammunition and complicity in murder. On 20 December 2011, it was reported by the news website Fergana News that Askarov's sentence had been upheld on appeal by Kyrgyzstan's Supreme Court.

**ALLEGED TORTURE AND HEALTH CONCERNS :** Askarov's lawyer and witnesses, cited by Human Rights Watch, say that Askarov has been beaten repeatedly whilst in custody. According to an October 2012 report by the international NGO Physicians for Human Rights (PHR), Askarov's medical condition had markedly deteriorated during his imprisonment. It said that his eyesight, nervous system and breathing had weakened, but that he had not received the necessary medical care. Following an examination in January 2012, PHR experts concluded that Askarov showed clinical evidence of traumatic brain injury as a result of torture. In November 2012, his lawyer submitted a complaint to the UN Human Rights Committee. He is an Amnesty International prisoner of conscience. PEN International believes Askarov has been targeted for revenge by Jalal-Abad law enforcement because of his documentation of human rights violations, including by local police, in southern Kyrgyzstan.

**AWARDS:** Homini Award (2011), CPJ International Press Freedom Award (2012)

### HARASSMENT

#### Nurgazy ANARKULOV:

**PROFESSION:** owner of the pro-opposition Maidan.kz newspaper

**DETAILS OF DETENTION:** He was briefly detained in Bishkek on 30 May 2012, in connection with a lawsuit filed against him by a local citizen and released in early June. The chief editor of Maidan.kz, Gulzada Turdalieva, confirmed that Anarkulov was detained. She said officials have not yet provided his relatives and colleagues with details about the reasons for his arrest.



According to Turdalieva, the newspaper had recently published several articles critical of President Almazbek Atambaev and other officials, although it was not clear to PEN International if there was any link between those pieces and Anarkulov's arrest.

## MACEDONIA

### IMPRISONED: MAIN CASE

#### \*Tomislav KEZAROVSKI:

**PROFESSION:** journalist for the Nova Makedonija newspaper

**SENTENCE:** four and a half years in prison

**DATE AND DETAILS OF ARREST:** reportedly arrested by special forces soldiers on 28 May 2013 and given a 30-day temporary detention order

**DETAILS OF TRIAL:** On 24 October 2013, he was convicted of revealing a protected witness' identity under the Law on Witness Protection and sentenced to four and a half years in prison. He was sentenced in relation to allegedly having revealed a protected witness's identity in a 2008 article he wrote for the Reporter 92 newspaper about a murder in Orese. The witness confessed in court in February 2013 that he gave false evidence against the accused killers. He also testified that he did not have protected witness status until 2010. Kezarovski's 30-day temporary detention order was extended every 30 days until his trial concluded. PEN International [wrote to the Macedonian Minister of Justice](#) in 2013 calling for his release.

## MONTENEGRO

### ATTACKED

#### \*Tufik SOFTIC:

**PROFESSION:** local correspondent for the Podgorica-based daily Vijesti

**DETAILS OF ATTACK:** An explosive device was detonated outside his home in Berane on 11 August 2013, according to news reports

**BACKGROUND:** Softic has been targeted before - on 1 November 2007 he was beaten in front of his home by two unknown individuals (no arrests were ever made). Softic has published reports about criminal groups active in northern Montenegro.

## PORTUGAL

### JUDICIAL HARASSMENT

#### \*Miguel SOUSA TAVARES:

**PROFESSION:** author and journalist

**DETAILS OF INVESTIGATION:** He is under investigation for calling President Anibal Cavaco Silva

a “clown” in an interview with Portugal’s leading financial daily, Jornal de Negocios, in May 2013. The author faces up to three years in prison if found guilty of offending the president’s honour. The attorney general’s office has not confirmed whether the investigation was prompted by the president himself.

## RUSSIA

### KILLED: IMPUNITY

#### \*Akhmednabi AKHMEDNABIEV:

**PROFESSION:** deputy chief editor of a leading independent weekly in Dagestan, Novoe Delo (New Action), and regular contributor to the Caucasian Knot online

**DETAILS AND DATE OF DEATH:** He was murdered on 9 July 2013. He was known for reporting on corruption and human rights abuses in Dagestan. Akhmednabiev was shot to death outside his home in the village of Semender near the Dagestani capital, Makhachkala. Akhmednabiev had just started the engine of his car when the unidentified assailants opened fire. He died instantly.

**INVESTIGATION INTO MURDER:** A criminal investigation is under way. The Russian authorities have stated that they believe the journalist’s murder is related to his reporting.

**OTHER INFORMATION:** The journalist survived a previous attempt on his life on 11 January 2013, when unidentified assailants shot at him three times but missed. He had received death threats in May 2012 and immediately reported them to police. Reportedly, law enforcement authorities did not effectively investigate either the threats or the subsequent shooting.

#### Natalia ESTEMIROVA (f):

**PROFESSION:** journalist and human rights defender

**DATE OF BIRTH:** 28 February 1958

**DETAILS AND DATE OF DEATH:** Estemirova was abducted on 15 July 2009 as she left her home for her office in Grozny, and was later murdered. Her body was found in woodland in neighbouring Ingushetia. She had been shot in the head and chest.

**ESTEMIROVA’S WORK:** Estemirova, of Russian-Chechen descent, worked at the Grozny office of Memorial, Russia’s best known non-governmental organisation. She investigated torture, killings and other abuses in Chechnya, and was the first recipient of the annual Anna Politkovskaya Award given by the Reach All Women in War campaigning group. Estemirova was also awarded for her courage by the Swedish and European parliaments. She worked with Politkovskaya from 2001 until 2006, exposing abuses carried out by Russian armed forces in Chechnya and by Moscow-backed Chechen officials.

**INVESTIGATION INTO MURDER:** The then Russian President Dmitry Medvedev condemned the murder and ordered an inquiry. The Chechen President Ramzan Kadyrov also called for those responsible to be brought to justice. Memorial has since closed its Grozny office, fearing for the safety of its staff. In late February 2010, the agency investigating Estemirova’s death confirmed that it had identified the murder suspect, who was said to be in hiding. Estemirova’s supervisor at Memorial told new agency Interfax that, after gaining access to some of the case’s investigative materials, it was discovered that the suspected murderer had already been killed. Russian investigators denied this. On 12 July 2010, the Moscow newspaper, Novaya Gazeta, published an article criticising the investigation for a series of flaws. These included a failure to interview key witnesses, a failure to thoroughly analyse DNA material collected from Estemirova’s body, and a failure to place at-risk witnesses under protection. The article also criticised the investigation for

allegedly focusing on a single suspect who was already dead. In September 2010, Russian investigators, following a meeting with a delegation from the Committee to Protect Journalists (CPJ), pledged to pursue 19 cases of murdered journalists, of whom Estemirova is one. The investigators provided the delegation with the following update: authorities said they are trying to locate and arrest a Chechen guerrilla fighter who they allege murdered Estemirova. Investigators maintained that the suspect is alive and in Russia. They told CPJ that they have questioned Kadyrov, but found no evidence of his involvement. Independent investigation by Novaya Gazeta: an investigation carried out by Novaya Gazeta, the Russian human rights organisation Memorial, and the International Federation for Human Rights, published on 15 July 2011, reiterated that the official investigation into Estemirova's death had been mistaken in focusing its suspicion exclusively on the rebel Chechen leader Alkazar Bashayev. It reported that at the time of her murder Estemirova was working on a more sensitive case investigating the possible involvement of Chechen police officers in the public execution of local resident Rizvan Albekov. Estemirova was the first person to report on the killing. The report claimed that investigators inexplicably stopped pursuing the possible link between this case and the journalist's murder in early 2010. Human Rights Watch claimed that "there were very strong circumstances around Estemirova's murder that suggest that there could have been some official involvement." Other information: The Chairman of the Memorial Centre, Oleg Orlov, is on trial on charge of slander against the Chechen president. He reportedly suggested that the Chechen president was responsible for Estemirova's death. If convicted, Orlov could face up to three years in prison. [RAN 28/09 – 16 July 2009; Update #1 – 23 July 2009]

### **Khadzhimurad KAMALOV:**

**PROFESSION:** journalist and founder of the independent Dagestan-based weekly newspaper Chernovik

**DATE OF BIRTH:** 11 February 1965

**DATE AND DETAILS OF DEATH:** Shot dead by a masked assailant shortly before midnight on 15 December 2011. Kamalov was reportedly shot up to 14 times by the unidentified person as he was leaving the offices of Chernovik in Makhachkala, the capital of the southern republic of Dagestan. The gunman reportedly fled the scene in a car.

**INVESTIGATION INTO MURDER:** The Investigative Committee of the Russian Prosecutor-General's Office decided to take over the reportedly stalled investigation into the death of Khadzhimurad Kamalov on 28 May 2012. Investigative Committee spokesman Vladimir Markin told journalists that the decision was made in response to a request by about 100 deputies in the Russian parliament's lower chamber, the State Duma, that federal investigators take charge of the probe.

**OTHER INFORMATION:** There is a long history of harassment of the staff at Chernovik, with five of its journalists being arrested on reportedly trumped-up charges of "extremism" between 2008 and 2011. The newspaper has frequently addressed highly sensitive topics in the southern republic of Dagestan, in particular reports of police abuses in neighbouring Chechnya.

### **Anna POLITKOVSKAYA(f):**

**PROFESSION:** journalist and author

**DATE OF BIRTH:** 30 August 1958

**DATE AND DETAILS OF DEATH:** Shot dead in the elevator of her apartment on 7 October 2006

**WORK AND DEATH THREATS:** Covered the war in Chechnya and had been receiving threats since 1999 after she wrote articles claiming that the Russian armed forces had committed human rights abuses in Chechnya. Despite these threats she continued to write and in 2003 published *A Dirty War: A Russian Reporter in Chechnya*. She was also a co-contributor to *A Small Corner of Hell: Dispatches from Chechnya*, published in 2003. Her most recent book, published in 2006, was

Putin's War: Life in A Failing Democracy. In 2002 Politkovskaya was one of the few outsiders allowed into a Moscow theatre in an attempt to negotiate with Chechen rebels the release of hundreds of hostages held there. In 2004, she fell seriously ill as she attempted to fly to Beslan to cover the hostage crisis there, leading to speculation that she had been deliberately poisoned to stop her from reporting on the crisis. Politkovskaya was the winner of numerous international awards for her courage, including the 2004 Olaf Palme Award that was set up by the family of the murdered Swedish prime minister. The prize was given to Politkovskaya to honour her work for the "long battle for human rights in Russia".

**INVESTIGATION INTO MURDER:** On 27 August 2007, the Prosecutor General announced that ten suspects had been arrested in connection with the murder including Chechen criminals, and former and serving members of the Russian Federal Security Services and police forces. On 18 June 2008, the Investigative Committee announced that it had charged three men, a former police officer and two ethnic Chechen brothers.

**TRIAL OF PERPETRATORS:** On 17 November 2008, the trial of Politkovskaya's alleged murderers began, at first open to the public, but then behind closed doors. On 19 February 2009, the men accused of assisting Politkovskaya's murder were acquitted by a twelve-member jury for lack of evidence. After prosecutors appealed the not-guilty verdict, the Supreme Court overturned this decision and ordered a retrial. On 24 August 2011, Russian authorities arrested Lt. Col. Dmitry Pavlyuchenkov in connection with the case and named convicted criminal Lom Ali Gaitukayev as the organiser of the murder. In December 2012, Pavlyuchenkov was found guilty and sentenced to 11 years in a high security penal colony. Five other suspects, including three Chechen brothers - two of whom were acquitted by a jury back in 2009 - will be tried in separate proceedings. The three Makhmudov brothers, Rustam, Ibragim, and Dzhabrail Makhmudov, are charged as Politkovskaya's immediate killers. Other suspects include Chechen underground leader Lom-Ali Gaitukayev, who the official investigation now says was the main organiser of the killing and served as liaison between the masterminds and Pavlyuchenkov. Another suspect is Sergei Khadzhikurbanov, another former police officer who served at the Moscow Directorate for Combating Organized Crime at the time of the murder. Along with Ibragim and Dzhabrail Makhmudov, Khadzhikurbanov was tried and acquitted of involvement in the crime back in 2009. He is considered an accomplice in the crime now. A pre-trial hearing took place on 3 June 2013.

**HONORARY MEMBER:** PEN Canada

## **IMPRISONED: INVESTIGATION**

### **\*Sergei REZNIK**

**PROFESSION:** blogger at Livejournal. He also contributed reporting to regional news outlets, including the website Yuzhnyi Federalnyi. His articles for the website criticised municipal and regional authorities and alleged widespread corruption and abuses

**ARREST:** 26 November 2013 after his conviction

**SENTENCE:** 18 months in prison in the city of Rostov-on-Don.

**DETAILS OF TRIAL:** Convicted of insulting a public official, bribery, and deliberately misleading authorities. According to news reports, authorities filed charges against Reznik in November 2012. His trial opened in June 2013. The charges of insult reportedly stemmed from a series of articles posted on his blog in which Reznik accused the chairwoman of the Regional Arbitration Court of corruption and nepotism. The other two charges stemmed from Reznik's reporting of threats against him to the police and allegedly bribing a car shop mechanic. Reznik is appealing the verdict.

**OTHER THREATS/ATTACKS:** According to the regional press, in February 2012 Reznik reported receiving threats by phone from anonymous people who demanded that he stop publishing his articles. On 22 October 2012, Reznik was attacked by two unidentified men outside his

apartment building, beaten with baseball bats, then shot at with a pistol, according to news reports. Although not hit by gunfire, he suffered head and neck injuries from the beating and fell unconscious. According to Novaya Gazeta, authorities are currently investigating two other charges against Rezni.

## **ON TRIAL**

### **Mikhail AFANASYEV:**

**PROFESSION:** online editor of the magazine Novy Fokus

**DETAILS OF TRIAL:** facing a fine of US\$32,000 and a further punishment of hard labour if convicted of defaming police officer Colonel Alexander Zlotnikov. Prosecutors filed criminal insult and libel charges against the journalist on 14 March 2013 in connection with an article, published on 9 December 2012, in which the journalist claimed that the police officer lied about him in court. In October 2012, Zlotnikov alleged in court that Afanasyev had tried to obstruct an arrest: the journalist was arrested following the episode and charged with hooliganism. The charges were later dismissed. The day after the article was published, Zlotnikov filed a defamation complaint with the regional investigative committee in Khakassia, Siberia. Afanasyev was summoned for questioning and his home, office and car searched.

**BACKGROUND:** Afanasyev was charged with defamation in 2009 following his coverage of a high-profile explosion at a hydroelectric plant; the charges were dropped. The same year he was beaten up by two unknown assailants; the attack was never investigated.

### **\*Nikolai ALEXEYEV:**

**PROFESSION:** journalist and gay rights activist

**DETAILS OF TRIAL:** facing a criminal libel case. According to reports, in August 2013, two members of the Russian Duma - Yelena Mizulina and Olga Batalina – asked for criminal libel proceedings to be brought against Alexyev following remarks made on the journalist's Twitter account criticising Mizulina and Batalina for their support of a ban on disseminating "propaganda of non-traditional sexual relations" to minors. Alexyev reportedly faces a substantial fine on the grounds of insulting a representative of authority. He has reportedly been harassed by police since the politicians' request. PEN is seeking further information.

**BACKGROUND:** In May 2012, Alexyev was the first person to be convicted of disseminating "gay propaganda" to minors in Russia. He was convicted under a new 'anti-gay propaganda' law that prohibits the "propaganda of homosexuality among minors" that was first introduced in St Petersburg.

### **\*Alexei NAVALNY:**

**PROFESSION:** lawyer, political activist, blogger and runner-up in the 2013 Moscow mayoral elections

**DATE OF BIRTH:** 4 June 1976

**DETAILS OF TRIAL:** charged with fraud and money laundering. In late October 2013, investigators charged Alexei and his brother Oleg of defrauding a Russian subsidiary of the French cosmetics company Yves Rocher out of approximately US \$811,000, and a Russian company, MPK, out of 4m roubles (approx. US \$125,000). They also charged the brothers with laundering US \$656,000. If found guilty, Navalny faces up to 10 years in prison.

**PREVIOUS CHARGES AND CONVICTIONS:** He was convicted of embezzling US\$500,000 from a state-owned timber company while he was an advisor to the governor of the Kirov Oblast, and was handed a five year prison sentence by a local court in Kirov on 18 July 2013. Unusually,

the Prosecutor's Office requested his release and Navalny was freed the following day, pending the appeal of his sentence. The sentence was later suspended (on 16 October 2013) and Navalny is not allowed to run for political office for the foreseeable future.

**FURTHER INFORMATION:** Navalny is a long-time critic of Vladimir Putin's ruling United Russia Party; his criticisms often appear in his popular blog which he has used to organise large-scale demonstrations against corruption in Russia. He has also written articles in several Russian publications, such as Forbes Russia. In a 2011 interview with Reuters, he claimed that Putin's political system is so weakened by corruption that Russia could face an Arab Spring-style revolt within five years. On 10 July, he registered as a candidate for the Moscow mayoral elections scheduled for 8 September 2013, and earlier had voiced his ambition to one day run for president. Throughout 2012 there were various investigations into Navalny's financial affairs. Article 19 and Amnesty International have said that Navalny did not receive a fair trial and that the charges against him were politically-motivated.

## THREATENED

### Oksana CHELYSHEVA (f):

**PROFESSION:** journalist, writer and human rights activist. She has been writing for Novaya Gazeta since 2001, and was Deputy Chair of the Russian-Chechen Friendship Society from May 2003 to January 2007 (when the RCFS was shut down).

**DETAILS OF THREATS:** Although no longer in Russia, she reports receiving threats via telephone and social media and harassment from individuals she believes are agents of the Russian state. (See also 'Released' below.)

### \*Aider MUZHABAYEV, Georgy YANS:

**PROFESSION:** editor and reporter respectively for the newspaper Moskovsky Komsomolets

**DETAILS OF THREATS:** They were reportedly threatened by an MP from the ruling United Russia Party following an article published on 14 May 2013, entitled 'Political Prostitution Changes its Gender.' The article criticised three female members of the opposition for switching to the United Russia Party and for changing their views on the recent re-criminalisation of defamation in Russia (they had previously been against it). The MP Andrei Bayev said that "severe retaliation" awaited "a particular editor and author", although he didn't name them. It was believed in media circles that he was referring to Yans and Muzhdabayev.

## CONDITIONAL RELEASE

### Yekaterina SAMUTSEVICH (f):

**PROFESSION:** member of Pussy Riot (see 'Released' below)

**DATE OF BIRTH:** 9 August 1982

**DATE OF ARREST:** 16 March 2012

**DATE OF RELEASE:** 10 October 2012

**SENTENCE:** two years suspended

**DETAILS OF TRIAL:** charged with hooliganism motivated by religious hatred following a protest performance of the band's 'Punk Prayer' on the altar of the Christ the Saviour Cathedral on 21 February 2012. Trial proceedings opened on 20 July 2012. Convicted of hooliganism motivated by religious hatred on 17 August 2012 and sentenced to two years' imprisonment, which was commuted to a suspended sentence on appeal in October 2012. On 25 June 2013, Moscow City Court denied an appeal lodged against Samutsevich's suspended prison

sentence. Although the Court of Appeal accepted Samutsevich's argument that she had not participated in the performance, Moscow City Court refused to quash her probation sentence. The court stated that it saw no grounds for mitigating or overturning the decision. At an appeal hearing on 15 October 2013, a court upheld the verdict against Samutsevich.

## RELEASED

### **Mariya ALEKHINA (f), Nadezhda TOLOKONNIVOVA (f):**

**PROFESSION:** members of the ten-member female punk group Pussy Riot

**SENTENCE:** two years in prison

**DATE AND DETAILS OF ARREST:** Arrested for 'hooliganism' after storming the altar of the Christ the Saviour Cathedral on 21 February 2012 in short dresses and colourful masks to sing a "punk prayer". The lyrics of the song harshly condemn the then Russian Prime Minister, now President, Vladimir Putin and Russian Orthodox Church. Tolokonnivova and Alekhina were arrested on 3 March. A third member, Ektarina Samutsevich, was arrested on 16 March (see above). The women say that although they are members of Pussy Riot, they were not those who staged the event. (Pussy Riot members perform wearing bright coloured balaclavas, hiding their identities.)

**DATE AND DETAILS OF RELEASE:** both were freed from prison in late December 2013, under a general amnesty granted by President Putin to celebrate the 20<sup>th</sup> anniversary of the Russian constitution. They were freed approximately three months before their two-year sentences were due to end.

**DETAILS OF TRIAL:** proceedings opened on 20 July 2012, and both were convicted of hooliganism motivated by religious hatred on 17 August 2012. Their convictions and sentences were upheld on appeal on 10 October 2012.

**CONDITIONS OF IMPRISONMENT:** The women were ordered to serve their terms in separate labour colonies. Alekhina was held in a labour colony in Perm; in May 2013 she announced that she would be going on hunger strike; she had been denied the right to appear at her own hearing. There were reports that she was taken to hospital in late May 2013. Tolokonnivova was first held in a labour colony in Mordovia, but was moved to solitary confinement in late September 2013 following her announcement (via an article written by her for the press) that she would going on hunger strike to protest the harsh conditions in prison. Tolokonnivova was moved to a new prison in late October 2013 by authorities who said that it was "for her personal safety". They did not reveal her whereabouts until 12 November, by which time she had been transferred to another prison in Krasnoyarsk province, Siberia. After their release, the two women announced their intention to continue campaigning for human rights.

### **\*Oksana CHELYSHEVA (f):**

**PROFESSION:** journalist, writer and human rights activist

**DETAILS OF TRIAL:** She has been writing for Novaya Gazeta since 2001, and was Deputy Chair of the Russian-Chechen Friendship Society from May 2003 to January 2007 (when the RCFS was shut down). She was defending a 1,200 page monograph on human rights abuses in the Chechen Republic, alongside co-authors Stansilav Dmitriyevsky and Bogdan Guareli, (below). The lawsuit was lodged by the Prosecutor's Office of Nizhny Novgorod to declare the publication extremist. The first hearing of the trial was held on 6 December 2012. There was another hearing on 24 June 2013. On 2 July 2013, Dzerzhinsk city court rejected the lawsuit.

**OTHER INFORMATION: AWARDS:** Amnesty International UK media award for "human rights journalism under threat" in 2006; 2014 Oxfam Novib/PEN International Free Expression Award.

## **\*Stanislav DMITRIYEVSKY:**

**PROFESSION:** writer, editor and human rights activist

**DETAILS OF TRIAL:** The prosecution sought to ban his 1,200-page monograph on human rights abuses in the Chechen Republic on grounds that its content was “extremist” in nature. Co-authors are Oksana Chelysheva (f) (see above) and Bogdan Guareli (see below). The first hearing of the trial was held on 6 December 2012. Another was held on 24 June 2013. On 2 July 2013, Dzerzhinsk city court rejected the lawsuit.

**BACKGROUND:** PEN has been closely following developments with Dmitriyevsky since 2005. He has faced numerous legal challenges, threats and attacks as a consequence of his writings and work as an activist. In January 2005, the Federal Security Bureau initiated a criminal investigation into his human rights organisation, the Russian-Chechen Friendship Society (RCFS), and charged Dmitriyevsky with “inciting hatred between national groups by use of the mass media”. Simultaneously, an investigation into the finances of the RCFS was carried out by the Tax Department and the Ministry of Justice; there was also an anonymous smear campaign against Dmitriyevsky and RCFS members (particularly Oksana Chelysheva), giving their home addresses and dubbing them Chechen-funded traitors. In response to the situation, PEN took on Dmitriyevsky as a main case and, following an extensive campaign, he was able to escape imprisonment with a two-year suspended sentence and four years of probation. Shortly after the end of this trial (January 2007), the RCFS was shut down by the Russian authorities as a consequence of Dmitriyevsky’s conviction. Since then, Dmitriyevsky has been allegedly subjected to intermittent harassment by police officers (when his offices were raided in March 2007 and 2008) and unknown assailants (in August 2008, a brick was thrown through his apartment window and his building was covered with abusive graffiti; between March and November 2012 his offices and home were subjected to attacks of arson, vandalism and attempted forced entry on no less than three occasions).

## **Bogdan GUARELI:**

**PROFESSION:** researcher and writer

**DETAILS OF TRIAL:** He was defending a 1,200 page monograph on human rights abuses in the Chechen Republic, alongside co-authors Stanislav Dmitriyevsky and Oksana Chelysheva, in a trial to ban the book due to its “extremist” content. The first hearing of the trial was held on 6 December 2012. Another was held on 24 June 2013. On 2 July 2013, Dzerzhinsk city court rejected the lawsuit.

# **SERBIA**

## **THREATENED**

## **\*Milorad BOJOVIC:**

**PROFESSION:** journalist for the Serbian weekly NS reporter

**DETAILS OF THREATS:** According to Bojovic, he began receiving threats on 29 November 2013. The journalist said that he had received more than 30 SMS text messages, sent from different phone numbers, saying that he would be beaten and ‘liquidated’. He said that he assumed that the threats were connected to stories published in the NS reporter.



# SLOVENIA

## HARASSED

### \*Miran SUBIC:

**PROFESSION:** reporter for the daily Dnevnik

**DETAILS OF ATTACK:** His car was set on fire outside his home in the city of Kranj on the night of 10 April 2013. The fire spread to his garage and caused about 50,000 euros in damage. Šubic is convinced that the fire was meant to intimidate him, and that it was connected to his work. He has covered Kranj municipal corruption in the past, and recently wrote about arms- and drug-trafficking in the region.

## SENTENCED

### \*Mitja KUNSTEJI:

**PROFESSION:** blogger

**SENTENCE:** Six months in prison sentence on 13 May 2013 and ordered to pay a fine of 10,000 Euros for criminally defaming two journalists in his blog. Not believed to have been imprisoned to date.

**BACKGROUND:** A controversial figure with a troubled past in the Slovenian special forces, Kunstelj now keeps one of the country's most widely-read blogs. In the offending posts, he used crude terms to describe details of the private lives of two journalists with whom he used to be on friendly terms. Two other unrelated lawsuits are meanwhile pending against him.

# SPAIN

## IMPRISONED: INVESTIGATION

### Javier SALUTREGI:

**PROFESSION:** sub-editor for Egin, a Basque daily newspaper that was forcibly closed in 1998 by a court order (the ban was subsequently lifted in 1999)

**SENTENCE:** Seven years and six months in prison

**DATE OF ARREST:** 22 July 1998

**DETAILS OF TRIAL:** Egin was accused of printing coded messages for ETA and thus supporting "terrorism". Salutregi was charged alongside Teresa Toda (see 'Released' below) and 15 administrative staff of the newspaper. He received a 12 year prison sentence on 19 December 2007 on charges of membership of an armed organisation (ETA), reduced on appeal to seven years and six months. Salutregi was freed on €150,000 bail on 20 November 1998, reduced to €6000 in December 1999, until detained to serve his prison sentence. On 3 July 2008 he was released on bail from the Picassent prison, reportedly on health grounds. However he was re-arrested in April 2009 and remains in prison. He is expected to be released at the end of 2014.

## RELEASED

### Teresa TODA (f):

**PROFESSION:** journalist and sub-editor for Egin (see above) and Board Member of the Basque PEN Centre

**DATE OF BIRTH:** 1950

**DATE OF ARREST:** 19 September 1988, freed on bail of €6000 the same day

**DATE OF RELEASE:** 27 November 2013

**SENTENCE:** Ten year prison sentence

**DETAILS OF TRIAL:** Egin was accused of printing coded messages for ETA and thus supporting “terrorism”. Charged alongside Teresa Toda was Javier Salutregi (see above) and 15 administrative staff of the newspaper. She was convicted on 19 December 2007 of co-operating with an armed organisation. Her ten-year sentence was reduced to six years on appeal in April 2009.

**PROFESSIONAL BACKGROUND:** Born in Brazil into a diplomatic family she lived in North and South America and the UK before going to Spain where she became a correspondent for Egin in 1984. She then moved to the Basque region to work for a trade union publication, taking leave of absence from Egin in 1998, and unable to return when it was closed down. She is known for her anti-Franco and left-wing activism, for which she was expelled from university. She was in prison in Cordoba.

## TURKEY

### Note on KCK (Kurdistan Communities Union) and Ergenekon Trials:

The majority of cases brought against writers and journalists in Turkey fall under the scope of one of two Anti-Terror investigations.

The KCK (Kurdistan Communities Union), is the alleged ‘urban wing’ of the outlawed PKK (Kurdistan Workers Party), which has been engaged in armed conflict with the Turkish army since 1984. The various waves of this investigation have targeted Kurdish and Turkish civilians with pro-Kurdish sympathies, including politicians, lawyers, human rights defenders, academics, translators, researchers, publishers, journalists and writers. Each investigation is aimed at targeting a separate alleged ‘wing’ of the organisation, such as the ‘committee of leadership’ (46 of the 50 under trial in this wave are lawyers), the ‘political wing’ (including publishers, academics and translators alongside politicians) and the ‘press wing’ (which implicates 44 journalists).

The Ergenekon investigation attempts to uncover an alleged, clandestine, ultranationalist organisation engaged in the plotting of a military-backed overthrow of the government. The early waves of this investigation largely targeted members of security and intelligence forces, as well as investigative journalists with alleged relationships to them. One of the latter waves of the investigation implicated online news outlet ODATV in the conspiracy, as well as a number of investigative journalists writing about the alleged infiltration of the police and judiciary by members of the liberal Islamic ‘Gülen Movement’

This list indicates those persons whose cases are linked to either the Ergenekon or KCK investigations. Where there is no reference to either, these are cases which are not known to be linked to either investigation.

## **KILLED: IMPUNITY**

**Hrant DINK (NOTE: The direct perpetrators of his murder have been convicted and imprisoned although the organised conspiracy behind his murder is still being investigated):**

**PROFESSION:** editor of the Armenian language Agos magazine

**DATE AND DETAILS OF KILLING:** Killed outside his office in Istanbul by an assassin on 19 January 2007. Dink had been convicted under Article 301 of the Penal Code, for “insulting Turkishness” for his writings on an Armenian genocide. In October 2005, he was given a six month suspended sentence for a 2004 article entitled “The Armenian Identity”. Dink’s murder sparked debate on revision or repeal of Article 301, which many believe marked Dink out as a target for ultranationalists.

**CONVICTION OF OGÜN SAMAST:** Ogün Samast was sentenced to 22 years and 10 months in prison on 25 July 2011, the heaviest sentence that can be passed against a minor. He was 17 at the time of the murder. He confessed to the killing and his sentence has been upheld by the Supreme Court.

**OTHER CONVICTIONS:** Yasin Hayal, a criminal with a previous conviction for a bomb attack on a McDonald’s restaurant, was sentenced to life in prison in solitary confinement and with no possibility of parole, for “soliciting another person to wilfully commit a murder”; he earlier admitted to arming Samast and instructing him to murder Dink. Separately, Hayal was sentenced to three months in prison for threatening Nobel Laureate Orhan Pamuk and a year in prison for “unauthorised possession of arms”. Two others, Ersin Yolcu and Ahmet İskender, were sentenced to 12 years and six months in prison each, for “assisting in a felonious murder”. İskender was also sentenced to a year in prison for “unauthorised possession of arms.”

**RE-TRIAL OF PERPETRATORS:** In May 2013, the Supreme Court of Appeal accepted Hrant Dink’s lawyers’ call for the case to be considered as an organised crime, overturning a January 2012 court ruling that this was not the case. This has opened the way for a new trial to be opened, which started on 17 September 2013. This will mean that: Yasin Hayal, whose sentence has already been upheld by the Supreme Court, will now also be tried for leading the criminal gang behind the murder. Osman Hayal, (brother of Yasin Hayal) who was earlier tried and acquitted of involvement, will have his acquittal reviewed. He was allegedly caught on security cameras as being with Samast at the time of the murder. Erhan Tuncel, another suspect acquitted of the murder, will now be retried as being a member of a criminal organisation as will three other defendants also acquitted when an earlier court ruled that no such organisation existed. Dink’s lawyers are disappointed that the retrial decision did not go further in defining the organisation as a “terrorist organisation” which would have enabled an investigation into claims that the murder had been carried out with the knowledge and possible involvement of government, military and police officials.

**HONORARY MEMBER:** PEN Vlaanderen, English PEN and Norwegian PEN.

## **IMPRISONED: INVESTIGATION**

PEN is seeking further information as to whether the writers below used or advocated violence.

## **Seyithan AKYÜZ (KCK):**

**PROFESSION:** journalist for Azadiya Welat

**DATE OF ARREST:** 7 December 2009

**SENTENCE:** 12 years in prison

**DETAILS OF TRIAL:** He was sentenced in October 2012 after conviction of offences under Article 314/2 of the Turkish Penal Code (membership of a terrorist organisation), Article 5/1 of the Anti-Terror Law (membership of a terrorist organisation) and Article 7/2 of the Anti-Terror Law (making propaganda for a terrorist organisation). The indictment against him refers to banned pro-Kurdish calendars and newspapers, some of which he distributed during May Day celebrations in 2006. Imprisoned as of 31 December 2013.

## **Sevcan ATAK (f):**

**PROFESSION:** editor of ÖzgürHalk

**DATE OF ARREST:** 18 June 2010

**SENTENCE:** Seven years and six months

**DETAILS OF TRIAL:** She was convicted on 26 May 2011 of offences under Article 314/2 of the Turkish Penal Code (membership of an armed organisation), and Article 5 of the Anti Terror Law (membership of a terrorist organisation) in Diyarbakir. Held in Karatas Women's Prison.

## **Ersan ÇELİK (PKK):**

**PROFESSION:** journalist for the DIHA news agency

**DATE OF ARREST:** 22 March 2008

**SENTENCE:** 6 years in prison

**DETAILS OF TRIAL:** Sentenced in January 2010 by the Malatya Third High Criminal Court with 26 other people on charges of "membership of a terrorist organisation" under Article 314/2 of the Turkish Penal Code and Article 5 of the Anti-Terror Law. He was arrested in March 2008 along with some 100 people for their alleged involvement in the Patriotic Democratic Youth Assembly (YDGM) linked by prosecutors to KCK and the PKK. 30 were detained of which 26 were freed after two months. They were accused on the testimony of one witness who claims to have recognised them as members. PEN is seeking clarification of whether he has appealed his sentence.

**ADDITIONAL CHARGES:** On 13 May 2011, Çelik was sentenced to 10 months in prison by the Diyarbakir 6<sup>th</sup> High Criminal Court on another charge of having "disclosed the identity of a police officer on anti-terror duties" in an article on the death of a student killed during a demonstration in 2009. Çelik cited the names of the officers accused of the shooting in his article. He was unable to attend the hearing because of his detention. An appeal has been lodged. PEN is seeking further details.

## **Ibrahim ÇIÇEK and Bayram NAMAZ:**

**PROFESSION:** editor in chief and journalist respectively for the newspaper Atılım

**DATE OF ARREST:** 10 September 2006

**SENTENCE:** Life imprisonment (currently under appeal)

**DETAILS OF TRIAL:** The two journalists have been detained since their arrest and were convicted of "membership of an armed organisation" (Article 314/2 of the Anti-Terror Law) and "membership of a terrorist organisation" (Article 5 of the Anti-Terror Law) in November 2013.

The organisation in question is the Marxist-Leninist Liberation Party (MLKP). Both were denied access to their case files until 13 April 2007 on grounds that the content was classified, with their first defence hearing being held exactly two years after their arrest in September 2008. According to the indictment, they were arrested in September 2006 in the western village of Ocakli, where they were allegedly preparing the MLKP's fourth congress and where guns were allegedly found. The first trial was marked by clashes between supporters and police, during which tear gas was used. At a hearing held on 26 October 2007 at the Istanbul 10<sup>th</sup> Heavy Penal Court, there were protests when it was announced that all the defendants in this case would continue to be held in pre-trial detention. Around 24 May 2011 lawyers questioned the veracity of a document said to have been seized during "Operation Gaye" during which the defendants were arrested. They requested a review of the evidence. They also pointed out that the defendants had been held for over six years without conclusion of their trial, flouting the European Convention on Human Rights. Scuffles broke out at this hearing after one of the defendants attempted to make a speech commemorating a person who had been killed by the military in 1995. In May 2011, Ibrahim Çiçek was freed pending trial after five years behind bars. However, on 24 June 2012, he was re-detained. Both were sentenced on 5 November 2013, along with Sedat Şenoglu who is not currently in prison pending the appeal (see below); PEN remains concerned that their trial was unfair

**OTHER INFORMATION:** Ibrahim Çiçek's wife Füsün Erdogan, a radio journalist, also received a life sentence in the same case.

### **Ferhat ÇİFTÇİ (KCK):**

**PROFESSION:** journalist for Azadiya Welat; Gaziantep representative

**DATE OF ARREST:** 16 February 2011

**SENTENCE:** 22 years and 6 months in prison

**DETAILS OF TRIAL:** Convicted in early 2013 on charges of leadership of an armed organisation under Article 314/1 of the Turkish Penal Code, leadership of a terrorist organisation under Article 5 of the Anti-Terror Law and making propaganda for a terrorist organisation under Article 7/2 of the Anti-Terror Law. Imprisoned as of 31 December 2013.

### **Hamdiye ÇİFTÇİ (f) (KCK):**

**PROFESSION:** reporter for the DIHA news agency

**DATE OF ARREST:** 6 June 2010

**DETAILS OF ARREST:** Among a number of people detained on raids carried out in connection with arrests of alleged members of the Kurdistan Communities Union (KCK). She is said to be an executive of the pro-Kurdish Peace and Democracy Party (BDP) in Hakkari.

**DETAILS OF TRIAL:** She is facing charges of leadership of an armed organisation under Article 314/2 of the Turkish Penal Code and leadership of a terrorist organisation under Article 5 of the Anti-Terror Law. She has appealed against her continued detention without charge three times. The trial against her was ongoing at the end of the year.

**SENTENCE:** one year

**DETAILS OF TRIAL:** A separate set of charges was delivered against Çiftçi on 28 December 2012 for a newspaper report from 2008 in which she allegedly revealed the identities of a number of Anti-Terror investigators. The report in question concerned allegations made by the then 14-year-old Cüneyt Ertuş, who claimed that he was exposed to police brutality while in custody. The Van Public Prosecutor claims that the newspaper report constituted "propaganda for a terrorist organisation" under Article 7/2 of the Anti-Terror Law, pointing to four medical reports which found that Ertuş had not experienced the injuries claimed in the article (including a fractured arm). Çiftçi was sentenced to one year in prison on 9 July 2013.

## **Şahabettin DEMİR:**

**PROFESSION:** journalist for Dicle News Agency in Van, south eastern Turkey

**DATE OF ARREST:** 9 May 2010

**SENTENCE:** four years

**DETAILS OF TRIAL:** Convicted of making propaganda for a terrorist organisation under Article 7/2 of the Anti-Terror Law and subsequently sentenced to four years in prison, upheld by the Supreme Court. Held in Bitlis E-Type Prison. Still imprisoned as of 31 December 2013.

## **Hamit DILBAHAR (KCK):**

**PROFESSION:** poet, politician and journalist for Azadiya Welat

**DATE OF ARREST:** 13 February 2010 as part of the KCK operation.

**SENTENCE:** 16 years

**DETAILS OF TRIAL:** Convicted of leadership of an armed organisation under Article 314/1 of the Turkish Penal Code and leadership of a terrorist organisation under Article 5 of the Anti-Terror Law in early 2013. Reportedly serving a 16-year sentence in Erzurum E-type prison as of 31 December 2013.

## **Hatice DUMAN (f):**

**PROFESSION:** Atılım (Leap) magazine owner and editor

**DATE OF ARREST:** 1 April 2003

**SENTENCE:** Life imprisonment

**DETAILS OF ARREST:** Arrested as part of an investigation into the Marxist Leninist Communist Party (MKLP).

**DETAILS OF TRIAL:** Her life sentence imposed in May 2011 was upheld on 16 October 2012 by the Supreme Court of Appeals. She was convicted of leadership of an armed organisation under Article 314/1 of the Turkish Penal Code and leadership of a terrorist organisation under Article 5 of the Anti-Terror Law. Believed to have other convictions and charges against her. She is currently serving a life sentence in Gebze Prison.

## **Ali KONAR and Nuri YEŞİL (KCK):**

**PROFESSION:** both journalists for Azadiya Welat

**DATE OF ARREST:** 27 May 2010

**SENTENCE:** Seven years and five months, and 12 years and 6 months respectively

**DETAILS OF TRIAL:** They were charged in relation to the Yurtsever Demokratik Gençlik Meclisi (YDGM) (Patriotic Democratic Youth Assembly) linked to the KCK. Konar was sentenced in December 2010 to 7 years and five months in prison under Articles 220 and 314/2 of the Turkish Penal Code for membership of an armed organisation and Article 5 of the Anti-Terror Law for membership of a terrorist organisation. Yeşil was sentenced to 12 years and 6 months in prison under Article 314/2 of the Turkish Penal Code and Articles 5 and 7/2 of the Anti-Terror Law for membership of and propaganda for a terrorist organisation. He had previously been sentenced for propaganda, serving 10 months in prison from November 2008 to August 2009, and later receiving a one year, seven month sentence (unclear if detained for this) for propaganda. Still imprisoned as of 31 December 2013.

## **Erdal SÜSEM:**

**PROFESSION:** September Prison (Eylül Hapishane) magazine editor

**DATE OF ARREST:** 1 February 2010

**SENTENCE:** life imprisonment (date not known)

**DETAILS OF TRIAL:** Convicted of “attempting to overthrow the constitutional order by force” and membership of the outlawed Marxist Leninist Communist Party (MKLP) under article 314 of the Penal Code and Article 5 of the Anti-Terror Law. Sentence upheld in February 2011. A second trial against him, related to “propaganda” for terrorism is under way for which he could be sentenced to an additional 15 years in prison. Held in Edirne F-type Prison at the end of the year.

## **Faysal TUNÇ:**

**PROFESSION:** DIHA journalist

**DATE OF ARREST:** 5 April 2007

**SENTENCE:** 12 and a half years

**DETAILS OF TRIAL:** Convicted on 30 April 2008 of "voluntarily and knowingly helping an illegal organisation" the PKK. He finished serving this sentence in 2012 (presumably with a reduction of his sentence on appeal), but remains in prison serving a second sentence of 12 and a half years on charges of membership of an armed organisation under Article 314/2 of the Turkish Penal Code and Article 5 of the Anti-Terror Law. Imprisoned in Rize Kalkandere L-type prison as of 31 December 2013.

## **DETAINED: MAIN CASES**

### **Muharrem ERBEY(KCK – political [Diyabakir]):**

**PROFESSION:** human rights lawyer and writer

**DATE OF BIRTH:** 1970

**DATE OF ARREST:** 24 December 2009

**DETAILS OF ARREST:** In the early hours of 24 December 2009, Muharrem Erbey was arrested from his home in Diyarbakir, south eastern Turkey by members of the Anti-Terror Unit of the Diyarbakir Security Directorate. He was among 80 people arrested accused of having links with an organisation said to be affiliated to the banned Kurdistan Workers Party (PKK).

Muharrem Erbey is a human rights lawyer, and Vice President of the Human Rights Association (IHD) who has conducted research into disappearances and extra-judicial killings in and around the Diyarbakir region. He has represented a number of individuals whose cases have come to the European Court on Human Rights. In 2008 he became Vice President of the Human Rights Association (IHD), one of Turkey's most reputable human rights associations. He is also President of the Diyarbakir Branch of the IHD.

**DETAILS OF TRIAL:** Erbey is charged with “membership of an armed organisation” under Article 314/2 of the Turkish Penal Code and with “membership of a terrorist organisation” under the Anti-Terror Law. Both charges relate to his alleged membership of the Kurdistan Communities Union (KCK), said to be affiliated to the banned Kurdistan Workers’ Party (PKK).

**TRIAL:** His trial in Diyarbakir was ongoing at the end of the year.

**REASONS FOR ARREST:** The indictment against Erbey refers to visits to various European parliaments, including in Sweden, Belgium and the UK, where he spoke on Kurdish rights; various pro-Kurdish demonstrations that he attended as an observer; his articles advocating the active involvement of the PKK in a peace and reconciliation process; interviews that he gave to the pro-PKK broadcaster Roj TV; his notes for the IHD on the conflict between the

Turkish Army and the PKK; and his attendance both as an observer and as legal counsel in various trials related to the pro-Kurdish movement. At the time of his arrest, the offices of the IHD were searched and documentation seized, including archives on serious human rights violations over the past two decades, such as extra judicial killings and disappearances.

**BACKGROUND:** Erbey is the author of a collection of short stories, My Father, Aharon Usta published since his imprisonment. In 2007 he was a co-editor of a collection of Turkish and Kurdish language stories by 35 authors, distributed by the Diyarbakir Metropolitan Municipality free to local people. The Mayor who organised the publication was subsequently brought to trial under a law that prohibited the use of the Kurdish alphabet (since annulled). Erbey defended the Mayor who was subsequently acquitted, and after Erbey had gathered 300 writers' signatures against the court hearing. Another short story collection, Missing Pedigree was published in 2004. He has written many articles on culture, children's and human rights that have appeared in arts and culture magazines, newspapers and websites.

**PLACE OF DETENTION:** Diyarbakir D Type Prison

**HONORARY MEMBER:** Danish PEN, PEN Turkey, Swiss Italian PEN.

### **Deniz ZARAKOLU (KCK – academic):**

**PROFESSION:** author and translator. Son of leading freedom of expression activist, also detained and now freed, Ragıp Zarakolu (see below).

**SENTENCE:** Not yet sentenced

**DATE OF ARREST:** 7 October 2011

**DETAILS OF ARREST:** Arrested at his home in Tarlabasi, Istanbul.

**DETAILS OF TRIAL:** Charged with “membership of an illegal organisation”. He faces 6-12 years in prison if found guilty. The indictment against him references a series of lectures that he gave at a pro-Kurdish Peace and Democracy Party (BDP) event. The lectures concerned political philosophy and the Kurdish movement in Turkey. His trial was ongoing at the end of the year.

**PLACE OF DETENTION:** First held in a prison in Edirne, then transferred to Kocaeli Prison to be with his father, Ragıp Zarakolu, who has since been released. Held in Silivri Prison at the end of 2013.

**PROFESSIONAL DETAILS:** Civil Engineer and PhD student at Bilgi University, Istanbul. Author of a book on Thomas Hobbes, and translated Hobbes De Cive among others. Also translated a book on the Turkish justice system in 1999 (The Independence of Judges and Lawyers in the Republic of Turkey: Report of a Mission 1999, published by the Centre for the Independence of Judges and Lawyer, Geneva.) He also acted as interpreter for European human rights. See KCK above.

**HONORARY MEMBER:** German PEN, Danish PEN, Swiss Italian PEN [RAN 23/13 23/05/13, Update 12/06/13]

### **DETAINED: INVESTIGATION**

### **KCK- Press Wing**

More than 40 journalists, mainly working for the pro-Kurdish media, have been on trial for forming the ‘media committee’ of KCK and taking orders from the outlawed Kurdistan Workers Party (PKK). All arrested in December 2011, many have served more than two years in prison. These 21 journalists are listed together in the two paragraphs below, with more listed under the ‘On Trial’ section as they are free pending trial.

Semiha ALANKUŞ (f), Mikail BARUTÇU, Ertuğ BOZKURT, Nevin ERDEMİR (f), Nurettin FIRAT, Şeyhmus FİDAN, Yüksel GENÇ, İsmet KAYHAN, Kenan KIRIKAYA, Turabi KIŞIN, Mazlum



ÖZDEMİR, Ramazan PEKGÖZ and Davut UÇAR are all facing trial for “leadership of an illegal organisation” under Article 5 of the Anti-Terror Law and Article 314/1 of the Turkish Penal Code (“leadership of an armed organisation”) and are currently held under pre-trial detention. Çiğdem ASLAN (f), Oktay CANDEMİR, Dilek DEMİRAL (f), Nahide ERMİŞ (f), Sibel GÜLER (f), Ayşe OYMAN (f), Haydar TEKİN and Mehmet Emin YILDIRIM are held under pre-trial detention as they face trial for “membership of a terrorist organisation” under Article 5 of the Anti-Terror Law and “membership of an armed organisation” under Article 314/2 of the Turkish Penal Code.

### **KCK – Diyabakir Abdullah ÇETİN:**

**PROFESSION:** journalist for the DIHA news agency

**DATE OF ARREST:** 16 December 2011

**DETAILS OF ARREST:** Arrested in Diyabakir and still held awaiting trial

**DETAILS OF TRIAL:** He is among 27 people linked to the Peace and Democracy Party (BDP) arrested as part of the KCK investigation. Nine were formally charged, including Çetin and the mayor of Kurtalan, south east Turkey. The trial opened before a court in Diyabakir on 9 September 2012. Çetin is accused of being a leader of an illegal organisation. DIHA reports that he is accused of participation in 8 March International Women’s Day events, press releases organised by BDP Kuratalan branch, press releases organised on the anniversary of the 1988 poison gas attack in Iraqi Kurdish town of Halabj, Newroz (Kurdish New Year) celebrations and other actions. It is claimed that the only evidence against him are press statements, and his own wedding videos. Still detained as of 31 December 2013.

### **Tayyip TEMEL:**

**PROFESSION:** editor-in-chief of Azadiya Welat, a Kurdish language daily newspaper

**DATE OF ARREST:** 3 October 2011

**DETAILS OF ARREST:** Arrested in Diyabakir as part of the KCK investigation.

**DETAILS OF TRIAL:** Accused of leadership of an armed organisation under Article 314/1 of the Turkish Penal Code and leadership of a terrorist organisation under Article 5/1 of the Anti-Terror Law, he faces up to 22 years in prison. In a letter to the Turkish free expression monitor, Bianet, he said that he was being targeted for his journalism and that the evidence against him consists of wiretaps of his phone calls to the pro-Kurdish Peace and Democracy Party (BDP) and the Democratic Society Party (DTP). He added that trips he made to Iraq in the course of his journalism are being interpreted as being carried out for meetings with the PKK.

: In November 2012 it was reported that he had undergone a hunger strike in prison in September that year, and that his health had suffered as a result. Still detained as of 31 December 2013.

### **KCK – Other Huseyin DENİZ:**

**PROFESSION:** Günlük Evrensel daily Berlin reporter and former Ankara reporter for DIHA

**DATE AND DETAILS OF ARREST:** 20 December 2011 under the KCK investigations. He is accused of being a member of the Media Committee of an organisation linked to the PKK and that he worked for the KCK during visits to the Kurdish regions of Northern Iraq in 2003 and 2005. His lawyers have pointed out that the KCK did not exist in early 2000s. Charged under Article 314/1 of the Turkish Penal Code with leadership of an armed organisation and Article 5

of the Anti-Terror Law with leadership of a terrorist organisation.

**PLACE OF DETENTION:** detained at Kocaeli Kandira F Type prison as of 31 December 2013.

**PROFESSIONAL DETAILS:** Reportedly worked for Özgür Gündem until 2006, on an oral history project from 2006-2008, and then for Evrensel as from 2008, based in Berlin.

### **Osman Işçı:**

**PROFESSION:** researcher, translator and former Human Rights Association (IHD)

**DATE OF ARREST:** 25 June 2012

**DETAILS OF ARREST:** Işçı and 27 others were arrested under the scope of KCK operations targeting trade union members affiliated with the Confederation of Public Workers (KESK). He was placed under pre-trial detention.

**DETAILS OF TRIAL:** He has been charged with “membership of an armed organisation” under Article 314/2 of the Turkish Penal Code and “membership of a terrorist organisation” under Article 5/1 of the Anti-Terror Law. He remained detained as of 31 December 2013. PEN is seeking further information on his next trial date.

### **Cengiz KAPMAZ:**

**PROFESSION:** journalist and author of Öcalan’s Days on Imrali

**DATE OF ARREST:** 22 November 2011

**DETAILS OF ARREST:** Arrested in Istanbul as part of a mass arrest of 50 people, mainly lawyers, related to the KCK investigation. On 10 December 2011, around 50 journalists and intellectuals gathered in Istanbul’s Taksim Square calling for an end to attacks on Özgür Gündem, for which Kapmaz also wrote, and specifically for his release.

**DETAILS OF TRIAL:** He was formally indicted on 18 April 2012 under Article 314 of the Penal Code. The trial opened on 16 July 2012 at Penal Court No.6 within the Justice Palace in Istanbul and remained on-going at the end of the year. 36 defendants, including Kapmaz, remained in custody. The evidence relates to contacts lawyers had with detained PKK leader Abdullah Öcalan in the course of their legal work. Subsequent hearings have been held at the court in Silivri, outside Istanbul. Still detained as of 31 December 2013.

### **Turabi KISIN:**

**PROFESSION:** former editor of Ozgur Gundem (Free Agenda)

**DATE OF ARREST:** 3 January 2012

**DETAILS OF ARREST:** Arrested with 15 others

**DETAILS OF TRIAL:** Held on charges of “membership of an armed organisation” under Article 314/2 of the Turkish Penal Code and “membership of a terrorist organisation” under Article 5 of the Anti-Terror Law. Reported still detained as of 31 December 2013.

### **Hasan ÖZGÜNEŞ:**

**PROFESSION:** journalist for Azadiya Welat

**DATE OF ARREST:** 28 October 2011

**DETAILS OF ARREST:** Arrested in Nusaybin

**DETAILS OF TRIAL:** Charged under article 314/1 of the Penal Code, Articles 7/2 and 5 of the Anti Terror Law, and Law 2911 on demonstrations. Originally arrested briefly on 17 September 2011, he was re-arrested on 28 October 2011. Accused of involvement in the KCK, making propaganda for the organisation, involvement in demonstrations and for teaching at the Peace

and Democracy Party (BDP) political academies. 193 others said to be on trial with him.

**PLACE OF DETENTION:** Still held at Kandira F-type prison as of 31 December 2013.

### **A. Dursun YILDIZ:**

**PROFESSION:** author and lecturer at the Free University in Istanbul. Leading member of Party for Peace and Democracy (BDP).BDP MP for Istanbul. Author of A Pedagogic View on Freedom, 2003 and A Pedagogic View on Migration, 2011.

**DATE OF ARREST:** 4 October 2011

**DETAILS OF ARREST:** Arrested under a crackdown against the Party for Peace and Democracy (BDP) as part of the KCK operations.

**DETAILS OF TRIAL:** On trial before Istanbul 3rd Heavy Penal Court as part of the KCK investigation.

### **OTHER**

**\*Fatih Özgür AYDIN** reporter for Artı İvme magazine

**Doğan KARATAŞIN,** reporter for Yürüyüş magazine

**Gamze KEŞKEK (f),** reporter for Tavır magazine

**Yeliz KILIÇ (f),** reporter for Yürüyüş magazine

**Veysel ŞAHİN,** reporter for Tavır magazine

**DATE OF ARREST:** Arrested between 17-21 January 2013

**DETAILS OF ARREST:** All six were arrested as part of an investigation into the Revolutionary People's Liberation Party – Armed Front (DHKP-C). The charges against them are “membership of an armed organisation” under Article 314/2 of the Turkish Penal Code and “membership of a terrorist organisation” under Article 5 of the Anti-Terror Law. Detained as of 31 December 2013.

### **\*Ali Fikri IŞIK:**

**PROFESSION:** writer and columnist for Taraf

**DATE OF ARREST:** June 2012

**SENTENCE:** 380 days for “draft dodging”. Released in October 2012 on grounds that he would complete his compulsory military service (at the age of 56).

**DETAILS OF TRIAL:** On 19 December 2012 IŞık was presented with military hospital reports that he was a “good candidate” for the draft in the penultimate hearing of his trial at a military court; IŞık refused to accept the validity of the reports. He was in prison on 27 February 2013. He is currently serving his sentence in Edirne Prison.

**UPDATE:** reportedly went on hunger strike in April 2013.

### **Hasan KABAKULAK:**

**PROFESSION:** journalist

**DATE OF ARREST:** 10 April 2013

**DETAILS OF ARREST:** arrested in Hatay, near the Syrian border.

**DETAILS OF TRIAL:** An article in the Toronto Globe and Mail dated 24 August 2012 refers to Kabakulak as a sympathiser with the Syrian government who visited the country frequently, and has attempted to persuade foreign journalists that the protestors in Syria have limited support within the country. He has been charged with “obtaining classified information from the state with the intention of political or military espionage” under Article 328/1 of the Turkish Penal Code. He has been detained in Adana Kürkçüler Prison since 10 April 2013. His last hearing was held on 14 December 2013. PEN is seeking further information.

### **Deniz KISMETLI:**

**PROFESSION:** journalist for Halkin Gunlugu (People’s Daily) newspaper

**DATE OF ARREST:** 22 or 23 February 2011

**DETAILS OF ARREST:** Among a number of people arrested in raids in several cities across Turkey leading to 23 arrests, among them two journalists including Kismetli who was arrested in Mersin.

**DETAILS OF TRIAL:** Kismetli is accused of membership of an armed organisation and membership of a terrorist organisation under Article 314/2 of the Turkish Penal Code and Article 5 of the Anti-Terror Law respectively. The organisation in question is the DHKP-C – the Revolutionary People’s Salvation Army – Military Wing. His appeal for release was rejected on 13 November 2013. He was still detained as of 31 December 2013.

### **Sultan şAMAN: (f)**

**PROFESSION:** editor of Kurdish women’s magazine Heviye Jine

**DATE OF ARREST:** 7 February 2012

**DETAILS OF ARREST:** Reportedly arrested in Nusaybin, Mardin province, for membership of the PKK, and sent to Batman Prison.

**DETAILS OF TRIAL:** Charged under Article 314 of the Penal Code and Article 5 of the Anti-Terror Law. Said to still be detained as of 31 December 2013.

### **ON TRIAL**

### **Mustafa BALBAY (Ergenekon):**

**PROFESSION:** writer and columnist for Cumhuriyet and MP

**DATE OF ARREST:** Arrested in early July 2008 as part of a series of arrests of members of the nationalist group Ergenekon. Released to stand trial but was re-arrested on 7 March 2009 and imprisoned.

**DATE OF RELEASE:** 9 December 2013

**SENTENCE:** 34 years and eight months in prison

**DETAILS OF TRIAL:** Trial opened on 21 July 2009. He was accused of membership of a terrorist organisation; attempting to overthrow the government; attempting to provoke an armed uprising; unlawfully obtaining, using and destroying documents concerning state security; disseminating classified information. Specifically he is accused of taking part in secret meetings where leading figures, including generals, discussed plans for a coup. Evidence against Balbay are notes that he says he took as part of his journalistic activities during meetings with various figures who were subsequently also arrested in the Ergenekon trial. At a hearing on 19 November 2009, Balbay made a statement in which he denied charges of inciting an armed uprising. He told the court that random notes had been rearranged by the

prosecution in way that they had not been written down, given dates (he says he does not date his notes), and to form a diary that would then incriminate him and serve to strengthen the claim that a coup was being staged. He stated that he does not believe that the government can be overthrown in a coup, and that he was acting only as a journalist “witness of the era he or she is living in”. He was sentenced on 5 August 2013 to 34 years and eight months in prison after conviction of “attempting to overthrow the government by force and violence” and “unlawfully obtaining documents concerning government security”. He was released after the Constitutional Court ruled that his lengthy pre-trial detention violated his rights as an MP. Remained free pending appeal at the end of the year.

**HONORARY MEMBER:** PEN Turkey. [RAN 65/11; press release 10 December 2013: [www.pen-international.org/newsitems/mustafa-balbays-release-after-four-years-imprisonment-highlights-need-for-judicial-reform/](http://www.pen-international.org/newsitems/mustafa-balbays-release-after-four-years-imprisonment-highlights-need-for-judicial-reform/)]

### **Ayşe BERKTAY (f) (KCK – academic):**

**PROFESSION:** scholar, author, translator and woman’s activist

**DATE OF ARREST:** 3 October 2011

**DATE OF RELEASE:** 20 December 2013

**DETAILS OF TRIAL:** Berktaş had been working with the Peace and Democracy Party (BDP) of which she is a member. She is being tried on charges of “membership of an illegal organisation”, with reference to her allegedly “planning to stage demonstrations aimed at destabilising the state” and “attending academic and human rights conferences outside Turkey on behalf of KCK.”

**TRIAL:** Her trial at the Silivri Court in Istanbul was ongoing at the end of the year.

**PROFESSIONAL DETAILS:** Publications include: History and Society: New Perspectives, 2008; The Ottoman Empire and the World Around – with Suraiya Faroqhi, 2007. Editor of Women and Men in the 75<sup>th</sup> Year of the Turkish Republic 1998. Translations include: The Imperial Harem: Gender and Power in the Ottoman Empire, 1520-1656 by Leslie Penn Pierce, Princeton University, 1988; The Ottoman Empire, 1700-1922 (New Approaches to European History), by Donald Quataert, Cambridge University Press, 2005. Also writes numerous articles on feminism in Turkey.

**PLACE OF DETENTION:** Bakırköy Women’s Prison, Istanbul.

**HONORARY MEMBER:** PEN Turkey, PEN American Center, PEN Canada [RAN 22/13 07/05/13 & RAN 23/13 23/05/13, Update 12/06/13]

### **Professor Büşra ERSANLI (f) (KCK – academic):**

**PROFESSION:** academic, expert on political science and author

**DATE OF ARREST:** 29 October 2011.

**DATE OF RELEASE:** 13 July 2012

**DETAILS OF TRIAL:** She was charged under an indictment issued on 19 March 2012 with “leading an illegal organisation” under Article 314/1 of the Turkish Penal Code, “leading a terrorist organisation” under the Anti-Terror Law in connection with her participation in the Political Academy of the pro-Kurdish Peace and Democracy Party (BDP), a legitimate political party, including advising on lessons to be held within the Academy, proposals for a new constitution for Turkey and her participation in peaceful demonstrations. If convicted, she faces between 15 and 22.5 years in prison.

**LOCAL AND INTERNATIONAL REACTION:** Hundreds of supporters protested outside the court at an appeal hearing against the arrest on 31 October 2011. Eranlı was released pending trial on 13 July 2012 along with 15 other KCK defendants in the first hearing of her case. Her trial at the Silivri Court, Istanbul was ongoing at the end of the year.

**PROFESSIONAL DETAILS:** Professor Busra Ersanli is an academic based at Istanbul's Marmara university's Faculty of Political Science and International Relations. She is an expert on political science and at the time of her arrest was working with the BDP's Constitutional Commission. Author of Peace and History. She is known for her work towards finding non-violent resolutions to conflict.

**HONORARY MEMBER:** PEN Turkey [RAN 23/13 23/05/13, Update 12/06/13]

### **Mülazım ÖZCAN (aka Mirza RONI) (KCK – academic):**

**PROFESSION:** Kurdish poet, linguist and member of Kurdish PEN. He is also a Kurdish consultant at Ragıp Zarakolu's Belge International Publishing.

**DATE OF ARREST:** 4 October 2011 in Istanbul

**DATE OF RELEASE:** Released pending trial on 7 June 2013

**DETAILS OF TRIAL:** He was charged with "membership of an illegal organisation", believed to be linked to a lecture he gave on Kurdish language and literature at the BDP Political Academy. Tried alongside Büşra Ersanlı, Ayşe Berktaş, Deniz Zarakolu (see above) and Ragıp Zarakolu (see below). His trial at Istanbul's Silivri Court was ongoing at the end of the year.

**PROFESSIONAL DETAILS:** Özcan has published poetry in Kurdish under the pen name Mirza Roni. His books include Di Siya Dara Xaçê de Serhildan (Poetry), 1999; Pratik Kurtce Konuşma Klavuzu (Practical Handbook for Kurdish Speaking), Turkish and Kurdish, 2002; Kurtce Cep Klavuzu (Practical Pocketbook for Kurdish), Turkish and Kurdish, 2003.

**AWARDS:** In 2012 he was given the Feqi Huseyn Saginc Linguistics Award for his contribution to education in the Kurdish language and his articles on Kurdology. [RAN 23/13 Update 12/06/13]

### **Fazıl SAY:**

**PROFESSION:** popular and internationally acclaimed pianist, composer, writer and EU Culture Ambassador

**SENTENCE:** 10 months in prison, suspended for two years

**DETAILS OF TRIAL:** Accused of religious defamation. In April 2012, Istanbul's Prosecutor's Office launched an investigation regarding messages he posted on Twitter declaring himself as an atheist and referring to an Omar Khayyam poem that suggests that the Islamic representation of Heaven, replete with wine and 'huris' (virgins), is reminiscent of a pub or brothel. Say is accused of contravening sections one and two of Article 216 of the Turkish Penal Code (TCK), by allegedly "instigating religious hatred and hostility" and "insulting religious values". The trial was initiated following a complaint from a private individual, not uncommon in such cases. His trial opened on 18 October 2012 at the 19<sup>th</sup> Criminal Court in Istanbul. On 15 April 2013, Say was sentenced to 10 months in prison, suspended for five years, during which time he is required not to commit a similar offence.

**APPEAL:** On 26 April 2013, the 29<sup>th</sup> Criminal Court accepted his lawyers' request to have the suspended sentence annulled, and that the case should return to court for reconsideration. The lawyer had argued that the conditions of the suspension were unclear and therefore did not enable his client to know what actions would constitute a breach of the suspension.

**UPDATE:** On 20 September 2013, the Istanbul 19<sup>th</sup> Magistrates Court upheld his 10-month prison sentence, suspending it for two years. On 9 November 2013, Say's lawyers applied to Turkey's Supreme Court of Appeals to appeal the ruling. The Supreme Court of Appeals had not decided whether to hear the appeal as of 31 December 2013. He remains free pending the court's decision.

## **Nedim ŞENER (Ergenekon – ODA TV):**

**PROFESSION:** journalist and writer

**DATE OF BIRTH:** 1966

**DATE OF ARREST:** 7 March 2011

**DETAILS OF ARREST:** arrested alongside Ahmet Şık (below)

**DATE OF RELEASE:** 12 March 2012

**DETAILS OF TRIAL:** Formally charged on 11 March 2011 with 13 others on charges related to the Ergenekon investigation. ODA TV a news website, is described as its media wing. Charged with “membership of an armed organisation” under Penal Code Article 314/2. His trial began on 14 April 2011 and was still ongoing at the end of the year. He is being tried jointly with journalist Ahmet Şık (see below). On 26 August 2011, it was announced that 14 people had been indicted in the case, including writer Hüseyin Soner Yalçın, and journalists Coşkun Musluk and Sait Çakır. (Also see below)

**EVIDENCE:** Among the evidence produced at the trial are documents relating to state security, said to have been found on the ODA TV computers when they were seized. The defendants claim that they did not open or request these files. The evidence was sent to the government Scientific and Technological Research Council of Turkey (TÜBİTAK) that is responsible for research on information technology, among other issues. TÜBİTAK concluded that the files had been placed in the computers by a virus, and that there was no clear evidence that they had been opened or read by the recipients. This was confirmed by an independent report from a US data company.

**COMMENTS ON CHARGES:** defence lawyers refer to the publication of a book in August 2010 by Hanefi Avcı, a former police chief also implicated in ODA TV in which he claimed that members of the Gülen movement were involved in police activities. Şener and Şık had also written on similar issues, leading the defendants to claim to that the trial was initiated because of these revelations.

**RELEASE PENDING TRIAL:** On 12 March 2012 Şener, Şık, Musluk and Çakır were freed pending trial. Yalçın was released in December 2012 and also continues on to be trial. The presiding Judge Mehmet Ekinci cited that the time spent in pre-trial detention was a consideration for their release and also that there had been some changes to the charges.

**Past TRIALS:** Şener was tried and subsequently acquitted in 2010 for his book that implicates the Turkish security forces in the 2007 murder of the Turkish Armenian newspaper editor, Hrant Dink (see above). He has since written two other books on related issues: Red Friday - Who Broke Dink's Pen? and Fetullah Gülen and the Gülen Community in Ergenekon Documents. The Gülen movement is an Islamic organisation that promotes inter-faith dialogue. It is thought that Şener's arrest is linked to his research into suggestions that the movement holds undue influence in the Ergenekon investigation.

**PROFESSIONAL DETAILS:** Şener has published over 12 books between 1994 and 2012.

**AWARDS:** Şener was awarded the 2011 Oxfam/Novib PEN Freedom of Expression award and also named World Press Freedom Hero by the International Press Institute in 2011. He has also won numerous awards in Turkey.

**HONORARY MEMBER:** PEN Turkey and Danish PEN. [RAN 10/11 Update # 2 – 13/03/2012]

## **Ahmet ŞIK (Ergenekon – ODA TV):**

**PROFESSION:** journalist and writer

**DATE OF BIRTH:** 1970

**DATE OF ARREST:** Arrested 7 March 2011 alongside Nedim Şener (see above)

**DATE OF RELEASE:** 12 March 2012

**DETAILS OF TRIAL:** Formally charged on 11 March 2011 on charges related to the Ergenekon investigation. ODA TV is a news website described as its the media wing. He is charged with “membership of an armed organisation” under Penal Code Article 314/2. His trial began on 14 April 2011 and was still ongoing at the end of the year. He is being tried jointly with journalist Nedim Şener (see above). On 26 August 2011, it was announced that 14 people had been indicted in the case, including writer Hüseyin Soner Yalçın and journalists Coşkun Musluk and Sait Çakır. (Also see below.)

**EVIDENCE:** Among the evidence produced at the trial are documents relating to state security, said to have been found on the ODA TV computers when they were seized. The defendants claim that they did not open or request these files. The evidence was sent to the government Scientific and Technological Research Council of Turkey (TÜBİTAK) that is responsible for research on information technology, among other issues. TÜBİTAK concluded that the files had been placed in the computers by a virus, and that there was no clear evidence that they had been opened or read by the recipients. This was confirmed by an independent report from a US data company.

**COMMENTS ON CHARGES:** Defence lawyers refer to the publication of a book in August 2010 by Hanefi Avci, a former police chief also implicated in ODA TV in which he claimed that members of the Gülen movement were involved in police activities. Şener and Şık had also written on similar issues, leading the defendants to claim to that the trial was initiated because of these revelations.

**RELEASE PENDING TRIAL:** On 12 March 2012 Şener, Şık, Musluk and Çakır were freed pending trial. Yalçın was released in December 2012 and also continues on to be trial. The presiding Judge Mehmet Ekinci cited that the time spent in pre-trial detention was a consideration for their release and also that there had been some changes to the charges.

**ADDITIONAL CHARGES:** On 12 March 2012, charges were brought by prosecutors alleging that comments made by Şık on 12 March 2012 as he left Silivri prison were “threatening” to judges and prosecutors and depicted them as “targets for terrorist organisations”. Şık was indicted under Articles 106/2-d, 43/1, 53, 125/1, 125/3-a and 125/4 of the Turkish Penal Code (Law No. 5237) on 3 July 2012, with the prosecutor seeking between 3 and 7 years in prison. The charges are said to be linked to the comment “The police, prosecutors and judges who plotted and executed this conspiracy will enter this prison.”

**BACKGROUND:** Police are said to have seized the draft manuscript of Imam’s Army by Ahmet Şık, an investigation into the alleged affiliation of police to the Gülen movement. The book was subsequently published in November 2011 as an anti-censorship defiance with 125 writers, journalists and academics acting as co-authors and editors under the title OOO Kitap (OOO Book). Previously, in March 2011 he was acquitted of charges of breaching the confidentiality surrounding the Ergenekon trial in a two volume book published in 2010, before his own arrest, entitled *Kırk katır, kırk satır* (40 mules, 40 cleavers). The first volume is entitled *Ergenekon’da Kim Kimdir?* (Who’s who in Ergenekon), and the second *Kontrgerilla ve Ergenekon’u Anlama Kılavuzu* (Guide to understanding contra-guerrilla and Ergenekon). His co-defendant Ertugrul Maviolu was also acquitted

**PROFESSIONAL DETAILS:** Şık is a graduate Communications Faculty Department of Journalists, Istanbul University. Reporter for *Milliyet*, *Cumhuriyet*, *Everensel*, *Yeni Yüzyıl*, and *Radikal* over the period 1991 – 2005

**AWARDS:** Awarded a number of prizes for his journalism in Turkey. (Also see reference below re injuries sustained during Gezi Park demonstrations in June 2013).

**HONORARY MEMBER:** PEN Turkey and Danish PEN. [RAN 10/11 Update # 2 – 13/03/2012, Update #3 28/03/12]



## **Ragıp ZARAKOLU (KCK – academic):**

**PROFESSION:** publisher, freedom of expression and minority rights activist, member of PEN Turkey

**DATE OF ARREST:** 29 October 2011

**DATE OF RELEASE:** 10 April 2012

**DETAILS OF RELEASE:** Zarakolu was released pending trial. The Istanbul 15th High Criminal Court cited the length of time he had already been imprisoned, “the nature of the crime” and “the state of the evidence” as reasons for his release. He has since left the country.

**DETAILS OF TRIAL:** An indictment was issued on 19 March 2012, charging Zarakolu with “aiding and abetting an illegal organisation” under Penal Code Article 220/7 and demanding between 7.5 and 15 years in prison reportedly in connection with a speech he made at an event by the pro-Kurdish Peace and Democracy (BDP) party, and articles published in the newspaper Özgür Gündem (Free Agenda). His trial at Istanbul’s Silivri Court was ongoing at the end of the year.

**PROFESSIONAL DETAILS:** Ragıp Zarakolu is a well-known political activist who has been fighting for freedom of expression in Turkey for over 30 years, publishing books on issues such as minority and human rights.

**BACKGROUND:** He was one of the 50 writers chosen to represent the struggle for freedom of expression since 1960 for the Writers in Prison Committee’s 50th Anniversary Campaign – Because Writers Speak Their Minds. In the days running up to his arrest, he had been campaigning for the release of his son, Deniz Zarakolu, (see above) who had been arrested three weeks earlier on 7 October 2011.

**HONORARY MEMBER** of: PEN Turkey, German PEN, Netherlands PEN, San Miguel Allende PEN. [RAN 54/11 Update #5 10/04/12&RAN 23/13 23/05/13, Update 12/06/13]

## **ON TRIAL: KCK PRESS WING**

**Cihan ALBAY, Selahattin ASLAN, Pervin Yerlikaya BABIR (f), Irfan BILGIÇ, Ömer ÇELİK, Ömer ÇİFTÇİ, Arzu DEMİR (f), Murat EROĞLU, Sultan GÜNEŞ (f), Çağdaş KAPLAN, Evrim KEPENEK, Eylem Fatma KOÇAK (f), SÜRMEİ (f), Hamza SÜRMEİ, şerafettin SÜRMEİ, Zuhale TEKİNER (f), Sadık TOPALOĞLU, Çağdaş ULUS, İsmail YILDIZ and Nilgün YILDIZ (f):**

**DATE OF ARREST** December 2011

**DETAILS OF TRIAL:** Charged with “membership of a terrorist organisation” under Article 5 of the Anti-Terror Law and “membership of an armed organisation” under Article 314/2 of the Turkish Penal Code. All currently free pending completion of their trial which was ongoing at the end of the year.

## **Hüseyin DENİZ:**

**PROFESSION:** journalist

**DATE OF ARREST:** December 2011

**DETAILS OF TRIAL:** Charged with “leadership of an illegal organisation” under Article 5 of the Anti-Terror Law and Article 314/1 of the Turkish Penal Code (“leadership of an armed organisation”) and freed pending trial as part of the KCK Press Wing Trial.

## **Zeynep KURAY (f):**

**PROFESSION:** columnist for Turkish newspaper BirGün

**DATE OF ARREST:** December 2011.

**DATE OF RELEASE:** 26 April 2013

**DETAILS OF TRIAL:** Charged with “membership of an armed organisation” (Article 314/2 of the Turkish Penal Code) and “membership of a terrorist organisation” (Article 5 of the Anti-Terror Law) as part of the KCK Press Wing Trial. Among the evidence delivered in her May 2012 indictment was a news story written by her and 11 pages of her step-father Ali Berktaş’s draft translation of French Historian Jean-François Solnon’s 2009 book, *Le Turban et la Stambouline*, which documents anti-Turkish/Ottoman sentiment in Europe between the 16<sup>th</sup> and 20<sup>th</sup> centuries. The 11 pages are from a chapter titled, “Are they any better than dogs or are they good people?” and includes disparaging quotations about Turks from Erasmus and Martin Luther. It is thought that charges are being sought under Article 301 of the Turkish Penal Code (insulting the Turkish people).

**UPDATE:** Kuray was released pending trial on 26 April 2013. She is said to be among journalists injured by police while covering the Occupy Gezi demonstrations in June 2013.

**ON TRIAL: KCK – OTHER**

## **\*Özlem AĞUŞ (f):**

**PROFESSION:** investigative journalist for Dicle News Agency, arrested in March 2012 on charges of belonging to the KCK. She was charged under Article 314/2 of the Turkish Penal Code (“membership of an armed organisation”) and Article 5 of the Anti-Terror Law (“membership of a terrorist organisation”). She was released pending trial on 26 February 2013. Ağuş gained prominence with her coverage of the 2011 Pozanti Prison child abuse scandal and her reporting on the 28 December 2011 Uludere/Roboski Massacre. Her trial was ongoing at the end of the year. PEN is seeking further information.

## **Murat AYDIN:**

**PROFESSION:** DiHA reporter

**DATE OF ARREST:** 20 October 2011

**SENTENCE:** six years and three months

**DATE OF RELEASE:** 18 September 2012

**DETAILS OF ARREST:** Arrested during KCK raids in Muş Province. He was detained thereafter in an F-Type maximum security prison in the eastern province of Van. Was released pending trial 11 months later.

**DETAILS OF TRIAL:** Found guilty of “membership of a terrorist organisation” under Article 5 of the Anti-Terror Law and “membership of an armed organisation” under Article 314/2 of the Turkish Penal Code on 13 March 2013. Sentenced to six years 3 months in prison. Currently free on appeal. PEN is seeking further information.

## **Ziya ÇIÇEKİ:**

**PROFESSION:** editor of the pro-Kurdish *Günlük* newspaper

**DATE OF ARREST:** December 2011

**DATE OF RELEASE:** February 2013

**DETAILS OF ARREST:** Arrested as part of the KCK investigations for membership of a terrorist

organisation. Freed pending trial in February 2013. See also below for references to other cases against him.

### **şadiye ESER (f):**

**PROFESSION:** reporter for Evrensel

**DATE OF ARREST:** 12 December 2012

**DATE OF RELEASE:** 11 September 2013

**DETAILS OF TRIAL:** Charged under Article 314/2 of the Turkish Penal Code (membership of an armed organisation) and Article 5 of the Anti-Terror Law (membership of a terrorist organisation) as part of the KCK investigation. According to the Journalists' Union of Turkey, she was asked about political rallies that she had covered as a journalist, as well as notes she had taken as a reporter. Her lawyer, Devrim Avcı, has stated that material seized during her arrest includes photographs she had taken at demonstrations and a banned book from her home. She was released from Bakırköy Women's Prison on 11 September 2013 pending completion of her trial which was ongoing at the end of the year.

### **Kazim SEKER:**

**PROFESSION:** editor of Özgür Gündem, a Kurdish publication

**DATE OF ARREST:** 4 October 2011

**DATE OF RELEASE:** 13 July 2012

**DETAILS OF ARREST:** Arrested in Istanbul as part of a mass arrest of around 60 members of the pro-Kurdish Peace and Democracy Party. Believed to be detained under anti-terror legislation. Was released pending trial along with 15 other KCK suspects on 13 July 2012. PEN is seeking further information.

### **Aziz TUNÇ:**

**PROFESSION:** historian and human rights activist

**DATE OF ARREST:** 4 October 2011

**DATE OF RELEASE:** March 2013

**DETAILS OF ARREST:** arrested as part of the second wave of arrests in the KCK investigation.

**DETAILS OF TRIAL:** He is charged with "membership of an illegal organisation". Tunç has written a book on the Marash Massacre of Alevis by ultranationalist militants in 1978 in his book, Anatomy and Background of the Marash Massacre. He has written for magazines Zulfikar and Ak-El, and has worked in the past for the Human Rights Association (IHD). He is waiting to publish two new books, one on the history of Marash and the other on the political impact that the Alevi minority has had in Turkey. Reportedly released from Silivri prison in March 2013. PEN is awaiting information on whether he is still on trial.

### **Müge TUZCUOĞLU (f):**

**PROFESSION:** anthropologist and writer

**DATE OF ARREST:** 8 March 2012

**DATE OF RELEASE:** 28 September 2012 pending trial

**DETAILS OF ARREST:** arrested as part of the KCK investigation in Diyarbakır and subsequently detained in Diyarbakır Prison.

**DETAILS OF TRIAL:** charged with membership of an illegal organization

**BACKGROUND:** Tuzcuoğlu's 2011 book, I am a Stone, centres on a group of Kurdish children

who throw stones at police officers during protests in Southeast Turkey. She claims that the charges relate to a seminar on the history of civilisation that she gave at a BDP Politics Academy conference. The last hearing of her trial was on 16 May 2013. The trial against her is continuing. PEN is seeking further information.

### **ON TRIAL: ERGENEKON – ODA TV**

*(see also PEN main cases listed above Ahmet Şık and Nedim Şener)*  
**Coşkun MUSLUK, Cait ÇAKIR and Hüseyin Soner YALÇIN:**

**PROFESSION:** The first two are contributors to the ODA TV news website; Hüseyin Soner YALÇIN is the owner of ODA TV news website and journalist for the Hürriyet newspaper, author of 12 books.

**DATE OF ARREST:** early 2011

**DATE OF RELEASE:** Musluk and Çakır were freed on 12 March 2012; Yalçın was freed on 27 December 2012 pending trial.

**DETAILS OF ARREST:** arrested in connection with the Ergenekon investigation.

**DETAILS OF TRIAL:** Musluk and Çakır were charged with “membership of an armed organisation” and “holding classified information”. Yalçın was formally charged on 11 March 2011 on charges including "aiding an armed terrorist organisation," "inciting hatred and hostility," and "obtaining confidential state security documents". First trial hearing held on 14 April 2011 and was still ongoing at the end of the year. Among the evidence produced at the trial are documents relating to state security, said to have been found on the ODA TV computers when they were seized. The defendants claim that they did not open or request these files. The evidence was sent to the government Scientific and Technological Research Council of Turkey (TÜBİTAK) that is responsible for research on information technology, among others. TÜBİTAK concluded that the files had been placed in the computers by a virus, and that there was no evidence that they had been opened or read by the recipients. This was confirmed by an independent report from a US data company. Other evidence against ODA TV journalists relate to wiretapped telephone and internet correspondence, and articles published on the ODA TV website.

**COMMENTS ON CHARGES:** defence lawyers refer to the publication of a book by Hanefi Avcı, a former police chief, in August 2010 in which he claimed that members of the Gülen movement were involved in police activities. Şener and Şık had also written on similar issues, leading the defendants to claim to that the trial was initiated because of these revelations.

**RELEASE PENDING TRIAL:** On 12 March 2012 Şener, Şık, Musluk and Çakır were freed pending trial. Yalçın was released on 27 December 2012 and also continues to be on trial. The presiding Judge Mehmet Ekinçi cited that the time spent in pre-trial detention was a consideration for their release and also that there had been some changes to the charges.

**BACKGROUND:** Yalçın has written extensively about criminal and extremist religions in Turkey. Claims to have received death threats as a result, and spent some time in hiding as a result.

Note: unclear which among the detainees listed below are detained as of 31 December and which are free pending trial. PEN is seeking clarification.

**Muhammed Murat AVAR:** journalist MiletSesi daily.

**Serhan BOLLUK:** journalist, chief editor of Aydinlik. Others report that he is former CEO of TV channel UlusulKanal

**Mehmet BOZKURT:** editor in chief of the daily Aydinlik

**Ufuk Mehmet BUYUKCELEBI:** journalist for Tercuman daily

**Behic GURCIHAN:** AcikIstihbarat news website journalist

**Fatma Sibel GURCIHAN(f):** AcikIstihbarat news website journalist

**Ünal INANÇ:** Journalist for Aydinlik magazine and Avrasya TV and president of the Security Reporters' Association. Also said to be linked to Aykiri Haber website. A defendant in the third round of indictments following arrests made in January to April 2009. Trial opened on 7 September 2009.

**Güler KÖMÜRCÜ (f):** journalist Aksam daily

**Hayati ÖZCAN:** Reporter for Aydinlik. Also said to be with TV station UlusalKanal.

**Ruhsar SENOGLU:** Former editor in chief of Aydinlik

**Caner TASPINAR:** Editor of the nationalist daily Yurt

**Özlem Konur USTA:** Social issues editor Aydinlik magazine

**Merdan YANARDAĞ:** Publisher of the nationalist daily Yurt magazine

**Vedat YENERER:** independent journalist and war reporter arrested 22 January 2008.

**ON TRIAL: OTHER**

**Utku AYKAR, Necla CAN (f), Halit GÜDENOĞLU, Ali Ekber KALENDAR, and Tuncer GÜMÜŞ:**

**PROFESSION:** journalists for Yürüyüş

**DATE AND DETAILS OF ARREST:** Between 17 and 21 January 2013 at the same time as Fatih Özgür AYDIN, Doğan KARATAŞIN, Gamze KEŞKEK (f), Yeliz KILIÇ (f), Sami MENTEŞ and Veysel ŞAHİN (see above), under the scope of the DHKP-C investigation.

**DATE OF RELEASE:** The five journalists were released after posting bail of 10,000TL each shortly after their arrest. The reason for their release has not been disclosed. The charges against them are unknown.

**Ismail BEŞİKÇİ:**

**PROFESSION:** sociologist and author

**SENTENCE:** one year and three months

**DETAILS OF TRIAL:** Accused in June 2010 of "making propaganda for the PKK" under anti-terror legislation for an article published in the Contemporary Lawyer's Association periodical. Zeycan Balci Şimşek, editor of the periodical, was accused alongside Beşikçi. The article's title is 'Right to Self Determination and the Kurds'. Both first appeared at the Istanbul High Criminal

Court on 28 July 2010 at a trial attended by hundreds of supporters. Sentences of up to 7.5 years each were suggested. In the court Beşikçi stated that if Turkey wished to gain influence in the Balkans and Caucasus, it would first have to deal with the Kurdish problem, which should not be tackled by prosecutors and business people, but by academics, journalists and philosophers. Şimşek argued that the aim of the articles was to promote debate and that at the time the article was published, there were no armed conflicts in the region. On 4 March 2011, Beşikçi was sentenced by a court in Istanbul to one year and three months. Şimşek was sentenced to a fine.

**BACKGROUND:** Beşikçi spent many years in prison in the 1990s during which time he was a main case for PEN International.

**AWARDS:** In 2012, he was the recipient of the prestigious Hrant Dink Foundation Award. Beşikçi is free while his appeal is ongoing.

### **Reyhan ÇAPAN:**

**PROFESSION:** editor-in-chief Özgür Gündem

**DETAILS OF CASE 1:** Çapan was sentenced to one year and three months in prison on 24 October 2012 for making “propaganda for a terrorist organisation” under article 7 of the Anti-Terror Law. He was first charged in May 2012, in relation to a headline ‘Revolt Speaks’, which appeared in the March 2012 issue of Özgür Gündem. Free pending appeal. PEN is seeking an update.

**DETAILS OF CASE 2:** Çapan is facing criminal defamation charges under Article 125 of the Turkish Penal Code. The complainant is a retired colonel from the Turkish Army Hasan Atilla Uğur. The first hearing of the criminal defamation trial was heard on 19 November 2013. PEN is seeking further details.

### **Ziya ÇIÇEKİ:**

**PROFESSION:** editor of the pro-Kurdish Günlük newspaper

**DETAILS OF CASE 1:** Sentenced in 2010 to 18 months in prison under Article 7/2 of the Anti Terror Laws for “making propaganda for a terrorist organisation” for articles on the PKK. Amnesty International in its 2013 report states that these articles were analyses of the PKK and could not be construed to be promoting violence. The case is currently pending appeal.

**DETAILS OF CASE 2:** In December 2011 he was convicted under Article 6/2 of the Anti Terror Law for “printing or publishing declarations or statements of terrorist organisations”. Related to an article which contained extracts of an interview with a leading PKK member regarding the conditions of imprisonment of PKK leader Abdullah Öcalan. He was subsequently sentenced to 10 months in prison, suspended in September 2012 under the provisions of the Third Judicial Package.

**DETAILS OF CASE 3:** Among those arrested in December 2011 under the KCK investigations. See above. Free pending trial in February 2013.

### **\*Ayşegül DEVECİOĞLU(f):**

**PROFESSION:** Kurdish writer

**DETAILS OF TRIAL:** Charged with Articles 7/2 (“making propaganda for a terrorist organisation”) and 5 (“membership of a terrorist organisation”) of the Anti-Terror Law as well as Article 28/1 (“illegal demonstrations”) of the Law on Meetings and Demonstrations. The indictment against her was delivered in March 2012 following Devecioğlu’s arrest along with 20 other BDP members for chanting slogans in support of imprisoned PKK leader Abdullah Öcalan at an illegal demonstration in Yalova, Western Turkey. Her last hearing took place on 15 March

2013. She is currently free pending the outcome of the trial. PEN is seeking further information.

**BACKGROUND:** Devecioğlu has received critical acclaim for two novels and two books of short stories.

**AWARDS:** In 2008 she was awarded the Orhan Kemal Prize for one of her novels.

### **\*İhsan ELİAÇIK:**

**PROFESSION:** writer, theologian and publisher; owner of İnşa Publishing House

**DETAILS OF TRIAL:** On 21 June 2013, a petition was filed against Eliacı in an Ankara court by Prime Minister Erdoğan's legal representatives. The court accepted a defamation suit against Eliacı for 12 tweets, nine of which concern Erdoğan directly, posted at the time of the Gezi Park protests. Charged with criminal defamation under Article 125 of the Turkish Penal Code, Eliacı faces both a criminal trial and a civil suit. Both were ongoing at the end of the year.

**BACKGROUND:** İhsan Eliacı has written over 20 books since the early 1990s, including a series on revolutionary Islamic intellectuals and a number of books outlining a socialist interpretation of Islam. He is the ideological leader of "the Anti-Capitalist Muslims", a group that strongly opposes the synthesis of capitalism and Islam on moral grounds. An outspoken critic of the incumbent AKP administration and Turkey's Directorate of Religious Affairs, Eliacı and his group were present throughout the Gezi Park protests, and garnered significant attention for their condemnation of the heavy handed government response.

### **Halit GUDENOGLU, Kaan ÜNSAL, Cihan GUN, Musa KURT, Naciye YAVUZ (f):**

**PROFESSION:** reporters for Yuruyus

**DATE OF ARREST:** in or around December 2010

**DETAILS OF TRIAL:** The first hearing was held on 10 January 2012, after 13 months of pre-trial detention. Charges are apparently terror-related. The Yuruyus magazine office in Istanbul was raided on 24 December 2010. The raid also included the publishing company Ozan Publishing. The five were released pending trial on 20 July 2012.

**UPDATE:** reported in July 2013 that Ünsal had been re-arrested on 14 March 2013 and was still in prison. The same report suggested that Kurt was similarly re-arrested on 18 September 2012 and remained detained. PEN is seeking further information.

### **Ozan KILINÇ:**

**PROFESSION:** chief editor of the Diyarbakir-based Kurdish language Azadiya Welat

**SENTENCE:** Six years and nine months suspended for three years

**DATE OF ARREST:** 22 July 2010

**DETAILS OF ARREST:** Arrested during a police raid on his home in Diyarbakir five months after his conviction on 11 February 2010.

**DATE AND DETAILS OF RELEASE:** Kiliñ was released in August 2012 in response to the Third Judicial Reform Package which suspended his sentence for three years.

**DETAILS OF TRIAL:** Sentenced under anti-terror legislation for membership of the Kurdish Workers Party (PKK) apparently in connection with his publication of 12 editions of his newspaper containing references to the PKK. Each edition attracted a 15-month sentence, making the total 21 years. He got a six year and three month additional sentence for "committing a crime for an illegal organisation without himself being a member of the illegal organisation". His defence said that the newspaper had only referred to the PKK leader Abdullah Ocalan (now imprisoned) as the "leader of the Kurdish people" and failed to call Turkish soldiers killed in battle as "martyrs". Kiliñ was not present at the trial and an arrest warrant was issued.

**APPEAL:** In February 2011 his previous 21 year sentence was overturned as being too high. On 11 April 2011 he was sentenced to six years and nine months in prison. His request for his trial to be held in Kurdish was refused.

**NEW CHARGES:** Kılınç is facing up to half a dozen other cases in front of the Supreme Court of Appeals, all of them pertaining to the charge of “making propaganda for a terrorist organisation”.

### **Sami MENTEŞ:**

**PROFESSION:** reporter for Yurt newspaper

**DATE AND DETAILS OF ARREST:** Arrested as part of the DHKP-C investigation on 21 January 2013 on charges of “membership of an armed organisation” under Article 314/2 of the Turkish Penal Code and “membership of a terrorist organisation” under Article 5 of the Anti-Terror Law. **DATE**

**OF RELEASE:** Released pending trial on 11 October 2013. The case against him is ongoing. PEN is seeking further information.

### **Sevan NişANYAN:**

**PROFESSION:** Turkish language historian, writer and Agos columnist. Most prominently known as a travel writer, having written numerous books and guides to Central Europe, Greece and Turkey since 1990.

**SENTENCE:** Thirteen and a half months

**DETAILS OF TRIAL:** He was found guilty of religious defamation under Article 216/3 of the Turkish Penal Code on 24 May 2013 for comments he made regarding Muhammad in his personal blog. He was handed a 13.5 month sentence, with the court deciding not to suspend his sentence or give him a fine on as a result of his prior convictions. Remained free on appeal at the end of the year, but was facing numerous other court cases.

### **Ismail SAYMAZ:**

**PROFESSION:** reporter for Radikal

**DETAILS OF TRIAL:** A hearing was held on 15 February 2012 for an article published with Hasan Çakkalkurt titled ‘Love Games at Ergenekon’ and ‘Ergenekon Prosecutor Listens to Judge’. Accused of insult, breach of confidentiality, and an attempt to affect the outcome of a trial and intercepting judge Koksal Sengun of 13<sup>th</sup> High Criminal Court of Istanbul. PEN is seeking further information.

### **Sedat SENOGLU**

**PROFESSION:** journalist for the newspaper Atılım

**DATE OF ARREST:** 10 September 2006

**SENTENCE:** seven-and-a-half years (under appeal)

**DATE AND DETAILS OF RELEASE:** September 2012 pending completion of the trial

**DETAILS OF TRIAL:** Trial proceedings against him and others (see Judicial concern – other, Ibrahim Çiçek and Bayram NAMAZ) opened on 13 April 2007 under Article 6 of the Anti-Terror Law. Accused of being a member of the Marxist Leninist Communist Party (MKLP,) deemed by the authorities to be a terrorist organisation. There are concerns around the fairness of the trial based on the non-disclosure by the authorities of the reasons for his arrest. The first trial was marked by clashes between supporters and police, during which tear gas was used. At a hearing held on 26 October 2007 at the Istanbul 10<sup>th</sup> Heavy Penal Court, there were protests when it was announced that all the defendants in this case would continue to be held in pre-



trial detention. Around 24 May 2011 lawyers questioned the veracity of a document said to have been seized during “Operation Gaye” during which the defendants were arrested. They requested a review of the evidence. They also pointed out that the defendants had been held for over six years without conclusion of their trial, flouting the European Convention on Human Rights. Scuffles broke out at this hearing after one of the defendants attempted to make a speech commemorating a person who had been killed by the military in 1995. In September 2012, Senoglu was released pending trial due to a change in the nature and classification of the crime and the term spent behind bars already. He was sentenced on 5 November 2013 to seven and a half years in prison, The sentence is under appeal.

**OTHER INFORMATION:** Senoglu was also briefly detained in June 2013 – see Brief detention below).

### **Goncagül TELEK (f):**

**PROFESSION:** ETHA agency editor-in-chief

**DETAILS OF TRIAL:** Charged with defamation under Article 125 of the Turkish Penal Code in February 2013. The charge relates to an article regarding Sedat Selim Ay, deputy police chief of Istanbul, who is currently involved in separate defamation cases with Taraf and Bianet. PEN is seeking further information.

### **JUDICIAL CONCERN (ERGENEKON)**

The following cases are of writers and journalists indicted in the Ergenekon case, see above. There are concerns regarding lack of fair trial and in some cases extremely lengthy pre-trial detentions. PEN is not in a position to comment on the charges against them. It is calling for the release of those who are detained pending an appeal hearing. It urges that further judicial hearings are carried out in accordance to international standards of fairness.

### **Hikmet ÇIÇEK:**

**PROFESSION:** columnist for Aydinlik

**DATE OF ARREST:** 25 March 2008

**DETAILS OF ARREST:** Arrested as part of the Ergenekon investigation.

**DETAILS OF TRIAL:** Charged under several articles of the Penal Code, and Article 5 of the Anti Terror Law. Accused of obtaining classified documents and illegal data collection. His trial opened in July 2008 at Silivri, Istanbul. His lawyers point out that although he was arrested for possession of classified documents, his indictment makes no reference to this claim. The president of the court hearing the case has recommended on several occasions that Çiçek be freed, but he remained detained in Silivri prison at the end of the year.

### **Dr Yalçın KÜÇÜK:**

**PROFESSION:** writer, economist, historian and socialist. Known critic of the ruling AKP. Author of numerous books on socio-economics.

**SENTENCE:** 22 years and six months

**DATE OF ARREST:** early 2011

**DETAILS OF ARREST:** Arrested for investigation into the ODA TV news website case.

**DETAILS OF TRIAL:** Sentenced to 22 years and six months

**BACKGROUND:** Accused of sympathies with the PKK and sentenced to two years in prison in the late 1990s for interview with its leader, Abdullah Ocalan.

## **Tuncay ÖZKAN:**

**PROFESSION:** writer and journalist. A journalist since the mid-1990s, working for print and broadcast media, he reportedly specialises in covering corruption, drug crime, and terrorism, specifically that linked to religious extremism, and on international relations. His many articles appeared in newspapers including Milliyet, Radikal and Aksam. Detained in Silivri Prison, 50km outside Istanbul as of June 2013.

**DATE OF ARREST:** 27 September 2008

**SENTENCE:** Aggravated life imprisonment

**DETAILS OF TRIAL:** Sentenced in August 2013 to life imprisonment. Özkan had an appeal for release from pre-trial detention turned down by the European Court of Human Rights on 14 February 2012.

## **Ergün POYRAZ:**

**PROFESSION:** author of controversial books on the now banned Islamic Refah and Fazilet Parties, as well as on the key members of the ruling AKP. Evidence in his books is said to have led to the closure of Refah and Fazilet in the late 1990s/early2000s.

**DATE OF ARREST:** 2007

**SENTENCE:** 29 years and 4 months in prison

**DETAILS OF TRIAL:** Among the accusations against him is that he allowed books written by Ergenekon members to be published under his name, claims said to be unsubstantiated, and that his books deliberately contributed towards the Ergenekon's policy of spreading chaos, including through unfounded suggestions that certain leaders were of Jewish or Armenian backgrounds, considered defamatory. One such book could be Poyraz's The Children of Moses which claims that Prime Minister Recep Tayyip Erdoğan is part of a "Zionist conspiracy" concocted by JITEM, a clandestine organisation said to be the military wing of Ergenekon accused of being responsible for bombings and assassinations. Some news reports suggest that material seized from his home suggested Poyraz was collecting information on senior military and other officers. On 5 August 2013, he was sentenced to 29 years and 4 months in prison.

## **Deniz YILDIRIM:**

**PROFESSION:** executive director of Aydinlik newspaper

**DATE OF ARREST:** 9 November 2009

**SENTENCE:** 16 years and 10 months

**DETAILS OF TRIAL:** Accused of membership of an illegal organisation under the Turkish Penal Code. Accusations against him include disclosure of audio and visual files. Early reports suggest that evidence against him include that he secretly wiretapped the prime minister's telephone. Trial opened on 28 June 2010. Yıldırım was sentenced in August 2013 to 16 years and 10 months on charges of "acquiring confidential documents concerning the security of the State," "obtaining and distributing personal data illegally," and "membership of an armed terrorist organisation"

**PLACE OF DETENTION:** Held in Silivri Prison.

## BRIEF DETENTION

Note: the brief detentions recorded below relate to incidents during the Occupy Gezi demonstrations held in Istanbul, Ankara and other major cities through late May to July 2013. Those listed below refer to some key cases.

### \*Sarah OLSSEN (f):

**PROFESSION:** Swedish journalism student, arrested during Occupy Gezi protests in Taksim Square c. 28 June 2013, deported on 1 July. Reportedly accused of statements insulting the Turkish Prime Minister, although her lawyer told the press she does not speak Turkish.

### \*Sedat ŞENOĞLU:

**PROFESSION:** general editor of the daily Atılım

**DATE AND DETAILS OF ARREST:** He was among over 60 people, including radio journalists, arrested at their homes in and around Istanbul during early morning police raids on 18 June 2013. The raid is said to have been linked to an operation against far left journalists and the Marxist Leninist Communist Party. It is reported that the raid is linked to a year-old investigation under terrorism legislation although it is thought that those arrested may also face charges for damage to public property and violence during the Occupy Gezi protests. His house was also searched on 20 June after which he was released. PEN is seeking information on whether he is facing new charges in relation to this arrest.

**OTHER INFORMATION:** Sedat Şenoğlu is currently free pending his appeal against his conviction and seven and a half year sentence on terrorism charges (See entry above 'On trial – Other').

### \*Ulaş YILDIZ:

**PROFESSION:** journalist for Mücadele Birliği magazine in Adana

**DATE AND DETAILS OF ARREST:** He was among six people reportedly linked to political parties who were briefly arrested on 21 June 2013 on charges of “participating in protests through organisations broadcasting on the internet” related to Occupy Gezi protests. Released shortly afterwards, he was rearrested on 24 June, apparently accused of having participated in the protests in Adana. He was released on 5 July 2013. PEN is seeking further information on the legislation used to arrest Yıldız and confirmation on whether he faces charges.

## ATTACKED

Note: the attacks recorded below relate to incidents during the Gezi Park protests held in Istanbul, Ankara and other major cities through late May to July 2013. Monitors report 153 attacks against journalists during this period. The cases listed below refer to some key cases. Additional information can be obtained from [www.bianet.org/english](http://www.bianet.org/english)

### \*Arzu DEMİR (f) and Derya OKATAN (f):

**PROFESSION:** editor and chief news editor respectively for the Etkin (ETHA) news agency

**DATE AND DETAILS OF ATTACK:** Both were reportedly strip-searched by police during a raid on the offices of ETHA during the Gezi Park protests. Police confiscated the outlet's archives, hard drives, notes, and other documents, Neither was allowed to contact their lawyers during the raid. Their homes were also searched.

**OTHER INFORMATION:** Arzu Demir is currently on trial in the KCK press wing trial (see above).

### **\*Alpbuğra Bahadır GÜLTEKİN:**

**PROFESSION:** reporter for the Radikal newspaper

**DATE AND DETAILS OF ATTACK:** He was reportedly set upon by police on 22 June 2013 as he was reporting on Occupy Gezi protests in Taksim Square, Istanbul. He told the press that he was beaten with a baton despite repeatedly informing the police officer that he was a journalist. He suffered bruising to his back and face.

### **\*Hatice IKINCI, Fatos KALAÇAY and Can SOYER:**

**PROFESSION:** Ankara representative of Sol (Left), a daily publication of the Turkish Communist Party (TKP), Sol reporter and Sol website editor respectively.

**DATE AND DETAILS OF ATTACK:** Reportedly manhandled and subjected to teargas and water cannon inside the newspaper's Ankara offices on 3 June 2013 in an event said to be linked to the Occupy Gezi movement. The Sol offices are shared with that of the TKP and the Nazim Hikmet Cultural Centre.

### **\*Lorraine KLEIN (f):**

**PROFESSION:** French national studying journalism at Istanbul's Galatasary University under the EU Erasmus exchange program

**DATE AND DETAILS OF ATTACK:** Was reportedly arrested on 3 or 4 June 2013 while covering Occupy Gezi protests in Beyoglu, central Istanbul. She is said to have been injured while being arrested and received hospital treatment. She was held for several days and was threatened with deportation. It is not known to PEN if the deportation was carried out.

### **\*Zeynep KURAY (f):**

**PROFESSION:** journalist currently on trial in the KCK Press Wing case (see above).

**DATE AND DETAILS OF ATTACK:** Said to be among journalists injured by police while covering the Occupy Gezi demonstrations in June 2013.

### **\*Ahmet ŞİK:**

**PROFESSION:** investigative journalist and writer

**DATE AND DETAILS OF ATTACK:** On 30 May 2013, he was injured when hit on the head by a teargas canister while photographing clashes between police and protestors near Taksim Square in Istanbul during the Occupy Gezi protests. He received hospital treatment. Sources suggest that Şik was deliberately targeted, and that the tear gas canister was fired directly at him from a distance of 10 metres.

**OTHER INFORMATION:** He is on trial in ODA TV case and is a PEN main case (See above).

### **HARASSED**

### **\*Uğur CAN:**

**PROFESSION:** reporter for the DIHA news agency

**DATE OF ARREST AND DETENTION:** Reportedly briefly arrested by police on 16 June 2013 on Istiklal, Central Istanbul, during Occupy Gezi protests on 16 June 2013.

### \*Rumeysa KIGER (f):

**PROFESSION:** journalist for Today's Zaman

**DATE AND DETAILS OF ARREST:** She was reportedly held for several hours after being arrested in Taksim Square, Istanbul on 18 June 2013. It is said that she had simply been crossing the square to attend a meeting and was not reporting on the Occupy Gezi protests.

### \*Aslan SAHAN:

**PROFESSION:** reporter for Aydınlık newspaper

**DATE AND DETAILS OF ARREST:** Reportedly briefly arrested on 16 June 2013 during Occupy Gezi demonstrations.

### JUDICIAL HARASSMENT

#### Hasan Basri ÇIPLAK and Funda UNCU:

**PROFESSION:** publisher and translator for Ayrıntı Publishing, respectively

**DETAILS OF HARASSMENT:** The pair were indicted on charges of "interceding the publication of obscene publications", after the Board for the Protection of Minors from Obscene Publications issued a complaint that against US author Chuck Palahniuk's Snuff. If convicted, the parties face imprisonment between six months and three years each under Article 266 of the Penal Code. Çıplak had previously requested an expert to investigate assess the literary quality of the work. On 5 July 2012, the judge set aside the expert opinion that the works were of literary merit and not "pornographic" and instead suspended the trial for three years under the terms of a Judicial Reform package passed two days earlier that requires suspension of "media" trials. The defendants were told that if they are to repeat the "crime" between then and July 2015, this could be added to the charges against them, which affects their ability to carry out their professions without hindrance.

#### İrfan SANCI and Suha SERTABİBOĞLU:

**PROFESSION:** publisher (Sel Publishing house) and translator, respectively

**DETAILS OF HARASSMENT:** Brought to trial in July 2011 on charges of obscenity under Article 226 of the Penal Code for publishing in Turkish the US author, William Burroughs' Soft Machine first published in English in 1961. The Board for the Protection of Minors from Obscene Publications pronounced the book as "not compatible with the morals of society and the people's honour", "injurious to sexuality" and "generally repugnant". The first hearing was held on 6 July 2011. After several hearings, in March 2012 it was announced that the book had been sent to two experts at the Istanbul University Department of Comparative Literature and Western Languages as well as a criminal law expert. On 5 July 2012, the judge set aside the expert opinion that the works were of literary merit and not "pornographic" and instead suspended the trial for three years under the terms of a Judicial Reform package passed two days earlier that requires suspension of "media" trials. The defendants were told that if they are to repeat the "crime" between then and July 2015, this could be added to the charges against them, which affects their ability to carry out their professions without hindrance.

**BACKGROUND:** In 2010, Sel publishing house was similarly tried for obscenity for publishing several books in translation including Guillaume Apollinaire's Adventures of the Young Don Juan for which he was acquitted.

**AWARDS:** Sancı was the winner of the 2010 International Publishers' Association Freedom Prize.

## **Semih SÖKMEN and Müge SÖKMEN(f):**

**PROFESSION:** directors of the Metis Publishing House. Müge Sökmen formerly headed PEN Turkey's Writers in Prison Committee.

**DETAILS OF HARASSMENT:** Brought to trial on 25 November 2010 for publishing in a calendar *İllallah* (I've had enough). The calendar was published by Metis Publishing and printed in 2009. When it was introduced to the market, it touched upon the subject of protection of the right to believe from organised religions, state budgets and police or military force. In its introduction it read, "We, as the ones who prepared this calendar, respect the right to believe. Yet we have to mention that we have a slightly deeper respect for the right not to believe". The document is said to include quotations from world famous writers and thinkers including George Bernard Shaw, Einstein, Joyce and others. The case was brought under Article 216 – incitement to religious hatred - by an individual complainant, Ali Emre Bukağlı, known for having taken similar cases against other publishing houses, such as that which published Stephen Hawkin's *God Delusion* and Nedim Güzel's *Daughters of God* which were not successful in securing sentences. In October 2012, the trial was suspended for three years under the terms of a Judicial Reform package passed in July 2012 that requires suspension of "media" trials. If the defendants are to repeat the "crime" between the sentence in October 2012 and October 2015, this could be added to the charges against them, in effect acting as a deterrent to future publications.

**\*PEN Turkey Board:** poet, critic and PEN Turkey member **Nihat ATEŞ;** short story writer and PEN Turkey Treasurer **Tülin DURSUN (f);** poet, essayist, translator, playwright, theatre director and PEN Turkey President **Tarık GÜNERSEL;** poet, novelist, journalist and PEN Turkey General Secretary **Sabri KUŞKONMAZ;** novelist and PEN Turkey member **Mario LEVI;** short story writer, essayist, playwright, columnist, theatre critic and PEN Turkey International Secretary **Zeynep ORAL (f);** and poet, lyricist and PEN Turkey Vice-President **Halil İbrahim ÖZCAN.**

**DETAILS OF HARASSMENT:** All seven were called in for questioning in January 2013 as part of an investigation as to whether they have committed an offence under Article 301 of the Turkish Penal Code ("insulting the Turkish people, state, parliament, government, judiciary, military or any of its security forces"). The investigation relates to an official statement by the PEN Turkey board regarding musician Fazıl Say's trial (see above). PEN is awaiting further details.

## **SENTENCED**

### **Necati ABAY:**

**PROFESSION:** journalist and spokesperson for the Solidarity Platform for Imprisoned journalists

**SENTENCE:** 11 years and three months in prison

**DETAILS OF TRIAL:** Sentenced on 4 May 2011 by the 12<sup>th</sup> High Criminal Court of Istanbul to 18 years and 9 months in prison after conviction of being the leader of a "terrorist organisation", the Marxist Leninist Communist Party (MLKP). This sentence was commuted to 10-15 years in prison on 15 October 2012. Abay was in Germany when the verdict was delivered, and is now seeking political asylum there. On 23 May 2013, his sentence was upheld by the Supreme Court,

although the sentence was reduced to 11 years and three months in prison.

**BACKGROUND:** Abay was arrested by anti terrorist police on 13 April 2003 while he was a columnist and editor of Atilim, on the grounds that he orchestrated a bombing that he had reported on as a journalist (he claims to have been warned against running the story by police prior to his arrest). His arrest was based on the testimony of a suspect who later denied ever having met Abay and who claimed to have signed his statement under torture by police offers. The investigating judge agreed that the statement was not feasible and released Abay after four days. However he was re-arrested only to be freed pending trial on 3 October 2003. He has been free since then

## **Temel DEMIRER:**

**PROFESSION:** writer and journalist

**DETAILS OF TRIAL:** On trial since January 2008 under Article 301 of the Turkish Penal Code (insulting the Turkish state or Turkish people before the Ankara Penal Court of First Instance under Article 216 (inciting enmity or hatred on grounds of race, ethnicity or religion) and Article 301 (insulting the Turkish state or people) for a speech against the January 2007 murder of Hrant Dink in which he said “I invite all here to commit a crime. Yes, there was an Armenian genocide in this country.” And then urged Turkish intellectuals that if they did not themselves commit “this crime of 301, 301 times” they too could be accomplices to the murder of Hrant Dink. A hearing held 15 May 2008 resulted in the court forwarding the case to the Ministry of Justice following amendments to Article 301 put in place in April 2008 which requires approval from the Ministry to proceed in such cases. In early September 2008, the Ministry granted approval and the case opened in November 2008. Concern was expressed in November 2008 about comments made by the then Minister of Justice Mehmet Ali Sahin in declaring the decision to proceed by stating that Demirer had made statements calling the Turkish state “murderous” and thus should be exempt from freedom of expression protection. Observers were concerned that such statements are tantamount to proclaiming guilt and could bring Demirer to the attention of extremists who threaten and attack those who refer to an Armenian genocide.

**TRIAL UPDATE:** On 19 February 2013, Demirer’s Article 301 case was suspended for three years on the condition that he doesn’t commit the same offence within that period. The suspension came as a result of Temporary Article 1 of the Third Judicial Reform Package. Temel Demirer rejected the decision, stating that he wants either a conviction or an acquittal, and reiterated the original comments that prompted the case in a press release mere hours after the ruling. It was reported on 12 March 2013 that he is being investigated again under Article 301 for these comments, and that a new trial is pending ministerial approval.

## **\*Rober KOPTAŞ and Ümit KIVANÇ:**

**PROFESSION:** editor-in-chief and sub-editor for Agos respectively

**DETAILS OF TRIAL:** The two journalists are being considered for possible investigation under Article 301 of the Turkish Penal Code (“insulting the Turkish people, state, parliament, government, judiciary, military or any of its security forces”).The investigation is said to relate to statements made by Koptaş and Kivanç on 19 January 2013 regarding the trial surrounding the assassination of Armenian journalist Hrant Dink. The investigation was launched on 6 April 2013. PEN is awaiting further details.

## **Erol ÖZKORAY:**

**PROFESSION:** founder and editor-in-chief of left-leaning social democrat magazine Idea Politika

(1998-2002), publisher and writer for Idea Politika Publications (founded in May 2012).

**DETAILS OF TRIAL:** He is under investigation for his book 5. Cumhuriyet (The 5<sup>th</sup> Republic), a political commentary critical of the current AKP regime as intending to continue the 'totalitarianism' of the '4<sup>th</sup> Republic' (Turkey under the 1980 coup-era constitution) when it delivers its new constitution (deemed to be ushering in the '5<sup>th</sup> Republic'). As a magazine, Idea Politika attracted a slew of cases from the Turkish Army in reaction to the magazine's outspoken criticism of military involvement in Turkish politics.

### **Pinar SELEK (f):**

**PROFESSION:** writer, academic and women's rights activist. Also a member of PEN Turkey.

**SENTENCE:** life imprisonment

**DETAILS OF TRIAL:** At the trial on 7 March 2012, the new prosecutor Mehmet Ali Uysal reiterated the pleas made seven years earlier and demanded aggravated life sentence (life sentence with no parole) for Selek, in relation to her involvement in the Mısır Çarşısı (Spice Bazaar) blast in 1998.

**BACKGROUND:** In 1998, an explosion at a crowded marketplace in Istanbul led to the deaths of seven people and injured 127 others. Selek was among a number of people arrested and imprisoned in July 1998 on accusation of causing the explosion.

**FIRST ACQUITTAL:** In December 2001, an expert investigation concluded that there was not enough information to confirm that the explosion was a bomb, the suggestion being that it had been a tragic accident caused by a leak from a gas canister. Selek and the other defendants were freed after serving two and a half years in prison.

**SECOND ACQUITTAL:** In December 2005 a new trial was opened, which in June 2006 was again dismissed due to lack of evidence that the explosion was a bomb. However in March 2009 the Appeal Court requested a review of the case and reversed the acquittal.

**THIRD ACQUITTAL:** In May 2009, and Selek was once again acquitted. The appeal court once again objected and sent the case to the Istanbul High Criminal Court for review once again on 9 February 2010

**THIRD ACQUITTAL OVERTURNED – LIFE SENTENCE UPHELD:** An arrest warrant was requested in June 2011, and delivered to Selek on 22 November 2012, after the lower court 'rescinded' its acquittal after the case was sent back by the Supreme Court of Appeals. The prosecutor said he was 'shocked' by the decision to completely reopen the trial against Selek. On 24 January 2013 the sentence against her was upheld amid widespread condemnation both inside and outside Turkey. She now lives in France. Selek is appealing to the European Court on Human Rights.

**HONORARY MEMBER:** Swiss German PEN Centre [RAN 45/12 – 23/11/2012, Update # 1 – 12/12/2012, Update #2 – 25/01/13]

### **CONDITIONAL RELEASE**

### **Erdogan ALTAN and Kadri KAYA:**

**PROFESSION:** Batman reporter, and Diyarbakir reporter respectively for Dicle News Agency (DiHA)

**DATE OF ARREST:** 17 April 2011

**DATE OF RELEASE:** 28 March 2012

**SENTENCE:** 2 years and one month in prison (suspended)

**DETAILS OF TRIAL:** Among a number of people arrested for their alleged involvement in a terrorist organisation (the PKK) in a case known as the "Roj TV case". Altan and Kaya were charged under Articles 220/7 and 314/4 of the Turkish Penal Code (willingly and knowingly



aiding and abetting an illegal organisation and armed organisation, respectively), Article 314/2 of the Turkish Penal Code (membership of an armed organisation), Article 5 of the Anti-Terror Law (membership of a terrorist organisation) and Article 7/2 of the Anti-Terror Law (making propaganda for a terrorist organisation). Ata hearing on 28 March 2012, the court took into consideration the time they had spent under detention and ruled that the reporters should be released pending trial. They were reportedly sentenced to 25 months in prison in November 2012 after conviction of the charge of “willingly and knowingly aiding and abetting an illegal organisation an illegal organisation even if he is not a member” under Article 220/7 of Penal Code. The trial proceedings were suspended in response to the Third Judicial Reform Package.

### **İrfan BABAOĞLU:**

**PROFESSION:** author who has spent over 20 years in prison. Member of Kurdish PEN.

**SENTENCE:** 1 year 3 months in prison suspended for three years

**DETAILS OF TRIAL:** Babaoğlu was sentenced on 1 June 2012 for a line in his prison memoirs, From Auschwitz to Diyarbakir Prison Number 5, which commemorated those who lost their lives in the prison. The line was considered ‘propaganda’ for the PKK. He was freed with a suspended sentence under the Third Judicial Reform Act in July 2012 on condition that he does not commit a similar offence within three years.

### **\*Ali DURSUN, and Yüksel ÖZBEK:**

**PROFESSION:** publisher of online news website Haber Rüzgarı and owner of online news website Görele Sol respectively.

**SENTENCE:** 11 months and 20 days in prison suspended for five years

**DETAILS OF TRIAL:** On 12 February 2013 they were convicted of insulting Prime Minister Recep Tayyip Erdoğan (under Article 125 of the Turkish Penal Code). Both have been placed under ‘judicial control’ for five years, meaning that if they commit “another crime of the same nature” within that timeframe, they will have to serve their suspended sentence.

### **\*Rasim Ozan KÜTAHYALI:**

**PROFESSION:** columnist for Takvim

**SENTENCE:** three-month suspended sentence and a punitive fine

**DETAILS OF TRIAL:** Convicted on 25 February 2013 of “insulting the memory” of an alleged torturer in an op-ed piece. The article blamed former Prison Director Oktay Yıldırım for a regime of brutality during the 1980s in the notorious Diyarbakır Prison.

**RELEASED**

### **Dilşah ERCAN (f):**

**PROFESSION:** Yorum Daily newspaper and Özgür Halk Magazine

**DATE AND DETAILS OF ARREST:** Arrested in Mersin on 24 September 2010

**SENTENCE:** eight years and nine months in prison

**DATE AND DETAILS OF RELEASE:** Released from Adana Karatas Women’s closed prison on 11 May 2013 as part of an amnesty granted in the fourth judicial reform package

**DETAILS OF TRIAL:** Sentenced in June 2011 under Article 314/2 of the Turkish Penal Code and Article 5 of the Anti-Terror Law for leadership of an armed organisation and leadership of a terrorist organisation respectively. Reportedly accused of selling Özgür Halk newspaper, said

to be a publication of the PKK Kongra-Gel organisations, and for taking part in meetings that included attacks against security forces with stick, stones and Molotov cocktails.

## **CASE CLOSED**

### **Müjde ARSLAN (f):**

**PROFESSION:** film director/writer. Arslan has also worked as a journalist for DIHA (Dicle News Agency) Yedinci Gündem and other newspapers

**DATE OF ARREST:** 13 February 2012

**DETAILS OF ARREST:** Among 140 people arrested under the KCK operation. She has said that the reason for her arrest was her film 'I Flew, You stayed' – inspired by her father, who had joined the PKK and shot in a PKK camp in Iraq.

**DATE AND DETAILS OF RELEASE:** She was among 34 that were released on 16 February 2012 and is not facing trial. She has said that she was released after the prosecutor watched her film.

**OTHER INFORMATION:** Arslan wrote about her experience of being arrested in PEN Sweden's Dissident Blog: <https://www.dissidentblog.org/en/articles/film-director-and-daughter-guerrilla-leader>

### **Hatice BOZKURT (f):**

**PROFESSION:** editor Özgür Gündem

**DATE OF ARREST:** 16 January 2012

**DATE OF RELEASE:** unknown, but free by March 2012

**DETAILS OF ARREST:** Arrested as part of the KCK operations in connection with explosives found in the Başakşehir district of Istanbul. Bozkurt had previously been taken into custody on 23 December 2011 and was released after interrogation at the prosecutor's office.

**OTHER INFORMATION:** She was previously imprisoned for five years for political reasons. She began working as a journalist after her release. She is not believed to be facing charges – case closed.

### **Mehmet ÖZER:**

**PROFESSION:** artist/poet

**DATE AND DETAILS OF ARREST:** Among 140 people arrested 13 February 2012 as part of the KCK operations. He was among 34 that were released on 16 February 2012. The arrests of the artists is said to be significant because it brought into mind İdris Naim Şahin, Interior Minister's comments that some artists were "in the back garden of terrorism" and that "terrorism can also be supported by poetry, painting and arts". Not on trial – case closed.

### **Halim YAZICI:**

**PROFESSION:** poet and member of PEN Turkey

**DATE AND DETAILS OF ARREST AND DETENTION:** Arrested in his home town of Izmir on 22 November 2011 allegedly on charges of financial corruption and membership of a criminal group. Among 40 others were arrested. He is a cultural advisor to the Izmir Greater municipality. Izmir's mayor is a member of the opposition CHP and there are suggestions that the arrests may be politically motivated. He was arrested earlier in the year, 2 May 2011, and held for four days for being a member of a criminal gang, then released when it was concluded

that there was no evidence. However, he was re-arrested for the same reason when a new District Attorney took up the post and made the decision to re-detain Yazıcı.

**DATE AND DETAILS OF RELEASE:** The poet was released in July 2012 after 6 months in prison. Yazıcı is not on trial – case closed.

## TURKMENISTAN

### BRIEF DETENTION

#### \*Rovshen YAZMUHAMEDOV:

**PROFESSION:** local correspondent in Turkmenistan for Radio Free Europe, Radio Liberty (RFE/RL) since September 2012

**DETAILS OF DETENTION:** He was arrested on 6 May 2013, for reasons still unknown, and released without charge two weeks later. Yazmuhamedov, 30, was held at the local directorate of the Internal Affairs Ministry in Turkmenabat, in southeast Turkmenistan, in the department that handles organised crime and counterterrorism. Yazmuhamedov writes frequently on social issues, and had been questioned by the authorities at least twice earlier in 2013.

## UKRAINE

### KILLED

#### Georgy GONGADZE:

**PROFESSION:** editor of the independent Internet newspaper Ukrainska Pravda (which often criticised the policies of then President Leonid Kuchma)

**DATE OF BIRTH:** 21 May 1969

**DATE AND DETAILS OF DEATH:** Gongadze was kidnapped sometime around 16 September 2000 and murdered. His headless body was discovered in November 2000 in a forest outside the town of Tarashcha.

**INVESTIGATION INTO MURDER:** an investigation, reportedly plagued by irregularities, began soon after the journalist's death, and in 2008 three police officers were convicted of his murder. In 2009, a key suspect, Interior Minister General Aleksei Pukach, was arrested and also accused of the murder. In November 2010, prosecutors changed the status of the case from contract killing to "killing on verbal order". The new status of the case pegs the responsibility for commissioning the crime on a single culprit (a dead interior minister) and technically precludes investigators from going after a larger circle of suspected masterminds. Prosecutors have failed to investigate former and current high-ranking officials, including former President Leonid Kuchma and the then-head of presidential administration and current Parliament Speaker Vladimir Litvin, who have long been suspected of being involved in Gongadze's killing. Ukrainian prosecutors indicted former President Leonid Kuchma on 24 March 2011, on abuse-of-office charges in connection with the murder.

**TRIAL OF PERPETRATORS:** The trial of Alexsei Pukach began on 7 July 2011 and is being conducted entirely in private. On 15 August 2011, a request by Valentina Telychenko, a lawyer for Gongadze's widow, to have the trial opened to the public was denied. It was reported that Pukach allegedly testified on 30 August 2011 that he had carried out the killing in a plot

orchestrated by President Kuchma. The defendant claimed that the direct order to carry out the murder was issued by the now deceased Interior Minister Yuri Kravchenko. It was further reported that several other senior officials had been implicated in the murder, including the current Parliament speaker Vladimir Litvin, and two of Kravchenko's deputies, Nikolai Dzhiga and Eduard Free. However, Kuchma and Dzhiga have denied involvement, claiming that Pukach fabricated the account to avoid a potential life sentence. On 14 December 2011 the Kiev court dropped all charges against Kuchma. On the same day a judge ruled that secret tape recordings by Kuchma's former bodyguard, in which he allegedly talks about his annoyance with Gongadze and desire to "silence him", could not be used as evidence as they had been acquired by illegal means. Gongadze's wife is to appeal the decision to dismiss the charges against Kuchma. On 20 February 2013, the First Deputy Prosecutor General of Ukraine Renat Kuzmin claimed that his office had collected enough evidence confirming Kuchma's responsibility for ordering Gongadze's assassination  
Conviction: On 29 January 2013, Pukach was sentenced to a life imprisonment by the Pechersk District Courty of Kiev.

## **ATTACKED**

### **\*Tetyana CHORNOVOL (f):**

**PROFESSION:** well-known journalist, writing for opposition websites Ukrayinska Pravda and Levyy Bereg, and opposition activist

**DETAILS OF ATTACK:** she was brutally beaten by unknown attackers in the early hours of 25 December 2013. Her car was stopped near Kiev by a gang of men. She was reportedly dragged from the vehicle, assaulted and left in a ditch. The reporter had just published an article on the personal wealth of Ukraine's Interior Minister Vitaly Zakharchenko, highlighting a "country manor" near Kiev. She has also been investigating the assets of several other political leaders - there is no evidence connecting any of them to the attack. She was placed in intensive care in hospital.

**INVESTIGATION:** According to news reports, two men have been arrested and a third is sought.

### **\*Vladyslav SODEL:**

**PROFESSION:** correspondent for the newspaper Kommersant

**DETAILS OF ATTACK:** He was beaten along with his wife, a TV reporter, while attending an opposition rally - 'Get Up Ukraine' - on 18 May 2013. A group of men attacked several activists, including the journalists, damaging their equipment.

**INVESTIGATION:** One man has reportedly been arrested in connection with the attack.

### **\*Valentyna VASYLCHENKO (f):**

**PROFESSION:** journalist for the Vechirni Cherkassy newspaper

**DETAILS OF ATTACK:** he was attacked on 18 March 2013. According to the journalist, an unknown woman wounded her in the leg with a knife. The attacker fled in a car. Vasylichenko believes that the attack might be connected with her critical publications. PEN cannot find reports of an investigation into the assault.

**BACKGROUND:** the journalist was also attacked by unknown aggressors in 2000; the attackers were never found.

## HARASSED

### \*Oksana ROMANIUK (f):

**PROFESSION:** journalist and a Reporters Without Borders representative in Ukraine

**DETAILS OF HARASSMENT:** she was allegedly the victim of computer hacking on 8 October 2013, when the entire contents of her personal computer's disk drive were exposed on a website. A few days before that, hackers allegedly posted much of her email correspondence on another site. Reporters Without Borders considers the hacking of Romaniuk's computer an attempt to intimidate her and to take revenge against Reporters Without Borders for its work in Ukraine.

# UZBEKISTAN

## REPORTED MISSING

### Dzhamshid (Jamshid) KARIMOV:

**PROFESSION:** journalist for the London-based Institute of War and Peace Reporting (IWPR) until May 2005 and subsequently for a number of other publications

**DATE OF BIRTH:** 1967

**DATE OF DISAPPEARANCE:** According to uznews.net, Karimov disappeared on 18 January 2012. He was still in touch with his friends and colleagues the week before his arrest, but suddenly stopped responding to their e-mails and his phone was disconnected. According to his colleague there are three possible explanations: he might have been taken back to the psychiatric hospital, he might be under house arrest or he might have gone to ordinary hospital due to the psychotropic drugs he was forced to take.

**PREVIOUS DISAPPEARANCE/DETENTION:** Karimov disappeared on 12 September 2006. Two weeks later, his friends were able to ascertain that Karimov was held in a psychiatric hospital in Samarkand, where he was kept until his release on 6 November 2011. Karimov was released just before the Muslim festival of Eid al-Adha. It was alleged that his release was a consequence of pledges given by the Uzbek authorities to U.S. Secretary of State Hilary Clinton when she visited Uzbekistan on 22 October 2011. Karimov is reported to have suffered serious damage to his health due to the forced administration of psychotropic drugs.

**PERSONAL DETAILS:** Karimov is a nephew of the President Islam Karimov and, according to CPJ, is said to have been openly critical of his uncle and to be living in poverty.

**HONORARY MEMBER:** English PEN. PEN is seeking further information. [RAN 61/11 – 30 November 2011]

## IMPRISONED : MAIN CASE

### Salidzhon (Salijon) ABDURAKHMANOV:

**PROFESSION:** journalist for the independent German-based Uzbek agency Uznews.net which is blocked in Uzbekistan, reporter for Radio Free Europe Radio Liberty, Voice of America, the Institute of War and Peace Reporting and chairperson of the Committee for the Defense of the Rights of the Individual.

**DATE OF BIRTH:** 1950

**DATE OF ARREST:** 7 June 2008

**SENTENCE:** Ten-year prison sentence

**DETAILS OF ARREST:** Arrested by traffic police in Nukus, on the Turkmen border, who stopped and searched his car and then claimed to have found packages, allegedly containing marijuana and cocaine. He was not questioned about where they came from, which would be normal procedure in such cases. On the same day police searched his home and his workplace and confiscated a laptop, books, and notes, amongst other items. Later, Abdurakhmanov was questioned about a biography of the exile leader of the banned opposition party Erk, found by police amongst his belongings.

**DETAILS OF TRIAL:** Initially charged with drug possession for personal use under Article 276, paragraph 2(a) of the Criminal Code, this was changed to drug possession with intent to sell under Articles 25 and 273.5 of the Criminal Code. The trial started on 12 September 2008, and only Abdurakhmanov's relatives were allowed to be present. On 10 October 2008, he was given a 10-year prison sentence, which was upheld on 19 November 2008, when his appeal was overturned by the Supreme Court. On 25 March 2009, the Supreme Court for the second time upheld the ten-year prison sentence against Abdurakhmanov, without explaining the basis of its decision. A report on 1 April 2011 stated that Abdurakhmanov was prohibited by the colony administration from filing a complaint - in which he gave details of his arrest and reportedly unfair conviction - with the Uzbekistan Supreme Court. The colony officials seized the letter of complaint from his lawyers and said the document would be mailed to him, but it was not.

**PROFESSIONAL DETAILS:** Abdurakhmanov is well known for his reporting and monitoring of human rights, and economic and social issues in the region.

**PLACE OF DETENTION:** He is currently held in Karshi prison.

**CONDITIONS OF DETENTION:** A relative was been able to visit who reported in late March 2009, that although he has been held in isolation, he is not being ill-treated. In late April 2009 Abdurakhmanov was visited by his father and wife, and they said he is in good spirits and maintains his innocence.

**OTHER DETAILS:** Prior to his arrest Abdurakhmanov had expressed concerns that he may suffer reprisals for his writings. He had apparently written an article that criticised local traffic police shortly before his arrest. Organisations including Amnesty International and Human Rights Watch state that the sentence is clearly aimed at stopping his critical reporting.

**GOVERNMENT RESPONSE TO THE UN:** In May 2009, the Special Rapporteur on Freedom of Expression and Opinion of the United Nations (UN) published its report, including communications with the Uzbek government regarding Abdurakhmanov's case. In these communications, the Uzbek government claimed that Abdurakhmanov's car had been stopped, and that he had been found to be driving without a licence. It also said that officers had searched his car, had found marijuana and opium, and that Abdurakhmanov had been indicted firstly under Article 276, part 2, paragraph (a), of the Criminal Code, subsequently changed to Articles 25 and 273 part 5 of the Criminal Code. The Ministry of Internal Affairs claimed not to have received any complaint regarding the use of unauthorised methods during the investigation, and that the criminal proceedings were "not connected with his human rights activities". Abdurakhmanov was found guilty and sentenced to ten years' imprisonment.

**PRISON CONDITIONS:** Abdurakhmanov has been accused twice, between June and August 2011, of breaking the rules of the prison in which he is incarcerated. His relatives have claimed the prison authorities have also tried to frame the journalist on a third charge. The charges are believed to significantly reduce Abdurakhmanov's chances of being released under a prisoner amnesty expected to accompany the celebrations marking the 20<sup>th</sup> anniversary of Uzbek independence.

: In June 2013, it was reported that Abdurakhmanov's health had dramatically declined. He was moved for a second time in 2013 from the Qashqadaryo labour to a prison hospital in Tashkent. In October 2013, the journalist was reportedly placed in solitary confinement until 1

November 2013. It was suggested in news reports that this might have been in retaliation for his relatives giving an interview to the press about his deteriorating health in prison. PEN believes that Abdurakhmanov is being held as reprisals for his human rights monitoring. [RAN 40/08 – 14 August 2008; Update #1 – 14 October 2008; Update #2 – 20 January 2009]

## **Muhammad BEKZHON (BEKJANOV)**

**PROFESSION:** former journalist, former contributor to Erk

**DATE OF BIRTH:** 1955

**DATE OF ARREST** 15 March 1999

**SENTENCE** 15 years, reduced to 12 years (expired January 2012)

**SECOND SENTENCE:** Five years. Due to expire January 2017 (see below).

**DETAILS OF ARREST:** Deported from Ukraine in March 1999 on accusation of involvement in a series of explosions in Tashkent. Several others were also arrested in connection with these events (see Makhmudov, below).

**DETAILS OF TRIAL:** It is thought that his arrest is linked to his association with the exiled opposition leader Muhammed Salih and that the charges are linked to his work on Erk, the opposition party's newspaper, although it has been banned since 1994. Some of the defendants have testified to having been tortured under interrogation including beatings, electric shock and threat of rape of female family members. In August 1999, Bekjanov was sentenced to 15 years in prison, convicted of "publishing and distributing a banned newspaper containing slanderous criticism of President Islam Karimov"; "participating in a banned political protest"; and "attempting to overthrow the regime". In addition, the court found them guilty of "illegally leaving the country and damaging their Uzbek passports".

**PLACE OF DETENTION:** Kasan prison, southwestern Uzbekistan

: Reports of torture; concerns for his well-being. The UN Special Rapporteur on Torture in his 2003 report referred to allegations of torture resulting in Bekjanov's leg being broken. It referred to Bekjanov contracting TB, for which he received treatment. The Uzbek government had responded to the Rapporteur informing him that the sentence had been reduced by a fifth, and giving details of the TB treatment being given. It denied that "moral or physical pressure" had been applied. In October 2006, his wife was able to visit him in prison and reports that he was still suffering beatings, and that he had lost most of his teeth. Concerns for his health remained acute.

**OTHER DETAILS:** Wife resident in the USA. Brother of exiled opposition leader. Muhammad Salih.

**HONORARY MEMBER:** English PEN, PEN American Center, PEN USA, Canadian PEN Centres.

**UPDATE:** He is serving an additional five-year term. After weeks of uncertainty over what had happened to Bekjanov, his lawyer eventually informed relatives on 23 January 2012 that a mobile court had held hearings at the labour camp over the weekend of 21-22 January and found Bekjanov guilty of beating three other inmates. He was sentenced to an additional five years in jail as a result.

## **Dilmurod SAIDOV (pen name SAYYID):**

**PROFESSION:** journalist for a number of independent websites and member of the human rights organisation Ezgulik

**DATE OF BIRTH:** 26 April 1962

**DATE OF ARREST:** 22 February 2009

**SENTENCE:** 12 and a half years

**DETAILS OF CHARGES:** Extortion and forgery

**DETAILS OF THE TRIAL:** The trial was heard at the Taylak District Court, where the sentence

was announced in a closed session, in the absence of his defence and family, as they had not been informed of the date of the trial. There are reports that the trial was riddled with procedural violations, and that various witnesses withdrew their testimonies. There is an account, for instance, that a witness testified against Saidov saying that she was forced by the journalist to extort money from a local businessman. However, afterwards the witness retracted in full her statement, but the trial continued. In the case on extortion charges, two farmers were included together with Saidov, one was sentenced to 11 years in prison and the other to 12. His defence announced that they would appeal the verdict. According to his brother Obid, by August 2011 Saidov had been found guilty of breaking prison rules five times. According to him, this means that the amnesty announced in Uzbekistan in December 2011, to mark the 19<sup>th</sup> anniversary of Uzbekistan's constitution, could not be applied to Saidov.

**PROFESSIONAL DETAILS:** Saidov's reports have been published in various local newspapers and news websites in Central Asia, including Voice of Freedom. There are reports that Saidov's conviction is linked to his reports on abuse of power and corruption in some local government offices, such as his articles on alleged illegal confiscations of farmers' land by local authorities. Saidov is also an activist of the Tashkent regional branch of the human rights organisation Ezgulik.

**FAMILY:** In early November 2009, Saidov's wife and daughter, aged six, were killed in a car accident while on their way to visit him in prison.

**STATE OF HEALTH:** He suffers from tuberculosis and requires regular medical treatment.

**PRISON CONDITIONS:** Saidov was reportedly put in a penal colony in Navoi from 26 to 29 April 2011 for allegedly breaking prison rules, although details of the alleged violation remain unknown. According to Fergana News, an Uzbeki news organisation, Saidov was held (and might still be) at the UYa 64/36 Navoiy labour settlement, Navoiy City, Navoiy Region, Uzbekistan. PEN is seeking further information on his whereabouts.

**HONORARY MEMBER:** PEN Canada. [RAN 32/10 – 10 August 2009]

### **IMPRISONED: INVESTIGATION**

### **Abdulaziz DADAHONOV (DADAHANOV), Botirbek ESHKUZIYEV, Bahrom IBRAGIMOV, Davron KABILOV and Ravshanbek VAFOYEV:**

**PROFESSION/BACKGROUND:** Members of Nur, a religious group who publish the religious magazine Vesna (Spring). Nur was founded by Kurdish cleric Said Nursi and is associated with the religious teachings of Turkish scholar Fethullah Gullen. Nur has been listed as a banned religious organisation by the Uzbek Religious Affairs Committee since 2000 and the Uzbek Security Service has reportedly alleged that Nur received funds from Turkey to create a pan-Turkic state. Although socially conservative, Nur is not known to have advocated violence.

**DATE OF ARREST:** 2009

**SENTENCE:** Ibragimov and Kabilov were sentenced to 12 years in prison, Vafoyev and Dadahonov to ten years, and Eshkuziyev to eight years.

**DETAILS OF TRIAL:** Sentenced on 16 February 2009 under Article 244.2 ("preparing and distributing literature posing a threat to public security and order") and Article 244.1 ("participating in a banned religious organisation"). On April 2009, the Tashkent City Criminal Court rejected the defendants' appeal.

**PLACE OF DETENTION:** they are serving their sentences in a high-security prison in Tashkent. (See also Shavkat Ismoilov and Davron Tajiyev below.) PEN is seeking further information.

### **Hayrulla HAMIDOV (Khayrullo Kamidov)**

**PROFESSION:** football commentator and radio-host, poet and deputy editor of the newspaper



Chempion (Champion)

**DATE OF BIRTH:** 1975

**DATE OF ARREST:** 21 January 2010

**SENTENCE:** Six years in prison

**DETAILS OF ARREST:** Officers of the Tashkent Region police department entered Hamidov's home, seized his books, computer, a copy of the Koran, and audio and video material, and detained Hamidov.

**DETAILS OF TRIAL:** Tried under Article 216 of the Criminal Code concerning "the organisation or active participation in a proscribed social or religious movement" and Article 244.1 concerning "dissemination of prohibited material". In a closed hearing held on 11 May 2010, the prosecutor demanded that Hamidov be sentenced to seven years in prison. The criminal court in Guibakhor, near Tashkent, postponed the sentencing until 28 May then sentenced Hamidov to six years' imprisonment.

**OTHER INFORMATION:** Hamidov is reportedly a prolific poet. He was also a popular radio-host of the show 'Kolislik Sari' (Voice of Impartiality), broadcast by the Tashkent-based Navruz FM. According to Radio Free Europe, Radio Liberty (RFE/RL), Hamidov was tried with 18 other people who were found to be members of the Islamic group Jihadchilar (Jihadists).

**PREVIOUS POLITICAL PERSECUTION:** Hamidov's newspaper Odamlar Orasida (Among the People), which dealt with issues including infant mortality, corruption, and homosexuality, was closed down by the authorities in 2007.

**PEN POSITION:** PEN considers this case an investigation pending information that Hamidov has not advocated violence.

### **Shavkat ISMOILOV and Davron TAJIYEV:**

**PROFESSION:** director and editor respectively of the magazine Yetti Iklim (Seven Dimensions)

**DETAILS OF TRIAL AND DETENTION:** Ismoilov and Tajiyev were sentenced to eight years in prison for allegedly "creating, leading or participating in religious extremist, separatist, or other banned organisations", according to Criminal Code's Article 244 Part 2, on 6 April 2009. It is said that the charges against both were related to their links to the religious organisation Nur (see above). Reported to still be detained as of June 2012. PEN is seeking further information.

### **\*Bobomurad RAZZAKOV:**

**PROFESSION:** human rights defender and sometime local correspondent for foreign press. He is chairman of the Bukhara region branch of Ezgulik (Compassion), Uzbekistan's only legally registered independent human rights group. He is also a member of the unregistered political opposition party Erk (Freedom)

**AGE:** 60

**DATE OF ARREST:** 10 July 2013

**SENTENCE:** Eight years in prison

**DETAILS OF TRIAL:** Convicted of human trafficking (under Article 135 of the Uzbek Criminal Code) on 24 September 2014. The charge against Razzakov was allegedly based on the complaint of a local woman who accused him of forcing her into the custody of a person who pressed her into prostitution. According to Razzakov, the alleged victim approached him several days before his arrest asking his help in finding a relative in Russia who was missing. Razzakov's state-appointed lawyer believes the woman was pressured by Uzbek security services to testify falsely against him. His trial began on 26 August 2013 in the Bukhara region criminal court. Rights groups, including Human Rights Watch, consider the charges against him to be fabricated in retaliation for his human rights work.

**BACKGROUND:** Razzakov has worked as a local correspondent for foreign media and is known

for taking on local corruption and appealing to the regional administration, the prosecutor's office, and the president on behalf of local farmers and others. According to Human Rights Watch, prior to his arrest Razzakov told the media and local human rights groups that he had come under increased pressure from the local security services over his human rights activities. On 10 June 2013, he was reportedly summoned for a two-hour interrogation by the head of Bukhara's counterterrorism criminal investigation unit in the Department of Internal Affairs, who ordered him to resign from Ezgulik and cease all contact with foreign media organisations. Razzakov said that he was told that harm would come to him and his family if he did not stop his human rights work.

## **BRIEF DETENTION**

### **\*Sergei NAUMOV:**

**PROFESSION:** independent environmental journalist based in the city of Urgench

**DETAILS OF IMPRISONMENT:** He was reportedly arrested, tried and jailed for 12 days on 21 September 2013. No defence lawyer was present at the trial. The journalist was accused of grabbing a woman at the city's station and charged with 'hooliganism'. He had 10 days to appeal the verdict.

**BACKGROUND:** Naumov reports on sensitive stories such as the use of forced labour in cotton farming and the region's environmental problems. He has worked for years for Ferghana, the Institute for War and Peace Reporting, the newspaper Ecological Security and Citizen Initiative and the Russian magazine Politzhurnal. He is the winner of several media awards, has worked with human rights organisations and has participated in projects aimed at developing independent journalism. Naumov has been harassed in the past by the authorities because of these activities.

## **RELEASED**

### **Mamadali MAKHMUDOV**

**PROFESSION:** writer and opposition activist. Member of the Uzbek Writers Union and Uzbek Cultural Foundation.

**DATE OF ARREST:** 19 February 1999

**SENTENCE** 14 years

**DATE OF RELEASE:** 19 April 2013, a few months after his original sentence expired.

**DETAILS OF ARREST AND DETENTION** 1999-2013: Arrested on 19 February 1999 after a series of explosions in Tashkent. Several others arrested in connection with these events. Held in incommunicado detention from February to May 1999. Subsequently charged with – “threatening the president” (Article 158 of the Uzbekistan Criminal Code); “threatening the constitutional order” (Article 25 and 159); “organising banned public associations and religious organisations” (Article 216) and “organising a criminal group” (Article 242.1). It is thought that his arrest was linked to his association with the exiled opposition leader Muhammed Salih. However, it appears that some of the charges against the defendants are linked to their writings in, and distribution of, Erk, the newspaper of the opposition Erk party, banned in 1994. At the trial, Makhmudov testified to having been tortured under interrogation including beatings, electric shock and threat of rape of female family members. On 3 August 1999, he was sentenced to 14 years in prison.

**PREVIOUS POLITICAL IMPRISONMENT:** imprisoned between 1994 and 1996 for alleged embezzlement and abuse of office, charges which at the time were considered by PEN and Amnesty International to have been fabricated and that his arrest was because of his association with Salih. This view is supported by the United Nations Working Group on Arbitrary detentions.

**OTHER DETAILS:** He learned in early March 2013 that he had been charged with 31 breaches of

prison rules, but no details were given. He was subsequently sentenced, on 8 April 2013, to an additional three years in prison. He was appealing against this decision on medical grounds when he was released. He had been in poor health for some time, and was suffering from TB. There were fears that he would not survive longer in prison.

# MIDDLE EAST and NORTH AFRICA

## ALGERIA

### CASE CLOSED

#### **Manseur Si MOHAMED:**

**PROFESSION:** bureau chief of the French-language newspaper La Nouvelle République and head of the Mascara branch of the Algerian Journalists' Union

**SENTENCE:** Received a two-month prison sentence and a fine of 50,000 dinars (approx. US\$636) in mid-June 2012.

**DETAILS OF TRIAL:** convicted of "libellous comments" in an article he published in the newspaper. The article, entitled "Council of State - What Is It For?", was written as a criticism of the failure to apply rulings by the Supreme Court and the Council of State which penalised public authorities. Mohamed's article criticised the Mascara district tax inspector for refusing to reinstate a senior official whose demotion had been overruled by the Council of State. Mohamed's lawyer filed an appeal on 18 June 2012. He remains free on bail pending appeal. Case closed for lack of further information.

## BAHRAIN

### IMPRISONED: MAIN CASE

#### **Abdulhadi Al-KHAWAJA:**

**PROFESSION:** leading human rights defender

**DATE OF ARREST:** 9 April 2011

**SENTENCE:** Life imprisonment

**DETAILS OF ARREST:** He was arrested from his home and charged under national security and counter-terrorism legislation for his role in the pro-democracy protests that begun in February 2011. He was badly beaten during his arrest.

**DETAILS OF TRIAL:** Among 21 opposition activists to be convicted by a special security court on 22 June 2011 of "plotting to overthrow the government" following a wave of protests which swept the country in February and March that year (see below Abdul Jalil Al Singace). On 28

September 2011, the military-run National Safety Court of Appeal confirmed the conviction of Abdulhadi Al-Khawaja, and his sentence of life imprisonment. The trial did not meet with international standards of fairness, and there has been no independent investigation into his allegations of torture in pre-trial detention. On 30 April 2012, the Court of Cassation ordered a retrial in the case. After the retrial, Abdulhadi Al-Khawaja was sentenced to life imprisonment, a decision confirmed by the High Court of Appeals in Bahrain Court on 4 September 2012. The United Nations Working Group on Arbitrary Detention (UNWGAD) has considered Abdulhadi Al-Khawaja's detention to be arbitrary and has called on the Government of Bahrain to release him.

**TREATMENT IN DETENTION:** There were allegations of torture during pre-trial detention, while Al-Khawaja and the other detainees were held incommunicado. In one of the earlier hearings at court, prior to the sentence, when Al-Khawaja and others tried to speak out about having been tortured in detention, they were removed from court, taken outside and beaten resulting in Al-Khawaja having to be taken to the military hospital.

: Abdulhadi Al-Khawaja is still suffering the effects of the repeated beatings to his face with problems with his jaw and teeth and is expecting to have further medical treatment to assess the extent of the long term damage.

**BACKGROUND:** Abdulhadi Al-Khawaja has a long history of political persecution. After 12 years in exile he returned to Bahrain in 1999 following wide-ranging political reforms that allowed independent human rights groups to operate in the country. In 2002 he co-founded the Bahrain Centre for Human Rights (BCHR), a member of the International Freedom of Expression Exchange (IFEX), and has since worked in numerous roles for various regional and international human rights organisations. Most recently, he was the Middle East and North Africa regional campaigner with Front Line Defenders. In 2004 he was held for two months for his political activism, and has been subject to regular threats, travel restrictions and harassment. [RAN 46/10 update #5 – 6 September 2012]

## **Nabeel RAJAB:**

**PROFESSION:** leading human rights defender. President of Bahrain Centre for Human Rights (BCHR) and Gulf Centre for Human Rights (GCHR).

**DATE OF ARREST:** 6 June 2012 and 9 July 2012

**SENTENCE:** Two years in prison

**DETAILS OF ARREST:** Rajab was initially arrested on 6 June 2012, following a complaint made against him by the people of al-Muharraq area, north of Bahrain, for “publicly vilifying the al-Muharraq people and questioning their patriotism with disgraceful expressions posted via social networking websites”. The charges against Rajab relate to a 2 June 2012 tweet addressing the Prime Minister, Shaikh Khalifa Bin Salman Al Khalifa, following his visit to the area. Rajab wrote: “Khalifa: Leave the al-Muharraq alley ways, their sheikhs and their elderly, everyone knows that you have no popularity there; and if it was not for their need for money they would not have come out to welcome you - when will you bow out?”

**PLACE OF DETENTION:** Held in al-Jaw prison, Manama

**DETAILS OF TRIAL:** He was charged with libel on 14 June 2012 and released on bail on 27 June. He was sentenced (in absentia) on 9 July 2012 by a court in Manama, and was arrested and taken to prison to serve out the remainder of his three-month sentence which was eventually overturned on appeal after he had served the sentence. Rajab faced three further court cases, relating to charges of taking part in an “illegal gathering” and “disturbing public order” during an anti-government protest in Manama on 6 February 2012, a charge of “illegal gathering” brought against him on 6 June, and an appeal against his 28 June conviction of “insulting the police” in his tweets (Rajab was cleared of this last charge). On 16 August 2012, he was sentenced to three years in prison, after conviction of “gathering with the intention of disrupting security”, “calling for marches or protests without a permit” and “participating in a

protest without permit" in connection with demonstrations on 12 January, in February and on 31 March 2012. This sentence was reduced by an appeal court in Manama to two years in prison on 11 December 2012. In December 2012, a court denied his request for early release on the grounds that he had served three-quarters of his sentence.

**OTHER INFORMATION:** Rajab is a well-known human rights activist working with human rights organisations worldwide. He has been harassed and briefly detained on many occasions for his human rights activism and reporting.

**AWARDS:** Rajab has received many prestigious awards for his activism, including the 2011 Ion Ratiu Democracy Award, the 2011 Silbury Prize and the 2012 Index on Censorship Freedom of Expression Advocacy Award.

## **Dr Abdul Jalil Al SINGACE:**

**PROFESSION:** activist and internet writer. He taught engineering at the University of Bahrain and authored his own blog (<http://alsingace.blogspot.com/>). He is head of the human rights office of the Haq Movement for Liberty and Democracy.

**DATE OF ARRESTs:** 13 August 2010 and 16 March 2011

**SENTENCE:** Life imprisonment

**DETAILS OF ARREST:** Dr Al-Singace was arrested at Bahrain International Airport on his return from London on 13 August 2010, where he had been attending a conference at the House of Lords during which he had criticised Bahrain's human rights practices. He was initially accused of "inciting violence and terrorist acts", before being formally charged under national security and counter-terrorism legislation. He and 21 other opposition activists on trial with him were freed in February 2011 following widespread calls by anti-government protestors for political reform and the release of political prisoners. He was re-arrested on 16 March 2011 after publicising the deteriorating human rights situation in the country, and was later placed under house arrest.

**PLACE OF DETENTION:** Gurayn Military Prison, Manama, Bahrain

**DETAILS OF TRIAL:** Dr Al-Singace was among 21 opposition activists to be convicted by a special security court on 22 June 2011 of "plotting to overthrow the government" following a wave of protests which swept the country in February and March that year. Eight of those convicted received life sentences, including Dr Al Singace. A further ten were sentenced to 15 years in prison, two received five-year terms and one a two-year prison sentence. The trial did not meet with international standards of fairness, and there has been no independent investigation into allegations of torture in pre-trial detention. On 28 September 2011 the military-run National Safety Court of Appeal confirmed the conviction. On 30 April 2012 the Court of Cassation ordered a retrial in the case. After the retrial, Dr. Abduljalil Al-Singace was sentenced to life imprisonment, a decision confirmed by the High Court of Appeals in Bahrain Court on 4 September 2012. The Court of Cassation upheld his conviction and sentence on 7 January 2013.

**TREATMENT IN PRISON:** Dr Al Singace was held incommunicado and in solitary confinement for six months, during which he was reportedly ill-treated.

: Dr Al-Singace is disabled, and relies on a wheel-chair for his mobility. His family and lawyer have reported that he has not received any medical attention since March 2013. While Abduljalil Al Singace's health conditions deteriorate, there is a record of 14 different appointments being repeatedly cancelled, rescheduled, and cancelled again. These appointments have been with the skin disease clinic, the heart disease clinic, and the optician's clinic at the Bahrain Defense Force Hospital, as well as the Prison clinic. Abduljalil Al Singace requires care as a matter of urgency for a damaged ear drum. He also requires an operation to treat a nasal sinus inflammation, as confirmed by an ENT Consultant at Salmayia Hospital in the presence of the prison doctor. Abduljalil Al Singace also suffers from muscle rupture on the left side of the chest and left hand and muscle numbness in his hand, leg and

chest. Furthermore, he requires a new examination for medical glasses as his vision has also deteriorated.

**AWARDS:** Recipient of the 2012 Hellman/Hammett award. [RAN 46/10 Update #5 – 6 September 2012]

## **ON TRIAL**

### **\*Mohamad HASSAN:**

**PROFESSION:** blogger

**DATE OF ARREST:** 31 July 2013

**DETAILS OF ARREST:** Arrested at his parents' house in Sitra by plainclothes security officers, without a warrant, for his alleged involvement in organising anti-government protests.

**DATE AND DETAILS OF RELEASE:** Hassan was released on bail from Dry Dock prison in the capital, Manama, on 3 October 2013.

**DETAILS OF TRIAL:** He has been charged with “inciting hatred against the regime”, “inciting people to ignore the law”, “calling for illegal gatherings” and “being a member of the 14 February media group”. His trial is underway.

**TREATMENT IN DETENTION:** His family visited him on 6 August and he told them he had been tortured while detained at the Criminal Investigations Directorate (CID), where he was held until 3 August 2013. Hassan's lawyer, Abdul-Aziz Moussa, was arrested on 7 August 2013 after attending a session with his client that day and later tweeting that he had seen signs of torture on his client, and revealing the charges against him and giving details of his interrogation. He was released on bail on 21 August, the day his trial began before Branch 4 of the Lower Criminal Court on a charge of “divulging details of investigations”. The next hearing has been set for 30 December. On 15 December 2013, PEN International was among nine human rights groups to sign an open letter requesting the UN Special Rapporteurs on the Promotion and Protection of the Right to Freedom of Opinion and Expression and on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to raise Hassan's case with the Bahraini authorities.

## **RELEASED**

### **Ahmed RADHI:**

**PROFESSION:** freelance journalist, who contributes to local websites and writes his own blog ‘Silahi Qalami’ (‘My Weapon is my Pen’). Previously worked as a reporter for the pro-government daily Al-Ayyam and as a correspondent for the Hizbollah-owned Al Manar TV before the government withdrew his accreditation.

**DATE OF ARREST:** 16 May 2012

**DETAILS OF ARREST:** Arrested from his home by security forces who broke down his door in an early morning raid. Arrested following critical comments he made to BBC Arabic radio, and posted on his Twitter and Facebook accounts, about Bahrain's proposed union with Saudi Arabia. According to recent reports, Radhi is facing terrorism and anti-state charges; however, there are concerns that he was forced onto making false confessions. He appeared in Manama Court on 30 August 2012, when his detention was extended.

**DATE OF RELEASE:** 20 September 2012

**DETAILS OF RELEASE:** He was reportedly released after he filed a complaint about the torture he says he was subjected to while he was held. PEN International is unaware of any investigation carried out.

## CASE CLOSED

### Ali ABDULEMAM:

**PROFESSION:** blogger and author of the book Global Voices Advocacy

**DATE OF ARREST:** 4 September 2010

**DETAILS OF ARREST:** Abdulemam was arrested by the Bahraini authorities for allegedly spreading “false news” on the popular website BahrainOnline.org, which he founded in 1999.

**DATE OF RELEASE:** February 2011. After his release, he went into hiding to avoid being rearrested.

**DETAILS OF TRIAL:** was sentenced in absentia on 22 June 2011 to 15 years in jail by a military court. His arrest is believed to be linked to his support for 21 Shia opposition activists convicted by a special security court on 22 June 2011 of “plotting to overthrow the government” following a wave of protests which swept the country in February and March that year (see Abdulhadi Al-Khawaja and Abdul Jalil Al Singace, ‘Imprisoned: main case’, above). He arrived in the UK on 10 May 2013 and has been granted asylum. Case closed, no longer under threat.

## EGYPT

### DETAINED: MAIN CASE

#### \*Alaa Abd El FATTAH:

**PROFESSION:** blogger and activist. Writes a popular blog Manalaa established with his wife, Manal.

**DATE OF ARREST:** 28 November 2013

**DETAILS OF ARREST:** On the night of 28 November 2013, security forces raided Abd El Fattah's home. His wife, Manal, posted a picture on social media showing blood stains in their bedroom where he was beaten by security forces, who raided the home without presenting an arrest warrant. She also reported being slapped. Mobile phones and computers found at their home were confiscated. He was initially taken, blindfolded and handcuffed, to a Central Security Forces camp on the highway road between Cairo and Alexandria, known as "kilo 10.5", which is not an official place of detention. On 29 November, prosecutors ordered Alaa Abdel Fattah's detention for four days, pending investigations in connection to the peaceful protest in front of the Shura Council which took place on 26 November 2013, which the authorities held were in violation of a repressive new law governing public protests.

**PLACE OF DETENTION:** Tora Prison, Egypt's notorious maximum security detention centre

**DETAILS OF TRIAL:** On trial in a separate case in connection with allegations of the involvement in the torching of a presidential candidate's HQ in 2012, which he denies. [Handed down a suspended sentence in January 2014].

**BACKGROUND:** Following the uprising of 25 January 2011, Alaa continued to promote free expression through online platforms. He started a nation-wide people's initiative enabling citizen collaboration in the drafting of the Egyptian Constitution. He initiated and hosted Tweet-Nadwas (“Tweet-Symposiums”), that brought activists and bloggers from across the world into Tahrir Square, to participate in open format dialogue about issues ranging from Islamism to economic reform. Alaa has been jailed or charged under successive governments in Egypt. In 2006, when he was only 22, he was jailed by the Mubarak government. Under the Supreme Council of the Armed Forces (SCAF) he was detained by the military prosecution for

allegedly participating in the Maspero clashes in October 2011, when mostly Christian protesters clashed with the military leaving scores dead. Former President Morsi brought a case against him in 2013 and he is now detained by the current military government headed by General Abd El Fattah al-Sisi. The current government has already handed Abd El Fattah (together with his sister Mona Seif) a one year suspended sentence in a similar, but separate, trial.

## **ON TRIAL**

### **\*Magdy EL-GALAD and Alaa EL-GHATRIFY:**

**PROFESSION:** Editor-in-chief and managing editor of el-Watan

**DETAILS OF TRIAL:** Reportedly charged with “defamation of government figures” on 8 May 2013 for allegedly “publishing false news aimed to disturb public peace and stir panic”. The charges were brought after the newspaper published a list of one hundred public figures believed to be under threat of assassination by Islamic militants, including critical journalists. The newspaper has been subject to other legal complaints in recent months. No further information as of 31 December 2013.

### **\*Emad Abu ZEID:**

**PROFESSION:** reporter in Beni Suef for the Al-Ahram Arabic news website.

**DATE OF ARREST:** 12 September 2013.

**DETAILS OF ARREST:** Detained in the Beni Suef governorate after the prosecution accused him of disturbing public order through publishing false news and articles on the site, due to an article he wrote in which he criticised the Egyptian authorities.

**DATE OF RELEASE:** Released on bail on 13 October 2013.

## **CONDITIONAL RELEASE**

### **\*Ahmed Abu DERA:**

**PROFESSION:** reporter for the Egyptian daily newspaper Al-Masry Al-Youm and television channel

**DATE OF ARREST:** 4 September 2013

**DETAILS OF ARREST:** arrested at a military base, when checking on a relative who was injured and arrested during military forces’ shelling of the Sinai village of Muqat’a. He was referred to the military prosecution in Ismailia where he was accused of “intentionally spreading false information” about the Egyptian army and trespassing on a military zone without a permit. He was detained for one month in preventative detention, all of it in solitary confinement. On 5 October 2013, he was handed down a suspended sentence of six months in prison and an EGP 200 fine (approx. US\$28) by a military court in Ismailia, and released.

**AWARDS:** won the ‘Investigative Report’ category of the 2013 Samir Kassir Award for Freedom of the Press for his article "African Smuggling Gangs Turn Sinai into Torture Land", published on 11 July 2012.

## **CASE CLOSED**

### **Eslam AFIFI:**

**PROFESSION:** editor of the opposition newspaper Al-Dostour



**DATE OF ARREST:** briefly held on 23 August 2012

**DETAILS OF TRIAL:** His trial began on 23 August 2012 for “insulting the president” in an article, and “spreading rumours that could disrupt public safety”. On that day, the Giza Criminal Court ordered Afifi’s arrest and he was sent to Tora prison; however, just hours later, the Egyptian president issued a decree prohibiting pre-trial detention for media offences, and Afifi was released. On 28 May 2013, Afifi was fined by the court and ordered to pay 10,000 Egyptian pounds and the same amount to the person who launched the legal action against him. The court acquitted Afifi of the second charge of “spreading rumours that could disrupt public safety”. Case closed.

## **Alber SABER AYYAD:**

**PROFESSION:** Coptic Christian blogger

**SENTENCE:** Three years’ imprisonment

**DATE OF ARREST:** 13 September 2012

**DATE AND DETAILS OF RELEASE:** Released on bail

**DETAILS OF TRIAL:** Charged with “defamation of religions” for posting allegedly anti-Islamic messages on Facebook and other social networks. He was convicted under Article 98(f) of the Penal Code, which criminalises the propagation of “extremist ideas with a view stir up sedition [and], disparaging or holding in contempt heavenly religions” to damage “national unity or social peace”; Article 102, which criminalises stirring up “sedition”, and Articles 160(1)-161(1), which prohibit distorting religious observance. Saber, aged 27, was reportedly accused by some of his neighbours of leading an atheist Facebook group. He was sentenced on 12 December to three years in prison by the El Marg court in Cairo. He was released on bail pending his appeal against his conviction and sentence which was rejected on 26 January 2013. He has left the country. Case closed.

# **IRAN**

## **IMPRISONED: MAIN CASE**

### **Abolfazl ABEDINI-NASR:**

**PROFESSION:** freelance journalist and human rights activist; former Public Relations Head of the Human Rights Association of Iran (HRA), an unregistered human rights group

**SENTENCE:** 12 years in prison

**EXPIRES:** 2022

**DATE OF ARREST:** 3 March 2010

**DETAILS OF ARREST:** Arrested on 3 March 2010, in Ahvaz, amid a wave of arrests of HRA activists and transferred to Evin Prison in Tehran.

**PLACE OF DETENTION:** Reportedly transferred from Evin prison to Karoon prison in Ahvaz on 28 July 2013.

**DETAILS OF TRIAL:** In April 2011, an Ahvaz court reportedly sentenced Abedini-Nasr to 11 years in prison after conviction of “membership of an illegal organisation [HRA]”, “spreading propaganda against the system” for talking to foreign media and “contacts with enemy states” which may relate to the authorities’ contention that HRA was set up by the CIA as part of alleged attempts to orchestrate a “soft revolution” in Iran. Abedini-Nasr was not represented by a lawyer at trial. When Abedini-Nasr appealed, a Khuzestan provincial appellate court

would not allow his defence lawyer to present arguments. The appeals court upheld the verdict. On 4 May 2011, a Revolutionary Court judge sentenced Abedini-Nasr to an additional year in prison on the charge of "spreading propaganda against the system" for media interviews he had given in relation to his role in the HRA. The sentence was upheld on appeal in November 2011.

**TREATMENT IN PRISON:** In September 2010, it was reported that Abedini had been beaten at Ahvaz Prison. He was transferred to Tehran's Evin Prison later that same month. Started a hunger strike on 28 July 2013 in protest at his transfer back to Karoon prison.

**PREVIOUS PROFESSIONAL ACTIVITIES:** Reporter for the provincial weekly Bahar Ahvaz. Known for his articles about labour issues.

### **Bahman AHMADI-AMOUEE:**

**PROFESSION:** journalist. Contributor to several reformist newspapers including Mihan, Hamshahri, Jame'e, Khordad, Norooz, and Sharq. Former editor of the now-banned leading economic newspaper Sarmayeh.

**DATE OF ARREST:** 19 June 2009

**SENTENCE:** Seven years and four months, reduced to five years on appeal.

**EXPIRES:** 2014

**DETAILS OF ARREST:** Arrested with his wife, Zhila (Jila) Bani Yaghoub, editor-in-chief of the Focus on Iranian Women website, which focuses on women's rights, on 19 June 2009 in Tehran. She was released on bail on 19 August 2009 but later served a prison term (see below).

**DETAILS OF TRIAL:** On 5 January 2010, Ahmadi-Amouee was sentenced to seven years and four months in jail, and 34 lashes, on vaguely worded national security charges. This included five years for "gathering and colluding with intent to harm national security", one year for "spreading propaganda against the system", one year and 32 lashes for "disrupting public security" and four months for "insulting the president". In early March 2010, the sentence was reduced to five years in prison.

**PLACE OF DETENTION:** Rajaieshahr prison

**OTHER INFORMATION:** Recipient of the 2011 Hellman/Hammett award.

### **Massoud BASTANI:**

**PROFESSION:** journalist for the reformist newspaper Farhikhtegan and Jomhoriyat, a news website affiliated with the unsuccessful presidential candidate Mir-Hossein Mousavi

**DATE OF ARREST:** 5 July 2009

**SENTENCE:** Six years in prison

**EXPIRES:** 2015

**DETAILS OF ARREST:** Arrested when he went to a Tehran court seeking information about his wife, journalist Mahsa Amrabadi, who had been arrested on 15 June 2009. (She was released on 25 August 2009 and served a one-year sentence in Evin Prison from 8 May 2012).

**DETAILS OF TRIAL:** Bastani was among 140 opposition figures and journalists who faced a mass, televised trial on 1 August 2009 on vague national security charges (see Kian Tajbakhsh below). Sentenced on 20 October 2009 to six years in prison for "spreading propaganda against the system" and "gathering and colluding with intent to harm state security" for his alleged role in the post-election unrest.

**PLACE OF DETENTION:** Rajaieshahr Prison, near Karaj city.

**TREATMENT IN PRISON:** Said to have been hospitalised after being severely beaten by a prison guard on 2 June 2011. Reported to have been transferred to a prison hospital on several occasions in late 2011 due to severe headaches, and to be in urgent need of tests and CT

scans not available in prison. Granted occasional temporary furloughs.

**OTHER INFORMATION:** Bastani had been editor-in-chief of the now-banned Neda-ye Eslahat (Voice of Reform) weekly.

## **Mohammad DAVARI:**

**PROFESSION:** editor-in-chief of Saham News, a website affiliated with 2009 unsuccessful presidential candidate Mehdi Karroubi

**DATE OF ARREST:** 5 September 2009

**SENTENCE:** Five years in prison, increased to six years in July 2011.

**EXPIRES:** 2015

**DETAILS OF ARREST:** Arrested on 5 September 2009 and charged with several alleged national security offences, including “spreading propaganda against the system”. The charges stemmed from Davari’s reporting on widespread complaints of abuse and rape of inmates at Kahrizak Detention Centre in the aftermath of the disputed presidential election. The detention centre was closed in July 2009 after Saham News and others documented the pervasive abuse.

**DETAILS OF TRIAL:** Sentenced in May 2010 to five years in prison; an additional year was imposed in 2011 for his inability to pay a fine.

**PLACE OF DETENTION:** Tehran’s Evin Prison, ward 350.

**TREATMENT IN PRISON:** Reportedly tortured and coerced into making false statements retracting his Kahrizak Detention Centre reports. Placed in solitary confinement and denied family visits after he complained about poor prison conditions. In July 2011, Davari’s sentence was reportedly increased by one more year for taking part in demonstrations held by teachers in 2006, for which he had been sentenced to a fine which he was unable to pay. Released temporarily for two months in February 2013.

**OTHER INFORMATION:** Recipient of the 2010 International Press Freedom Award by the Committee to Protect Journalists (CPJ).

## **Hossein DERAKSHAN:**

**DATE OF BIRTH:** c.1975

**PROFESSION:** Internet writer

**DATE OF ARREST:** 1 November 2008

**SENTENCE:** 19 and a half years in prison, reduced to seventeen years in October 2013.

**EXPIRES:** 1 November 2025

**DETAILS OF ARREST:** According to PEN’s information, Hossein Derakhshan was arrested from his family home in Tehran on 1 November 2008 shortly after returning to Iran from several years living in Canada and the United Kingdom. The authorities did not officially acknowledge his detention until 30 December 2008. He is thought to be accused of “spying for Israel”, apparently for a highly publicised trip he made to Israel – with whom Iran has no diplomatic relations - in 2006, travelling on a Canadian passport. He declared that this trip was to show his “20,000 daily Iranian readers what Israel really looks like and how people live there”. He also wanted to “humanise” Iranians for Israelis.

**DETAILS OF TRIAL:** His trial reportedly began on 23 June 2010 on charges of “conspiracy” and “acting against national security”. No verdict was made known till late September when it was reported on the Farsi news website Mashreq that he had been convicted on charges of “spreading propaganda against the system”, “promoting counter-revolutionary groups”, “insulting Islamic thought and religious figures” and “managing an obscene website”. He was sentenced to 19-and-a-half years in prison. In June 2011, an appeals court upheld his sentence. His sentence was reduced to 17 years in October 2013.

**PLACE OF DETENTION:** Evin prison, Tehran

**TREATMENT IN PRISON:** Hossein Derakhshan was held incommunicado in Evin prison, with very limited access to his family. He was said to have been ill-treated and under pressure to make a 'confession'. Derakhshan has been granted leave from prison on several occasions

**OTHER INFORMATION:** Nicknamed 'the Blogfather', Hossein Derakhshan is known for pioneering blogging in Iran with his internet diaries, in both English and Persian, which had been critical of the Iranian authorities, though before his arrest had become more sympathetic to President Ahmadinejad.

## **Siamak GHADERI:**

**PROFESSION:** journalist

**DATE OF ARREST:** 27 July 2012

**SENTENCE:** Four years imprisonment

**EXPIRES:** 2016

**DETAILS OF ARREST:** Reportedly detained in connection with entries he posted on his blog, IRNA-ye Maa, or Our IRNA, a reference to the Islamic Republic's official news agency. In the entries, he reportedly wrote about street protests and other developments after the contested 2009 presidential election.

**DETAILS OF TRIAL:** In January 2011, Ghaderi was sentenced to four years in prison and 60 lashes on charges of "spreading propaganda against the system," "creating unease in the public mind", and "spreading lies". He is reported to have been flogged in prison.

**PROFESSIONAL DETAILS:** Ghaderi was an editor and reporter for IRNA for 18 years until he was dismissed for writing about the 2009 election on his blog. Ghaderi's blog was repeatedly blocked by authorities before he was detained. Among the entries that authorities reportedly found objectionable was a piece in which Ghaderi interviewed several Iranian homosexuals. The article was an apparent reaction to President Mahmoud Ahmadinejad's public assertion that "there are no homosexuals in Iran." The lashes in his sentence were for "cooperating with homosexuals," the BBC reported.

**PLACE OF DETENTION:** Held in Section 350 of Evin prison.

## **Adnan HASSANPOUR:**

**PROFESSION:** Iranian Kurdish journalist, writer and human rights activist

**DATE OF ARREST:** 25 January 2007

**SENTENCE:** 15 years in prison

**DETAILS OF ARREST:** Reportedly detained on 25 January 2007 in Marivan, a small city in the northwestern province of Kordestan. He was reportedly held incommunicado without charge in a Ministry of Intelligence facility in Marivan, and transferred to Marivan prison on 26 March 2007. In April 2007, the Mehr News Agency, which is said to have close links with Iran's judiciary, apparently alleged that Adnan Hassanpour had been in contact with Kurdish opposition groups and had helped two people from Khuzestan province, who were wanted by the authorities, to flee from Iran.

**DETAILS OF TRIAL:** He appeared before the Islamic Revolutionary Court in Sanandaj on 12 June 2007, in the presence of his lawyer. On 16 July 2007, he was told that he had been sentenced to death on charges of espionage and moharebeh ("waging war against God"). The sentence was confirmed on 22 October 2007, but was overturned by the Supreme Court in Tehran in August 2008 on procedural grounds. The case was returned to Sanandaj for a re-trial and heard on 7 September 2008 and 31 January 2009. He was sentenced to 15 years in prison on 1 July 2009.

**PLACE OF DETENTION:** Sanandaj Central Prison

**TREATMENT IN PRISON:** Reported to have been threatened by Intelligence Agency members with the withdrawal of his visiting rights and the right to temporary leave from prison for writing a letter to Hassan Rouhani in October 2013 calling for Kurdish and minority rights.

**PREVIOUS POLITICAL IMPRISONMENT/PROBLEMS:** Adnan Hassanpour is a former member of the editorial board of the Kurdish-Persian weekly journal, Aso (Horizon), which was closed by the Iranian authorities in August 2005, following widespread unrest in Kurdish areas. He had previously been tried in connection with articles published in the journal.

**OTHER INFORMATION:** He is a member of the Kurdish Writer's Association

**HONORARY MEMBER OF:** Swedish PEN, Basque PEN and PEN American Center. [RAN 11/07 and subsequent updates]

### **Arash HONARVAR SHOJAEI:**

**PROFESSION:** blogger, writer and cleric and author of the book, Madar-e-Shari'at, about the dissident cleric, Ayatollah Mohammad Kazem Shariatmadari, who had opposed the principle of velayat-e faqih, or "the rule of the learned cleric", which is the basis of the political system in Iran.

**DATE OF ARREST:** 28 October 2010

**SENTENCE:** Five years and three months in prison, 50 lashes, a fine, and a ban on wearing the clothes of a cleric

**EXPIRES:** 2014

**DETAILS OF TRIAL:** On 2 October 2011, a special clerical court convicted him on multiple charges of "acting against national security," "espionage," and "cooperation with foreign Embassies". He reported in October 2013, during a prison furlough, that he had been further charged with "insulting Imam Khomeini" after he expressed his personal opinions in an interview, and was sentenced to a further year in prison, as well as three months in prison for wearing the clothes of a cleric during a furlough.

**PLACE OF DETENTION:** Special Clerics ward of Evin Prison (Ward 325)

**TREATMENT IN PRISON:** Reportedly held for several months in solitary confinement, and tortured. : Reportedly suffering from a number of ailments including epilepsy. Granted medical leave in November 2011, but returned to prison on 9 January 2012 before being able to complete his medical treatment. Released for further treatment in July 2012, and returned to prison in January 2013. Hospitalised briefly in February 2013. Has been granted several furloughs.

### **Saeed JALALIFAR:**

**PROFESSION:** journalist for the Committee of Human Rights Reporters. He had reported on child labour and political prisoner issues, was first arrested in December 2009.

**DATE OF ARREST:** 31 July 2011

**SENTENCE:** Three years in prison

**EXPIRES:** 2014

**DETAILS OF TRIAL:** He was free on bail for more than a year before being summoned back to Evin Prison on 31 July 2011 after being sentenced to three years in prison on charges of "gathering and colluding against national security." Several journalists working for the Committee of Human Rights Reporters have been detained for varying periods of time since 2009 in connection with their work in exposing human rights violations. Temporarily released on a four-day furlough on 26 June 2013.

## **Mohammad Sadiq KABUDVAND:**

**PROFESSION:** editor of the journal Payam-e Mardom-e Kurdistan and Kurdish rights activist

**DATE OF ARREST:** 1 July 2007

**SENTENCE:** 11 years in prison, reduced to 10 years on appeal. He is also serving a six-month sentence from another case dating back to 2005.

**EXPIRES:** 30 June 2018

**DETAILS OF ARREST:** Reportedly arrested at his place of work in Tehran by plain-clothed security officers. Following his arrest, he was first taken to his house where three computers, books, photographs, family films and personal documents were confiscated. He spent the first five months of his detention in solitary confinement. His family was unable to raise the bail that could have enabled him to be freed pending trial.

**DETAILS OF TRIAL:** Kabudvand's trial began on 25 May 2008, and he was sentenced at a closed court on 22 June 2008 to 11 years in prison by the Tehran Revolutionary Court, 10 years for establishing the Kurdistan Human Rights Organisation and one year for propaganda against the regime. The sentence was upheld on 23 October 2008 by the Tehran Appeal Court, and reduced to 10 years.

**PLACE OF DETENTION:** Intelligence Ministry's Section 209 of Evin Prison.

**TREATMENT IN PRISON:** Held incommunicado and said to be ill-treated.

: Suffers from high blood pressure, skin and kidney conditions and is said to have lost considerable weight since his arrest. On 19 May 2008, Kabudvand reportedly suffered a stroke in Evin prison and was denied access to adequate medical care. Said to have suffered another stroke in December 2008. In December 2010, he was said to be in a critical condition and to be denied the specialist medical treatment he needed. In June 2011, Mohammad Sadiq Kabudvand was seen by an independent doctor who reportedly stated that he needed to undergo two operations for hardening of the heart arteries and an enlarged prostate. In May 2012, he started a hunger strike in protest at being denied permission to visit his sick son, who suffers from a rare blood condition. On 27 July 2012, he ended his hunger strike after 59 days when he was granted leave to visit his son.

**PREVIOUS POLITICAL DETENTION:** Among several prominent Kurdish human rights defenders and journalists to be detained on 2 August 2005 following protests in the city of Sanandaj, capital of Kurdistan. Kabudvand was reportedly sentenced to 10 months in prison on 18 August 2005 for "separatist propaganda". Reportedly held in solitary confinement for 66 days before being freed on bail. For reasons unclear to PEN, Kabudvand was summoned by the Office for the Execution of Sentences on 22 September 2006, and ordered to serve out the remainder of his sentence. Released in April 2007.

**PROFESSIONAL DETAILS:** Mohammad Sadiq Kabudvand was Chair of the Kurdish Human Rights Organization (RMMK) based in Tehran, and former editor of Payam-e Mardom-e Kurdistan (Kurdistan People's Message), a weekly published in Kurdish and Persian, which was banned on 27 June 2004 after only 13 issues for "disseminating separatist ideas and publishing false reports". Although the ban was subsequently lifted by the Supreme Court, the paper has not appeared again. He has also reportedly written two books on democracy and a third on the women's movement in Iran, which were not given publishing licences.

**OTHER INFORMATION:** Recipient of the 2009 Hellmann/Hammett prize and the 2009 International Journalists award.

**HONORARY MEMBER OF:** Swedish PEN. [RAN 30/07 – 18 July 2007; Update #2 – 4 June 2008; Update #3 – 2 July 2008; Update #4 – 4 November 2008]

## **Saeed MADANI:**

**PROFESSION:** sociologist and former editorial board member of the banned magazine Iran-e Farda and former editor-in-chief of the quarterly Refah-e Ejtemaee (Journal of Social Welfare)

**DATE OF BIRTH:** 1960

**SENTENCE:** Six years in prison

**DETAILS OF ARREST:** Arrested on 7 January 2012 and initially held in Section 209 of Tehran's Evin prison, where he spent two-and-a-half months in solitary confinement. Transferred to Section 350 on 15 Dec 2012. Moved to solitary confinement in April 2013 after taking part in a protest in prison.

**DETAILS OF TRIAL:** Tried in January 2013 and sentenced to six years' imprisonment to be spent in exile in prison in Bandar Abbas, and 10 years of enforced residency in Bandar Abbas city after conviction of "spreading propaganda against the system" and "gathering and colluding with intent to harm national security". These accusations are believed to relate to his activities in the National Religious Alliance and in the opposition Green Movement.

**OTHER INFORMATION:** He is a well-known researcher and sociologist and member of the National Religious Alliance (Melli-Mazhabi).

## **Mehdi MAHMOUDIAN:**

**PROFESSION:** freelance journalist and blogger

**DATE OF ARREST:** 16 September 2009

**SENTENCE:** Five years in prison

**EXPIRES:** 2014

**DETAILS OF ARREST:** Arrested on 16 September 2009 after he had made statements to foreign media about the disputed 2009 presidential election results.

**DETAILS OF TRIAL:** Convicted in 2010 of "gathering and colluding with intent to harm national security" for his role in documenting the alleged rape and abuse of detainees at the Kahrizak Detention Centre in 2009.

**PLACE OF DETENTION:** Rajaieshahr prison near Karaj, west of Tehran. Reported to have been transferred to Ward 2-A of Evin prison on 6 January 2012 for unknown reasons.

**TREATMENT IN PRISON:** In September 2010 Mahmoudian reportedly sent a letter to Iran's Supreme Leader Ayatollah Khamenei, detailing alleged torture and ill-treatment at the prison and highlighting drug abuse and sexual abuse amongst prison inmates and other forms of degrading treatment. After the letter's publication, Mahmoudian was reportedly sent to solitary confinement and banned from having visitors for three months. Granted leave from prison on 26 January 2013 and returned on 13 June 2013. Granted another temporary furlough on 7 August 2013.

: Since 2010, his health is said to have sharply deteriorated and he has developed epilepsy and suffered collapsed lungs and heart disease. His health is reported to have worsened since late May 2011, following a dry hunger strike to protest his treatment in prison.

**OTHER INFORMATION:** Member of the Committee for the Defence of Freedom of the Press and of the 'Association for the Defence of Prisoners' Rights in Iran'.

## **Said MATINPOUR:**

**PROFESSION:** journalist with the Azeri-language weekly Yarpaq

**DATE OF ARREST:** 28 May 2007

**SENTENCE:** Eight years in prison

**EXPIRES:** 2014

**DETAILS OF ARREST:** Arrested on 28 May 2007 at his home in the northwestern city of Zanjan. Held incommunicado in pre-trial detention in Section 209 of Evin prison, without access to family visits, until 26 February 2008 because his family was unable to raise the bail sum. Released on bail, but rearrested on 11 July 2009 to serve the remainder of his sentence.

**DETAILS OF TRIAL:** Convicted by a Tehran Revolutionary Court branch behind closed doors on 11 June 2008 on charges of “espionage” and “spreading propaganda against the system”. Believed to be held for his activities on behalf of the rights of the Azerbaijani community in Iran. His lawyer was not present at the hearing. His sentence was upheld on appeal in June 2008.

**PLACE OF DETENTION:** Evin Prison

: Said to suffer from digestive and back problems as a result of ill-treatment in prison. Calls for him to be granted temporary leave to seek medical care have been denied.

## **Morteza MORADPOUR:**

**PROFESSION:** contributor to Yazligh, a children’s magazine

**DATE OF ARREST:** 26 August 2011

**SENTENCE:** Three years in prison

**EXPIRES:** 2014

**DETAILS OF ARREST:** Moradpour was first arrested in 2009 along with several family members during a protest over Azeri-language rights in Tabriz in northwestern Azerbaijan province. Two issues of Yazligh were reportedly used as evidence in the trial against him. Moradpour was re-arrested based on the original conviction on 26 August 2011, after taking part in protests related to the environmental degradation of Lake Orumiyeh in northwestern Iran.

**DETAILS OF TRIAL:** On 10 November 2009, Moradpour was sentenced to three years in prison on charges including “spreading propaganda against the system” and “gathering and colluding with intent to harm national security”. He was released on bail in late 2010, and re-arrested based on the original conviction on 26 August 2011.

**PLACE OF DETENTION:** Tabriz Central Prison

## **Shiva NAZAR-AHARI (f):**

**PROFESSION:** reporter for the Committee of Human Rights Reporters

**DATE OF BIRTH:** 1985

**DATE OF ARREST:** 8 September 2012

**SENTENCE:** Four years in prison

**DETAILS OF ARREST:** Arrested on 14 June 2009 in her office following the disputed presidential election. Charged with “moharebeh” (“waging war against God”), “spreading propaganda against the system” and “gathering and colluding against national security” for her alleged participation in political gatherings in 2009. She was released on 13 October 2009 on bail equivalent to US\$200,000, but was re-arrested on 19 December 2009 on her way to Qom to attend the funeral of Grand Ayatollah Montazeri. According to her mother, in April 2010, Shiva Nazar-Ahari was charged with “causing unease in the public mind through writing on the CHRR’s website and other sites” and “acting against national security by participating in [anti-government] demonstrations on 4 November 2009 and 7 December 2009”. Shiva Nazar-Ahari denied attending the demonstrations, saying that she had been at work on those days. Released on bail on 12 September 2010.

**DETAILS OF TRIAL:** In a lower court hearing on 4 September 2010, she was sentenced to six years in prison, exile to township of Izeh, and 74 lashes. In January 2011, it was reported that Branch 36 of the Tehran Appeals Courts had acquitted Shiva Nazar-Ahari of the charges of “gathering and colluding against national security,” reducing her sentence to four years in



prison and also changed her exile location from the township of Izeh to one of the prisons in Karaj. Remained free on bail until she was summoned to serve her four-year sentence on 8 September 2012. Temporarily released on a three-day furlough on 12 March 2013.

**PLACE OF DETENTION:** Rajaieshahr Prison, near Karaj, Alborz province.

### **Mohammad Reza POURSHAJARI (aka Siamak Mehr):**

**PROFESSION:** freelance journalistic blogger who wrote under the penname Siamak Mehr.

**DATE OF BIRTH:** 1960

**DATE OF ARREST:** 12 September 2010

**SENTENCE:** Four years in prison

**EXPIRES:** 2014

**DETAILS OF ARREST:** Arrested at his home in Karaj, outside Tehran, in connection with articles he published on his blog Gozaresh be Khaak-e-Iran (Reports to the Soil of Iran), which were critical of Iran's theological state. Intelligence agents reportedly confiscated a computer hard drive, satellite receiver, and numerous documents. Pourshajari was taken to Rajaieshahr Prison, where he was held in solitary confinement for eight months. He claims that interrogators tortured him, including by subjecting him to a mock execution. He was not allowed visitors, phone calls, or access to a lawyer.

**DETAILS OF TRIAL:** In December 2010, Pourshajari was sentenced to three years in prison on charges of "spreading propaganda against the system" and "insulting the Supreme Leader".

**PLACE OF DETENTION:** In October 2011, Pourshajari was transferred to the Central Prison of Karaj, where common criminals are confined. On 21 December 2011, he was tried on an additional count of "insulting the holy sanctities" and sentenced to an additional year in prison. The basis for the new charge was not disclosed.

: Has suffered two heart attacks in prison, in September 2012 and again in February 2013, after which the authorities moved him to a hospital outside the prison for five days. The Iranian authorities have denied him medical leave to receive the medical treatment he needs, including treatment for blockage in his arteries, against the advice of prison doctors. Also reportedly denied medication for high blood sugar.

### **Hossein RONAGHI-MALEKI:**

**PROFESSION:** blogger

**DATE OF BIRTH:** 1985

**DATE OF ARREST:** 13 December 2009

**SENTENCE:** 15 years in prison

**DETAILS OF ARREST:** Arrested for discussing politics in a series of critical blogs which were blocked by the government. Founder of an anti-censorship group known as 'Iran Proxy', launched in 2003. Held in pre-trial detention in solitary confinement for 10 months after his arrest.

**DETAILS OF TRIAL:** Sentenced on charges of "membership of the Internet group 'Iran Proxy' and spreading propaganda against the system", "insulting the Supreme Leader" and "insulting the President". An appeals court upheld his sentence. Tried separately in two other cases in 2013. Sentenced to two years for giving aid to earthquake victims and five months for disobeying the orders of police. The two year sentence was overturned on appeal in September 2013.

**PLACE OF DETENTION:** Evin prison, Tehran

: Has developed kidney disease whilst in prison, possibly as a result of torture, and has been suffering from related complications since April 2010. He was hospitalised in March 2011 and underwent a kidney transplant in May 2011. Said to have been transferred again to hospital in

June 2012, and was given leave in July 2012. Reportedly arrested again while on leave for participation in helping earthquake victims near his home town in East-Azerbaijan province in Sept 2012; given leave in November 2012 for medical treatment. Was recalled to prison before the presidential election and the authorities have refused to grant medical leave again. Started a hunger strike on 9 August 2013 in protest at being denied medical leave. He ended the hunger strike on 5 September 2013 after becoming critically ill.

### **\*Mahvash SABET (f):**

**PROFESSION:** teacher and poet

**DATE OF BIRTH:** 1953

**DATE OF ARREST:** 5 March 2008

**SENTENCE:** 20 years in prison

**DETAILS OF ARREST:** One of seven Baha'i leaders known as the "Yaran-i-Iran" – or "Friends in Iran" – the now-disbanded group which worked to support the spiritual and social needs of Iran's 300,000-member Baha'i community. The other six are Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakkoli, and Vahid Tizfahm. The Baha'i faith has been the focus of a systematic, state-sponsored persecution in Iran since the 1979 revolution, when all Baha'i elected and appointed institutions were banned. The "Friends in Iran" was then formed with the full knowledge of the government and served as an informal council for the Baha'i in Iran until its entire membership was arrested in 2008. Mahvash Sabet was arrested on 5 March 2008 while on a trip to Mashhad. The other six were arrested on 14 May 2008 at their homes in Tehran. All were imprisoned without charge for 20 months, during which they were held incommunicado for weeks and were not allowed access to legal counsel. All suffered appalling treatment and deprivations during pre-trial detention.

**DETAILS OF TRIAL:** Their trial began on 12 January 2010. The charges against the seven were as follows: espionage, propaganda against the Islamic republic, the establishment of an illegal administration, cooperation with Israel, sending secret documents outside the country, acting against the security of the country, and corruption on earth. Some of the charges, including the last one which carries a death sentence, were later dropped. All the defendants categorically denied the charges against them. The trial ended on 14 June 2010 after six brief sessions, characterised by their lack of due legal process. Each of the defendants was initially sentenced to 20 years imprisonment. One month later, the appeal court revoked three of the charges and reduced their sentences to 10-year jail terms. In March 2011, the prisoners were informed that their original 20-year sentences were reinstated. In spite of repeated requests, neither the prisoners nor their attorneys have ever received official copies of the original verdict or the ruling on appeal.

**PLACE OF DETENTION:** Evin prison, Tehran

**PROFESSIONAL DETAILS:** Mahvash Sabet began her professional career as a teacher and also worked as a principal at several schools. In her professional role, she also collaborated with the National Literacy Committee of Iran. After the Islamic revolution, like thousands of other Iranian Baha'i educators, she was fired from her job and blocked from working in public education. Before her arrest, she served for 15 years as director of the Baha'i Institute for Higher Education, which provides alternative higher education for Baha'i youth. She is married and has two grown children. Mahvash began writing poetry in prison and a collection of her prison poems was published in English translation on 1 April 2013.

### **Keyvan SAMIMI-BEHBAHANI:**

**PROFESSION:** editor of the banned Nameh magazine and human rights defender

**DATE OF BIRTH:** 1945

**DATE OF ARREST:** 14 June 2009

**SENTENCE:** Six years' imprisonment and 15 years' ban on all political, social and cultural activities.

**EXPIRES:** 2015

**DETAILS OF ARREST:** Reportedly arrested at his home in the unrest following the disputed presidential election of 2009.

**DETAILS OF TRIAL:** Sentenced to six years' imprisonment and 15 years of ban on participation in political activities on 2 February 2010 after conviction of "spreading propaganda against the system", and "gathering and colluding with intent to harm national security".

**PLACE OF DETENTION:** Rajaieshahr prison

**TREATMENT IN PRISON:** Said to have been tortured or otherwise ill-treated in detention.

: Said to be suffering from a liver ailment and has been denied access at times to adequate medical treatment.

**OTHER INFORMATION:** He is a member of the National Council for Peace and the Committee for the Defence of Freedom of the Press, member of the Committee for Investigation of Arbitrary Detentions and member of the Committee for the Defence of the Right to Education. Recipient of the 2012 Hellman/Hammett award.

### **Mehrdad SARJOU:**

**PROFESSION:** international news reporter for the English-language daily Iran News and Tehran Times

**DATE OF ARREST:** July 2011

**SENTENCE:** Three years in prison, plus seven years' suspended sentence.

**DETAILS OF ARREST:** Reportedly arrested at his home in July 2011 and transferred to the Intelligence Ministry's Section 209 at Evin Prison. Sarjouei had previously worked in the international relations department of the government's Strategic Research Centre, according to the U.S. government-funded Radio Free Europe/Radio Liberty. Staff members for the research agency have access to politically sensitive material, which has placed them under intense scrutiny by government security agents.

**PLACE OF DETENTION:** Section 350 of Evin Prison

**DETAILS OF TRIAL:** Initially faced charges of espionage. Released on bail in April 2012. Sentenced to 10 years in prison on charge of "cooperation with hostile states by publishing articles, interviews and analyses in favour of hostile states". Conviction confirmed on appeal but his sentence was reduced to three years actual and seven years suspended imprisonment; he started serving his sentence on 28 Nov 2012.

### **Fereydoun SEYDI-RAD:**

**PROFESSION:** journalistic blogger

**DATE OF ARREST:** 2 March 2011

**SENTENCE:** Three years in prison

**EXPIRES:** 2014

**DETAILS OF ARREST:** Reportedly arrested in Arak in March 2011, although his detention was not disclosed for several months. Family members had maintained silence because they feared further reprisals.

**DETAILS OF TRIAL:** In August 2011, a Revolutionary Court in Tehran sentenced Seydi Rad to one year in prison for "spreading propaganda against the system" in his blog, Arak Green Revolution. Seydi-Rad is known for articles about the pro-democracy movement, student protests, and labour strikes in the city of Arak. The court also sentenced him to two years in

prison for taking part in a 2009 protest and attending the 2009 funeral of Ayatollah Hossein-Ali Montazeri, the cleric who had criticised Leader Ayatollah Khamanei and President Mahmoud Ahmadinejad.

**TREATMENT IN PRISON:** Reportedly spent 43 days in solitary confinement under interrogation during pre-trial detention. Also has very limited access to family visits.

### **Ahmad ZAID-ABADI:**

**PROFESSION:** journalist who wrote for many newspapers and later a weekly column for Rooz Online, a Farsi- and English-language reformist news Web site

**DATE OF BIRTH:** 1967

**DATE OF ARREST:** 21 June 2009

**SENTENCE:** Six years in prison

**EXPIRES:** 2015

**DETAILS OF ARREST:** Reportedly arrested in Tehran during the crackdown on protests following the disputed June 2009 presidential elections.

**DETAILS OF TRIAL:** Zaid-Abadi was among more than 100 opposition figures and journalists who faced a mass, televised trial in August 2009 on vague anti-state accusations. In November, he was sentenced to six years in prison, five years of exile in Gonabad, Razavi Khorasan province, and a lifetime ban on participation in social and political activities. Sentence upheld on appeal in early January 2010.

**PLACE OF DETENTION:** Rajaieshahr prison.

**TREATMENT IN PRISON:** His wife reports that he is being held in harsh conditions, alongside common criminals.

: His wife reported in July 2011 that he had lost a lot of weight and is seriously concerned for his health. On leave from prison between January and May 2013.

### **IMPRISONED: INVESTIGATION**

### **\*Ali KHODABAKHSH:**

**PROFESSION:** managing director of Shargh newspaper

**DATE AND DETAILS OF ARREST:** Reportedly arrested at his office on 11 July 2013 and taken to Evin prison to serve out a one-year prison sentence on charges of "spreading propaganda against the regime". He was first arrested on 29 December 2010 when the intelligence agents arrested the personnel of the Sharq newspaper. He was held under arrest for 20 days and released on bail. PEN seeking further information.

### **\*Hamid Reza MORADI, Reza ENTESSARI, Omid BEHROOZI, Mostafa DANESHJOO, Amir ESLAMI, Afshin KARAMPOUR, Farshid YADOLLAHI, and Mostafa ABDI:**

**PROFESSION:** managing editors and journalists respectively of the website Majzooban-e-Noor.

**DATE AND DETAILS OF ARREST:** Reportedly amongst at least 30 members of the religious minority Gonabadi dervishes to be arrested on 5 September 2011 following a confrontation with plainclothes agents in the town of Kavar in Fars province. The journalists are all affiliated with Majzooban-e-Noor, a website that reports news about the Gonabadi dervish community. The journalists are also lawyers who have represented Gonabadi dervishes in recent years. The journalists were put in solitary confinement in Evin Prison and charged with "publishing falsehoods", "creating public anxiety", "propaganda against the state", and "acting against national security". Majzooban-e-Noor said agents had targeted the journalists in an effort to

silence news coverage about the group. On 15 January 2013, the journalists refused to attend their trial, saying the Revolutionary Court was not qualified to hear their case. In July 2013, the Tehran Revolutionary Court sentenced the journalists to between three and 10 years each in prison on charges of "forming the illegal Majzooban-e-Noor group with the intent to disrupt national security", "propaganda against the state", "insulting the Supreme Leader", and "participation in disrupting public order". The journalists had refused to appear in court in protest of what they said was the court's bias. Moradi was given 10 years and six months in prison, and Entessari was given eight years and six months. Daneshjoo, Yadollahi, Eslami, Behrouzi, and Karampour were sentenced to seven and a half years in prison. Abdi was given three years in prison. The journalists were also banned for five years from "membership in groups, parties, sects, and activities in publications, media, and virtual space."

### **DETAINED: MAIN CASE**

#### **\*Zahra RAHNAVARD (f):**

**PROFESSION:** academic, writer and politician

**DETAILS OF PERSECUTION:** Has been held under unofficial house arrest in Tehran since February 2011 for her and her husband's political activism. Zahra Rahnavard and opposition leaders, Mir Hossein Mousavi and Mehdi Karroubi, have been held under house arrest since February of 2011, after they called for popular demonstrations in support of the people of Tunisia and Egypt. There have not been any official legal proceedings against them. Both men had alleged vote fraud in the disputed 2009 presidential election which was followed by a widespread crackdown on protests against the result. In the wake of the protests, and Karroubi and Mousavi's criticism both of the election and of alleged human rights violations by state agents, the authorities tightly monitored and controlled their and their wives' movements, and suspended the presidential candidates' newspapers Etamad-e Melli and Kalame-ye Sabz.

**PROFESSIONAL DETAILS:** Dr Rahnavard is a leading Iranian academic, writer, artist and politician. She served as the Chancellor of Alzahra University from 1998–2006, becoming the first female chancellor of a university since the Islamic Revolution in 1979. During this time she also served as political advisor to President Khatami. She is a member of the reformist opposition group, the Green Path of Hope headed by her husband, Mir-Hossein Mousavi. Dr Rahnavard is also the author of 15 books. Born in 1945, and a mother of three daughters, Zahra Rahnavard is a committed women's rights activist. She broke convention by campaigning on her husband Mir-Hossein Mousavi's 2009 presidential campaign, becoming the first woman to do so in Iran. Her mantra on the campaign trail – that "getting rid of discrimination and demanding equal rights with men is the number one priority for women in Tehran" – is credited with galvanising young women to vote. She is also a devout Muslim and vocal supporter of the hijab, arguing that it liberates women, though she has said it should be a woman's choice to wear it.

### **DETAINED: INVESTIGATION**

#### **\*Ramin ABDALIAN-IRANSHAHI:**

**PROFESSION:** writer and novelist

**DATE AND DETAILS OF ARREST:** Reportedly arrested on 16 December 2013 for his book Posht-e Hichestan-e Zendegi (Behind Nothingness of Life) in which he openly discusses sensitive political topics, including the eight-year Iran-Iraq war and the events during the presidency of Baniadr, the first President of the Islamic Republic who was deposed in 1981. His other books include Asseman-e anja aabi nist (The Sky is Not Blue There), Yek Panjereh Barayam Kafist (One Window is Enough for Me), and Sarbazan-e Tanhaiyee (Soldiers of Loneliness). He

is also said to be a doctor of psychology and an officer of the airborne division in Tehran. No further information as of 31 December 2013.

### **\*Fariba PAJOOH:**

**PROFESSION:** former journalist who worked for reformist newspapers

**DATE AND DETAILS OF ARREST:** Reportedly arrested on 11 July 2013 and said to be held without charge in solitary confinement in the Intelligence Ministry's Ward 209 of Tehran's Evin prison. The reason for her detention is not known. She was previously detained following the disputed 2009 presidential elections and released from Evin Prison on bail of US\$50,000 after 124 days in detention. A lower court sentenced her to one year in prison, later suspended for five years by Branch 54 of Tehran Appeals Court. Fariba Pajooch has not recently worked with any media outlets. PEN seeking further information.

### **ON TRIAL**

### **Ahmad GHOLAMI:**

**PROFESSION:** writer, translator, and Editor-in-Chief of the daily newspaper Shargh

**DATE OF ARREST:** 7 December 2010

**DETAILS OF ARREST:** arrested with several other journalists from the newspaper in connection with reports on the crackdown in the aftermath of the 2009 disputed presidential elections (see Rayhaneh TABATABAEE (f) below).

**DATE OF RELEASE:** Released on bail on 29 December 2010.

**DETAILS OF TRIAL:** His trial started on 8 March 2012 and he was sentenced to one year in prison. Sentence thought to remain subject to appeal.

### **BRIEF DETENTION**

### **Fatemeh EKHTESARI (f) and Mehdi MOOSAVI:**

**PROFESSION:** poets and activists

**DETAILS OF DETENTION:** According to PEN's information, on 6 December 2013, Fatemeh Ekhtesari and Mehdi Moosavi were due to travel to Turkey for a literary workshop. At the airport they were both informed that they had been placed under travel bans and were summoned for interrogation. They chose not to appear at the interrogation. Within a few hours they had disappeared. There was no further news of them until Christmas Eve, when it was confirmed that they were being held in Section 2A of Evin prison, which is under the administration of the Intelligence Division of the Islamic Revolution Guards Corps and where torture and other ill-treatment of detainees is common. The reason for their detention is not known, although some reports suggest that they could have been held because of their lyrics, which have been performed by the Iranian singer in exile, Shahin Najafi. The two have previously made statements critical of the government and in support of pro-democracy movements, and have both been under escalating pressure in Iran. [They were released on bail on 14 January 2014.]

### **SENTENCED**

### **Davood KHODAKARAMI:**

**PROFESSION:** journalist for the Azeri-language newspaper Bayram Monthly

**DATE OF ARREST:** 18 November 2011

**DETAILS OF ARREST:** Reportedly detained in the northwestern province of Zanjan. He had gone to a Zanjan bus terminal to ship copies of his publication to the city of Tabriz. Bayram Monthly is the only publication in the city of Zanjan that covers cultural and social issues. Security forces had reportedly gone to Khodakarami's home several times since August 2011, threatening his family, searching the premises and confiscating his computer and personal items. Held in Rajaieshahr Prison.

**DETAILS OF RELEASE:** Released on bail on 5 Dec 2011.

**DETAILS OF TRIAL:** Reported on 7 September 2012 to have been sentenced to four months in prison after conviction of "spreading propaganda against the system" by the Revolutionary Court in Tabriz. His sentence was suspended for four years. It was upheld on appeal the same month.

### **Dr Mohammad MALEKI:**

**PROFESSION:** founding member of the Iranian Association for the Defence of Liberty and Human Rights (IADLHR)

**DATE OF ARREST:** 22 August 2009

**DATE OF RELEASE:** He was released on bail in March 2010 after six months of solitary confinement.

**DETAILS OF TRIAL:** Summoned to Evin prison on 23 January 2012 to serve out a one-year prison term in a case which dates back to his arrest following the contested 2009 presidential election, though he is not known to have complied.

: While in prison, the 78-year-old was hospitalised several times owing to a heart attack and other health problems. During his trial in July 2011, he declined to defend himself and said he would not appeal the court ruling because he considered the whole procedure to be illegal. He was sentenced to one year in jail on the charge of "spreading propaganda against the system".

**BACKGROUND:** Maleki previously spent five years in prison from July 1981 to August 1986. He was arrested again in March 2001 and spent more than six months in solitary confinement without trial. Still thought to remain free but at risk of arrest.

### **Rayhaneh TABATABAEE (f):**

**PROFESSION:** political reporter for the reformist daily newspaper Shargh, and had also worked for the Sina News Agency and Chelcheragh magazine.

**DATE OF ARREST:** Reportedly arrested on 7 December 2010 and held for one month before being released on bail.

**SENTENCE:** Sentenced to one year in prison on 2 April 2012 after conviction of "spreading propaganda against the system" for her reports in the aftermath of the 2009 disputed presidential elections. Summoned to serve her sentence in August 2012, she had not begun serving it when she was re-arrested on 31 January 2013. She was among some 16 journalists arrested in early 2013 from the reformist newspapers Bahar, Shargh, Arman, Etemad, and Aseman Weekly. She was reported to have been released on bail on 25 February 2013.

### **CONDITIONAL RELEASE**

### **Maryam BAHREMAN (f):**

**PROFESSION:** womens' rights activist and blogger. Member of the Campaign for 'One Million Signatures'.

**SENTENCE:** Eight months in prison, suspended for three years

**DATE OF ARREST:** 11 May 2011

**DETAILS OF ARREST:** Arrested on at her home in Shiraz on suspicion of vaguely worded “national security” offences, some weeks after she had attended the 55th session of the UN Commission on the Status of Women. Her home was searched and her computer, mobile phone, books and documents seized.

**DATE OF RELEASE:** On 15 September 2011, Maryam Bahreman was released on bail.

**DETAILS OF TRIAL:** Reported on 7 December 2012 to have been handed down an eight-month prison sentence suspended for three years, after conviction of “spreading propaganda against the system”.

### **Mehdi KHAZALI:**

**PROFESSION:** blogger and editor of website Baran ([www.drkhazali.com](http://www.drkhazali.com))

**DATE OF ARREST:** 9 January 2012

**SENTENCE:** 14 years in prison

**DATE OF RELEASE:** Released on furlough on 3 June 2013.

**DETAILS OF TRIAL:** Sentenced in February 2012 to 14 years in prison, 10 years in exile, and 90 lashes after being convicted of “insulting the Supreme Leader” for articles critical of President Ahmedinejad and his government, published on his website Baran. In late February 2012, Khazali suffered a heart attack while on hunger strike and was taken to a Tehran hospital for treatment. He was issued a furlough in March 2012. Re-arrested on 30 October 2012 at a writer’s meeting. Risks being returned to prison.

### **Alireza ROSHAN:**

**PROFESSION:** poet, writer and head of the book section of the Shargh newspaper. Also an administrator for the Gonabadi Dervish website Majzooban-e Noor.

**DATE OF ARREST:** 17 November 2012

**SENTENCE:** One year actual imprisonment, plus four further years suspended.

**RELEASED:** 16 October 2013 on expiry of his one year sentence

**DETAILS OF ARREST:** Reportedly arrested at his home on 4 September 2011 after security forces raided the office of Majzooban Noor website. One of 11 Majzooban Noor website administrators to be detained in early September 2011 following a violent incident on 2 September in the city of Kavar, in which security forces allegedly opened fire on dervishes, injuring many. He was released on bail on 3 October 2011.

**DETAILS OF TRIAL:** Sentenced to five years in prison, four of which were suspended by Branch 26 of Revolutionary Court on charges of “gathering and colluding with intent to harm national security”. The ruling was upheld by an appeal court on 16 October 2012.

**PLACE OF DETENTION:** Evin prison, Tehran

**OTHER INFORMATION:** Roshan is a poet who has published a collection of poems entitled There is no Book and his poetry has been translated into French.

**AWARDS:** He received the Prix André Verdet du Poète Résistant in June 2013.

### **Hengameh SHAHIDI (f):**

**PROFESSION:** journalist and opposition activist. Worked for Mehdi Karroubi’s 2009 presidential campaign and has written about Iranian and international politics, human rights, and specifically women’s rights. She was known as a reformist journalist who had written many articles condemning the practice of stoning.



**DATE OF ARREST:** Early July 2009; released on bail on 1 November 2009.

**SENTENCE:** Six years in prison

**EXPIRES:** July 2015

**DETAILS OF ARREST:** Reportedly arrested in early July 2009 and held for 50 days in solitary confinement at Section 209 of Evin prison, which is controlled by the Ministry of Intelligence, where she was reportedly subjected to torture and ill-treatment. Her lawyer said she had been facing pressure to admit to “immoral relations” with men. Reportedly charged with several national security offences, including “spreading propaganda against the system”.

**DETAILS OF TRIAL:** In November 2009, a Revolutionary Court sentenced her to six years and three months in prison. On appeal, on 24 February 2010, the sentence was reduced to six years’ imprisonment and a fine of 500,000 rials (approx. US \$46,000). Shahidi was taken into custody the next day.

**PLACE OF DETENTION:** Evin prison, Tehran

: In May 2010, Shahidi reportedly spent several days at Evin Prison’s infirmary after a fellow prisoner beat her as prison authorities stood by. Shahidi was briefly released on bail so she could have medical care, but she was taken back into custody in mid-November 2010 before her treatment was completed. Has reportedly been on leave from prison since June 2011 for further medical treatment.

## **Dr. Kian TAJBAKSH:**

**DATE OF BIRTH:** c.1962

**PROFESSION:** Iranian-American scholar, sociologist and urban planner

**DATE OF ARREST:** 9 July 2009

**SENTENCE:** 15 years in prison, reduced to five years on appeal. Free on bail.

**EXPIRES:** 2014

**DETAILS OF ARREST:** According to PEN’s information, Dr Tajbakhsh was arrested on charges of “espionage” for alleged activities including his subscription to Gulf/2000, a cultural and academic internet network sponsored by Columbia University’s School of International and Public Affairs. The organisation reportedly aimed to increase the availability of information about countries in the Gulf region, and is run by Gary Sick, who the prosecution claims to be a CIA agent. The indictment also cited Dr Tajbakhsh’s previous position as a consultant for the Soros Foundation’s Open Society Institute (OSI), which was formerly approved by the Iranian authorities but which he discontinued following his 2007 arrest.

**DETAILS OF TRIAL:** Tajbakhsh was among over 140 defendants, including prominent politicians, writers, academics and journalists, who were tried for allegedly “fomenting a velvet revolution” in a widely-condemned mass-trial which began on 1 August 2009. All the defendants had been detained in a mass crackdown following the disputed 2009 presidential elections. On 20 October 2009, Tajbakhsh was sentenced to 15 years in prison on charges of “espionage” by “contacting foreign elements”. Initially denied a request to file an appeal. On 10 February 2010, his lawyer reported that his sentence had been reduced to five years on appeal. He was released on bail on 14 March 2010 and remains free on ‘temporary release’ from prison, but is prohibited from leaving Iran.

**OTHER INFORMATION:** Tajbakhsh's academic research reportedly examines Iranian state institutions and the policy-making process in Iran. In 2006, he completed a three-year study of the local government sector in Iran. He is the author of two books, *The Promise of the City: Space, Identity and Politics in Contemporary Social Thought* (Berkeley and Los Angeles: University of California Press 2001), and *Social Capital: Trust, Democracy and Development* (Tehran: Shiraze Publishers 2005, in Farsi). He has also published numerous scholarly articles, as well as non-academic writings on cinema and culture.

**PREVIOUS POLITICAL IMPRISONMENT/PROBLEMS:** Previously arrested at his home in Tehran on 11 May 2007, one of four Iranian-American scholars to be detained in that year. Believed to be targeted for his work as an advisor to the Open Society Institute (OSI). He was held without charge in Evin Prison for more than four months before being freed on 19 September 2007.

## **RELEASED**

### **Isa SAHARKHIZ:**

**PROFESSION:** prominent reformist journalist and commentator. Former press director at Ministry of Guidance and Islamic Culture.

**DATE OF ARREST:** 7 July 2009

**DETAILS OF ARREST:** arrested for his journalistic activities during the unrest following the disputed presidential election of 2009.

**DETAILS OF TRIAL:** Sentenced to three years' imprisonment in September 2010 on charges of "insulting the leader" and "spreading propaganda against the system" and "spreading lies through interviews with foreign media". He has also been banned from journalistic and political activities for five years and is forbidden to travel abroad for one year. An additional two years were added to his sentence in August 2011 allegedly for his previous journalistic activities some 11 years previously. This was reduced to 18 months on appeal.

**DATE OF RELEASE:** Released on 3 October 2013. No official reason was given for his early release.

### **Nasrin SOTOUDEH (f):**

**PROFESSION:** prominent writer, journalist and lawyer

**DATE OF ARREST:** 4 September 2010

**DETAILS OF ARREST:** arrested when she was summoned to the special court in Evin prison on charges of "spreading propaganda against the system", "cooperating with [an illegal organisation] the Centre of Human Rights Defenders (CHRD)" and "conspiracy to disturb order".

**DETAILS OF TRIAL:** Sentenced to 11 years in prison on 9 January 2011, reduced to six years on appeal in mid-September 2011. She was also banned from practising law and from leaving the country for twenty years, reduced to ten years on appeal.

**DATE OF RELEASE:** Released on 18 September 2013.

## **CASE CLOSED**

### **Mahbubeh ABBASGHOLIZADEH (f), Parvin ARDALAN (f), Jila (Zhila) BANI-YAGHOUB (f) and Shadi SADR (f):**

**PROFESSION:** prominent women writers and journalists

**DETAILS OF ARREST:** Arrested on 4 March 2007 along with thirty other women activists.

**DATE OF RELEASE:** All four were released on bail in March 2007

**DETAILS OF TRIAL:** All were tried for "participating in an illegal demonstration" and "spreading propaganda against the system" for organising a demonstration in Tehran on 4 March 2007. Parvin Ardalan, winner of the Olof Palme Prize 2007 and honorary member of Swedish PEN, is facing two terms of six-month imprisonment and remains abroad. Mahbubeh Abbasgholizadeh was sentenced in absentia to two-and-a-half years in prison and thirty lashes. Shadi Sadr was sentenced to six years in prison and seventy-four lashes in absentia. Both are currently abroad. Jila (Zhila) Bani-Yaghoub was recently released from prison in a

separate case (see below).

### **Jila (Zhila) BANI-YAGHOUB (f):**

**PROFESSION:** editor-in-chief of the news web site Focus on Iranian Women which carries articles on women's rights.

**DATE OF ARREST:** 19 June 2009 and 2 September 2012

**DETAILS OF ARREST:** She was arrested on 9 June 2009 with her husband, journalist Bahman Ahmadi-Amouee, who is serving a five-year prison sentence on security charges (see above 'main cases').

**SENTENCE:** One year in prison and 30-year ban from journalism

**DATE OF RELEASE:** released on bail on 19 August 2009 and on 23 June 2013 on expiry of her sentence.

**DETAILS OF TRIAL:** She was convicted on 8 June 2010 on charges of "spreading propaganda against the system" and "insulting the president" for her reports covering the disputed June 2009 presidential elections in Iran. Her defence filed an appeal on 27 June 2010, and she remained free on bail. The sentence was confirmed on appeal and on 2 September 2012 she was summoned to serve out her sentence. Case closed.

### **Saeed LAILAZ (LAYLAZ) MEHRABADI:**

**PROFESSION:** editor of the now-banned daily business journal Sarmayeh and a vocal critic of President Mahmoud Ahmedinejad's economic policy.

**DATE OF ARREST:** 17 June 2009

**DATE OF RELEASE:** November 2011

**DETAILS OF TRIAL:** Among 140 opposition figures and journalists who faced a mass, televised trial on 1 August 2009 on vague anti-state accusations for their alleged participation in protests following the disputed presidential elections of 12 June 2009. Sentenced to nine years in prison on 18 November 2009 after conviction of "gathering and colluding with intent to harm national security", "spreading propaganda against the system", "disturbing public order" and "keeping classified documents". Most of the evidence against him reportedly related to articles published in Sarmayeh, and an investigation into the Iranian judiciary published online. The sentence was reduced to six years on appeal in October 2011. PEN recently learned that he was released in November 2011. Summoned to Evin Prison in June 2013, he was allowed to leave after questioning and it was announced that the implementation of his sentence had been suspended.

### **Manijeh NAJM-ERAGHI (f):**

**PROFESSION:** leading translator from English to Farsi, specialising in books on women's rights. Secretary for the Iranian Writers Association (IWA).

**DATE OF ARREST:** Reportedly arrested on 3 June 2012 after being summoned by Tehran's State Security police, and transferred to Evin Prison to serve out a one-year prison sentence. She is charged with membership of the IWA, transmitting the association's statements and participating in peaceful gatherings. Najm-Eraghi was first arrested on 16 October 2010 and released on bail after three days.

**DATE OF RELEASE:** Presumed released in 2013 on expiry of sentence.

## Dr Fariborz RAISDANA:

**PROFESSION:** economist, writer and leading member of the banned Iranian Writers Association

**DATE OF ARREST:** 21 May 2012

**DETAILS OF ARREST:** Originally arrested on 19 December 2010 and released on bail after one month. Summoned to serve sentence on 21 May 2013.

**SENTENCE:** One year in prison

**DATE OF RELEASE:** 14 April 2013 on expiry of sentence.

**DETAILS OF TRIAL:** Convicted on 15 June 2011 by Branch 28 of the Islamic Revolutionary Court of “spreading propaganda against the system” through “membership of the Iranian Writer’s Association, preparing seditious announcements against the regime, giving interviews to BBC and Voice of America, and accusing the Islamic Republic of abusing prisoners and holding show trials.” Remained free on bail until he was summoned to jail to serve out his sentence. Case closed.

## Mohammad SOLEIMANI NIA:

**PROFESSION:** literary translator

**DETAILS OF ARREST:** Reportedly detained on 10 January 2012 after responding to a summons to report to the Revolutionary Court in Tehran. After arriving at court, he was accompanied by security guards to his home in Karaj, outside Tehran, which he shares with his parents. The guards searched the house and seized computer equipment and documents before taking him away. Released on bail on 22 May 2012, but was summoned in early July 2012 to Evin prison to collect some of his belongings. He disappeared and there were fears he might have been rearrested, although recent information obtained by PEN suggests this was not the case. Soleimani Nia has been under pressure since late November 2011, when he was questioned by security and intelligence officers and banned from leaving Iran. He is believed to be targeted for developing the professional social networking website U24, launched by Soleimani Nia in April 2007 to help Iranian professionals build links with one another. Now believed to have left the country. Case closed.

# IRAQ

## KILLED

### \*Kawa GERMYANI:

**PROFESSION:** editor of the Kurdish magazine Rayal and correspondent for the weekly Awene

**DETAILS OF KILLING:** Shot dead at his family home in the town of Kelar, Sulaymaniyah, by a group of five gunmen on the evening of 5 December 2013. He was known for his articles exposing official corruption in Iraq’s autonomous region of Kurdistan, and had received threats for years in connection with his anti-corruption writings. He had also faced numerous court proceedings brought by politicians and officials over his work to uncover corruption. Three days after the killing four men were reportedly arrested and charged with his murder, all said to be close to a high ranking PUK official, two of whom were serving members of the security forces.

### **\*Saad ZAGHLOUL:**

**PROFESSION:** leading journalist and a senior member of the Iraqi Association for Defending the Rights of Journalists

**DETAILS OF KILLING:** He was shot in front of his house in the northern city of Mosul by an unknown group of armed men on 8 October 2013. He worked at several independent local newspapers in the province of Mosul and was known for his writing about topics including corruption, human rights and legal reform. His death brings the number of journalists killed in Mosul since 2003 to 48, according to the Gulf Centre for Human Rights (GCHR).

### **\*Zamil Ghanam AL-ZOBA'IE:**

**PROFESSION:** freelance journalist. A member of the Iraqi Journalists Syndicate for 30 years and had worked for a number of media outlets including the Iraqi News Agency and the Al-Jamhoriah newspaper. He has also had numerous articles published in Habazboz, Al Qarar and Al Ayam newspapers.

**DETAILS OF KILLING:** His body was discovered in Baghdad on 9 June 2013, reportedly having been targeted by an unknown terrorist group because of his work.

### **THREATENED**

### **\*Azhar SHALLAL:**

**PROFESSION:** reporter for Agence France-Presse

**DETAILS OF THREAT:** A group of armed men reportedly raided his home on 14 May 2013 and abducted his brother, because the journalist was not in at the time. His brother was interrogated for several hours and was warned regarding the journalist's recent reports on alleged corruption.

### **CASE CLOSED**

### **Hamin ARY:**

**PROFESSION:** editor of the Erbil-based Kurdish and Arabic monthly Chirpa (Al-Hamsah in Arabic)

**DATE OF ARREST:** 7 May 2012

**DETAILS OF TRIAL:** Arrested in connection with allegedly reprinting an allegedly blasphemous article by Goran Halmat, a controversial Kurdish writer living in self-exile in Norway. According to Erbil police chief Abdullah Khaliche Talate, Ary was detained under Article 372 of the Iraqi criminal code, which punishes "offences that violate religious sensibilities" and carries a maximum sentence of three years in prison. No further information as of 30 June 2013. Case closed.

# ISRAEL

## IMPRISONED: MAIN CASE

### Anat KAMM (f):

**PROFESSION:** journalist with the Israeli news portal Walla

**DATE OF BIRTH:** 1988

**DATE OF ARREST:** 23 November 2011

**SENTENCE:** Four-and-a-half years in prison

**DETAILS OF ARREST:** Reportedly charged in December 2009 with espionage after she allegedly leaked classified evidence of illegal assassination orders by the Israeli army to journalist Uri Blau of the newspaper Haaretz. The charges against Kamm included two counts of aggravated espionage, including passing classified information with the intent to harm state security, which is punishable by a life sentence, and collecting and holding classified material with the intent to harm state security, for which she could have received up to 15 years in prison. The charges derive from Kamm's military service, when she allegedly copied over 2,000 classified military documents and leaked them to Haaretz reporter Uri Blau. Blau used the documents to publish a report in October 2008 that found that the army had carried out targeted killings against three wanted terrorists in the West Bank, in violation of a 2006 Supreme Court ruling that said wanted men must be taken into custody if there were a possibility of doing so. Although the article was apparently cleared for publication by the army censor, Kamm was arrested by the Shin Bet (secret police) and placed under house arrest. On 6 July 2012, it was reported that an agreement had been reached between the Tel Aviv attorney and Uri Blau, in which Blau pleaded guilty to "possession of secret information without intending to harm state security" in exchange for four months' community service.

**DETAILS OF TRIAL:** Kamm's trial started on 20 July 2010. After a plea bargain, the initial charges against Anat Kamm were changed to "leaking classified materials" and, on 6 February 2011, she was sentenced to four-and-a-half years in prison and 18 months' probation. Kamm started serving her sentence on 23 November 2011.

**PLACE OF DETENTION:** Neve Tirza Prison in Ramla.

## RELEASED

### Amer Abdel Halim ABU ARFA (also Abu ARAFA):

**PROFESSION:** correspondent for Al-Shihab, a Hamas-affiliated news agency based in Gaza

**DATE OF ARREST:** 21 August 2011

**DETAILS OF ARREST:** Reportedly arrested by Israeli forces from his home in Hebron and placed under administrative detention. In March 2013, it was reported that the administrative detention against Abu Afra was extended for the fourth time. Under administrative detention orders, individuals can be detained indefinitely without charge or trial and are not granted access to the evidence against them.

**DATE OF RELEASE:** 5 August 2013. Case closed.

### Dr Ahmed QATAMESH:

**PROFESSION:** prominent Palestinian writer and academic

**DATE OF ARREST:** 21 April 2011

**DETAILS OF ARREST:** Reportedly arrested on 21 April 2011 by the Israeli authorities in the occupied West Bank. He was taken to Ofer Detention Centre in the West Bank where he was questioned by the Israeli Security Agency (ISA) about his alleged connection to the Popular Front for the Liberation of Palestine (PFLP). PEN believes he was held for his peaceful political activities and views. At a hearing on 3 May 2011 Qatamesh was handed an administrative detention order, which can be renewed indefinitely. Qatamesh's administrative detention order was repeatedly extended until after an extensive legal battle. Ofer military court declared that his current administrative detention period would be the final such order in October 2013. Qatamesh was previously arrested in 1992 by the Israeli Defense Forces (IDF) and held for over five years without charge or trial. He wrote a book about his experiences in detention: I Shall Not Wear Your Tarboush.

**DATE OF RELEASE:** Qatamesh was released on the evening of 26 December 2013 at the Salem checkpoint. Case closed.

## KUWAIT

### IMPRISONED: MAIN CASE

#### Hamad AL NAQI:

**PROFESSION:** blogger

**DATE OF ARREST:** 27 March 2012

**SENTENCE:** 10 years in prison

**EXPIRES:** 26 March 2022

**DETAILS OF ARREST:** Arrested on 27 March 2012 on charges of insulting the Prophet Muhammad, his wives and companions, and harming the interests of the country by allegedly mocking the rulers of two countries of the Gulf Cooperation Council (GCC) and "publishing false news abroad" through his mobile phone via Twitter. Al Naqi denied all charges and stated that his Twitter account had been hacked. His mobile records were searched and it was confirmed that he did not use Twitter from the mobile. However, security forces claimed that he has another mobile in his possession which he had used to access a Twitter account.

**DETAILS OF TRIAL:** A criminal court in the capital, Kuwait City, sentenced Hamad Al Naqi to ten years in prison on 4 June 2012. He was convicted for tweets criticising the neighbouring rulers on the basis of Article 15 of the National Security Law, which sets a minimum three-year sentence for "intentionally broadcasting news, statements, or false or malicious rumors...that harm the national interests of the state". The court also convicted al-Naqi for a tweet allegedly insulting the Prophet Mohammed and his wife Aisha under Article 111 of the Penal Code, which prohibits mocking religion and carries a maximum one-year sentence. On 28 October 2013, the Kuwaiti Court of Appeals upheld his conviction and confirmed his sentence.

**PLACE OF DETENTION:** Kuwait Central Jail

**TREATMENT IN PRISON:** On 18 April 2012, Al-Naqi was stabbed in his neck by another prisoner who had apparently objected to what Al-Naqi had written. According to Al-Naqi's lawyer, the incident took place after the prison's administration spread the news that Al-Naqi had insulted the Prophet. [RAN 31/12 – 26 June 2012]

#### Lawrence AL-RASHIDI

**PROFESSION:** blogger

**DATE OF ARREST:** June 2011

**SENTENCE:** 10 years in prison

**EXPIRES:** June 2021

**DETAILS OF ARREST:** The case began in June 2011, when the general prosecution accused al-Rashidi of "spreading false news and rumors about the situation in the country", "uploading visual and audio recordings prepared by him on YouTube", "calling for the demolition of values and ethics", and "calling on tribes to appoint an Amir of the country, demonstrate, confront the ruling regime, and bring down its transgressions". Al-Rashidi was also accused of "insulting the identity of the Amir" through his posts on Twitter.

**DETAILS OF TRIAL:** Convicted of "insulting the Amir" and "spreading false news" in October 2011 and sentenced to 10 years in prison. His conviction and sentence were reportedly upheld by the Court of Appeal in May 2012 and by the Supreme Court in February 2013.

## **ON TRIAL**

### **\*Huda AL-AJAMY (f):**

**PROFESSION:** school teacher

**DATE OF BIRTH:** 1976

**SENTENCE:** Five years in prison

**DETAILS OF TRIAL:** Sentenced to 11 years in prison by the Kuwait Criminal Court on 10 May 2013 for "insulting the Amir" and calling for regime change on Twitter. She was sentenced to five years for "inciting to overthrow the government", five years for "challenging the rights of the emir", and one year for "insulting and undermining a religious doctrine". She is believed to have remained free pending her appeal. In December, the Court of Appeals reduced her sentence to five years' imprisonment. She can further appeal to the Court of Cassation.

## **BRIEF DETENTION**

### **\*Zayed AL-ZAID:**

**PROFESSION:** publisher and managing editor of the online newspaper Alaan

**DATE OF ARREST:** 27 February 2013

**DETAILS OF ARREST:** Reportedly arrested by security forces as he disembarked from a plane on arrival at Kuwait International airport from Washington. He had returned to Kuwait following the death of his father. He was taken to prison to implement the ruling sentencing him to one month in prison in a case filed against him by a former Minister of Oil, accusing him of slander and libel over an article published by al-Zaid alleging official corruption.

**DATE OF RELEASE:** Released on 27 March 2013 after serving his sentence.

## **CONDITIONAL RELEASE**

### **Abdul Hussein AL SULTAN:**

**PROFESSION:** editor of the pro-Shi'ite daily Al-Dar

**DETAILS OF TRIAL:** Reportedly sentenced on 12 March 2012 to six months in prison and a fine of KD1,000 (approx. US\$3555), for two articles allegedly inciting violations of public order and expressing hatred toward certain religious and social groups. The newspaper was also suspended from publication for three months. Al-Sultan remained free on bail pending an appeal. In May 2012, the Court of Appeals overturned the lower court's verdict and increased his prison term to one year, although the implementation of the sentence was suspended after he posted bail of KD1,000. He was also instructed to sign a pledge of good conduct. The



appeal court suspended the newspaper's distribution for two months, and ordered the confiscation of two published editions and the destruction of original templates for violating the Print and Publication Law. He is believed to be awaiting the decision of the Court of Cassation.

## **RELEASED**

### **\*Sarah al-IDRISS (f):**

**PROFESSION:** teacher

**SENTENCE:** 20 months in prison

**DETAILS OF TRIAL:** Convicted on 29 May 2013 of insulting the Amir in Tweets; the sentence was upheld on appeal in July. She spent about a week in prison before receiving a pardon from the Amir in August 2013.

## **CASE CLOSED**

### **Nasser ABEL (or Abul):**

**PROFESSION:** blogger

**DATE OF ARREST:** 7 July 2011

**DATE OF RELEASE:** 27 September 2011

**DETAILS OF IMPRISONMENT:** Held on state security charges for a series of Tweets in support of Arab spring protestors in Bahrain. PEN International has recently learned that he was released in September 2011 after a judge sentenced him to three months' imprisonment for "denigration of religion".

### **Mohamed AL-MULAIFI:**

**PROFESSION:** writer and blogger

**DATE OF ARREST:** 20 February 2012

**DETAILS OF ARREST:** Al- Mulaifi was detained pending investigation and held for 40 days before being released on bail.

**SENTENCE:** Seven years in prison, reduced to six months on appeal

**DATE OF RELEASE:** He was reported to have been released on 9 October 2012 after having served his sentence.

**DETAILS OF TRIAL:** Convicted on 9 April 2012 by the Kuwait Criminal Court of spreading false news through his personal Twitter page about sectarian divisions in the country and publishing insults against Shi'ism, in addition to charges of libel and defamation of the MP Ahmed Lari. Sentenced to seven years' imprisonment, a KD50 fine (approx. US\$179) and "temporary compensation" of KD 5,001 (approx. US\$17,913) after conviction of spreading false statements via Twitter among other charges. On 31 May 2012, his sentence was reduced to six months by an appeal court which acquitted him of "spreading false news about the state" and "promoting an illegal clandestine group". The case was referred to the Supreme Court for a final decision.

# LEBANON

## ON TRIAL

### Rami AYSHA:

**PROFESSION:** freelancer for various media outlets including Time magazine, GlobalPost and Spiegel online

**DATE OF ARREST:** 30 August 2012

**DETAILS OF ARREST:** He was arrested while investigating arms smuggling in Beirut city. Aysha is a Palestinian citizen journalist working in Lebanon. He was reportedly in a car near the Hizbollah-controlled area in Beirut, when about 12 armed men handcuffed and blindfolded him, and forced him at gunpoint into another car which drove him to an undisclosed location where he was held for three hours and tortured before being handed over to military intelligence.

**DATE OF RELEASE:** Released on bail on 27 September 2012.

**DETAILS OF TRIAL:** He was charged with the illegal purchase of a firearm, in connection with the issues he was investigating when detained. On 25 November 2013, he was sentenced in absentia to six months imprisonment by a military court. He later attended another hearing on 9 December 2013, where the sentence was reduced to two weeks' imprisonment, which he was deemed to have served during his initial detention. He appealed this sentence at the Court of Cassation on 12 December 2013 because the conviction would result in the loss of his press credentials under Lebanese law. The result of the appeal is expected by the end of January 2014.

# LIBYA

## ON TRIAL

### Amara Hassan AL-KHITABI:

**PROFESSION:** editor of the newspaper Al-Umma

**DATE OF ARREST:** 19 December 2012

**DETAILS OF ARREST:** Reportedly arrested in connection with an article he published on 21 November 2012, alleging corruption within the judiciary. Held incommunicado in Hudba prison, Tripoli, until his release.

**DATE OF RELEASE:** Released on bail on 23 April 2013.

**DETAILS OF TRIAL:** His trial on charges of "insulting the judiciary" under Article 195 of the Criminal Code began on 18 February 2013. The charge carries a penalty of three to 15 years in jail. : He suffers from hypertension, diabetes and a prostate condition and his health deteriorated sharply in prison. His lawyer requested that a travel ban imposed on Al Khitabi be lifted to allow him to travel abroad for medical treatment. On 21 August 2013, the travel ban was lifted by a judge at the Tripoli Appeals Court, who ordered the return of his passports. He was then able to travel to Jordan for medical treatment, but has since returned to Libya. His trial was scheduled to be held at the Tripoli Court Complex on 15 December 2013. PEN is seeking an update.

## THREATENED

### \*Razan Naaim al-MAGHRABI (f):

**PROFESSION:** well-known novelist, short-story writer and journalist. She has published five collections of short stories - In Homeless Exile (Beirut 2000), The Stallions Engorge the Sea (Alawael Publishing, Damascus 2002), The Texts of the Lost Signature (Centre of General Culture, Tripoli 2010) and Souls for Sale (Advisory Publishing, Damascus 2010). Her novel Nissa'a El- Reeh (Women of Wind, Beirut 2010) was long-listed for the International Prize for Arabic Fiction in 2011. Has also published one collection of poetry, Red Signs (Alawael Publishing, Damascus 2002). She has written for various Arabic-language newspapers since 1991 and has edited a number of cultural publications, including Roua'a (Vision) which was closed down in 2013.

**DETAILS OF THREAT:** Razan al-Maghrabi has been receiving anonymous threats via Facebook, email and mobile phone since February 2012. She believes that armed militia groups are behind the threats. The most recent threat against her was in November 2013. Razan al-Maghrabi is believed to be targeted by Islamic extremists for her outspoken defence of women's rights, in particular because she refuses to wear a veil, and for her criticism of religious extremism. She has written extensively in support of women's rights, and has published articles calling for women's rights to be protected in the Libyan constitution and for greater representation of women in Parliament.

## MOROCCO

### IMPRISONED: INVESTIGATION

### \*Mustafa EL-HESNAWI:

**PROFESSION:** journalist for the Moroccan newspaper Al Sabeel, blogger, and a member of Al Karama Forum for Human Rights. He has been a vocal opponent of the anti-terrorism legislation and its use against individuals not involved in terrorist activities.

**DATE OF ARREST:** 16 May 2013

**DETAILS OF ARREST:** Summoned to appear for interrogation by the National Brigade of the Judicial Police and arrested.

**SENTENCE:** Three years in prison

**DETAILS OF TRIAL:** Convicted on 11 July 2013 and sentenced to four years in prison for "creating a terrorist organisation that threatens national security and stability". The sentence was reduced to three years' imprisonment on appeal on 28 October 2013. PEN International fears that his imprisonment may be related to his human rights activities defending the rights of Islamist detainees and the public positions he took on the matter. During the trial, he was questioned repeatedly about "the nature of his relationship" with leaders of Islamist groups. Among the specific activities on which the sentencing was based were meetings with detainees.

**BACKGROUND:** He is known for defending the rights of detainees from the Islamic movement. Shortly before his arrest he published an article about veiled female students who had been banned from school because of the length of their veil.

## ON TRIAL

### \*Ali ANOUZLA:

**PROFESSION:** editor of the Arabic-language version of the news website Lakome.info

**DATE OF ARREST:** 17 September 2013

**DETAILS OF ARREST:** Arrested for posting an article that contained a link to a video posted by Al-Qaeda in the Islamic Maghreb (AQIM). Access to both Arabic and French-language versions of the website have been blocked in Morocco since 17 October.

**DATE OF RELEASE:** Released on bail on 25 October 2013

**DETAILS OF TRIAL:** Charged with advocating terrorism and aiding terrorists. Facing charges of providing “material assistance” to a terrorist group, “defending terrorism” and “inciting the execution of terrorist acts”. The charges carry a possible sentence of 10 to 30 years in prison. At a trial hearing on 30 October 2013, the case was adjourned till 23 December 2013, at which it was further postponed till 20 May 2014.

PEN International joined some 60 NGOs in a joint statement calling for his release (see [http://www.ifex.org/morocco/2013/09/20/appeal\\_free\\_anouzla/?utm\\_content=bufferbffb6&utm\\_source=buffer&utm\\_medium=twitter&utm\\_campaign=Buffer](http://www.ifex.org/morocco/2013/09/20/appeal_free_anouzla/?utm_content=bufferbffb6&utm_source=buffer&utm_medium=twitter&utm_campaign=Buffer))

## CONDITIONAL RELEASE

### \*Youssef JALILI:

**PROFESSION:** editor-in-chief of the investigative weekly Alaan Magazine

**SENTENCE:** Two months suspended prison sentence, plus a fine of 50,000 Moroccan dirhams (approx. US\$6,100).

**DETAILS OF TRIAL:** Reportedly charged with criminal defamation on 20 January 2013 over an article published on 22 June 2012 critical of a government minister’s alleged purchase of champagne during a visit abroad. He was sentenced to a two-month suspended sentence on 17 July 2013, ordered to print the verdict in four national newspapers and to pay 1 dirham in compensation.

## CASE CLOSED

### Mohamed SOKRATE:

**PROFESSION:** blogger

**DATE OF ARREST:** 29 May 2012

**DETAILS OF ARREST:** Sokrate was arrested as he was leaving an Internet cafe, and charged with drugs offences.

**SENTENCE:** 2 years imprisonment reduced to 18 months on appeal

**DETAILS OF TRIAL:** His trial began on 7 June 2012 and he was convicted and sentenced on 14 June 2012 to two years in jail by a Marrakesh court, on what free expression groups describe as “trumped-up charges” of drug possession and trafficking. He was also fined 5,000 dirhams (approx. US \$615). On 2 October 2012 an appeals court confirmed the sentence, but reduced his sentence to 18 months’ imprisonment. He is appealing to the Supreme Court. Presumed freed on expiry of sentence on 29 November 2013.

**BACKGROUND:** Sokrate is well known for his defence of secularism and civil liberties as well as his criticism of the government. He was a member of the 20 February Youth Movement in 2011 and was one of the young people to be invited to participate in the Institutional Reform Committee.

# OMAN

## CASE CLOSED

### **Mokhtar bin Mohamed El-HANA'Y (or Mukhtar Al Hinai):**

**PROFESSION:** blogger and journalist for the Al Zaman newspaper

**SENTENCE:** One year in prison and a fine

**DETAILS OF TRIAL:** He was convicted of “insulting the Sultan” and violating the cyber-crimes law. The verdict was announced on 16 September 2012 by the Musqat Preliminary Court. The sentence was upheld on appeal in January 2013. He had previously been sentenced to a year in prison after a conviction of “unlawful assembly” and “disturbing public order”. The Supreme Court overturned the verdict in March 2013 and ordered a retrial after which he was released on bail. No further information as of 31 December 2013; case closed.

# PALESTINE

## HARASSED

### **\*Samah Abu KHATTAB (f):**

**PROFESSION:** published short-story writer, childrens' writer and poet. Her publications include Red Damage (Gaza), The Possible Form (short stories, 2007), and Forest of Stories: Allegories for the Adult & the Child (a short story collection with her husband Ali Abu Khattab, 2007). Her work has been included in a number of anthologies, including Out of the Context of River (2005) and Qissat (a collection of short stories by Palestinian women, edited by Jo Glanville, Telegram, London, 2006). She also writes a weekly column in the Palestinian magazine Sawt Enisaa (Women's Voice). Her books have been translated into English and Spanish. Samah Abu Khattab is also said to be a distinguished actress, and from 2003-2010 acted and directed a number of plays about women's rights. She is also a founding member of the cultural group Utopia.

**DETAILS OF HARASSMENT:** According to PEN International's information, Samah Abu Khattab and her husband Ali Abu Khattab have been under mounting pressure in Gaza since 2007. Samah Abu Khattab and her husband Ali Abu Khattab have been summoned for interrogation by Hamas authorities on a number of occasions for their writings and cultural activities, and claim to have received dozens of threatening emails in which they are accused of being against Islam, some of which threaten to attack them. Since 14 February 2013, Samah Abu Khattab has been on trial for her theatre work and her articles published in Women's Voice in which she criticises the situation of women's rights in Gaza under Hamas rule. The couple fled Palestine on 18 June 2013 but she is still facing charges.

**BACKGROUND:** Samah Abu Khattab and her husband, Ali Abu Khattab, were due to appear at a literary festival in London in June 2013 but were denied a visa.

# QATAR

## IMPRISONED: MAIN CASE

### Mohammed Ibn al-DHEEB al-AJAMI:

**PROFESSION:** poet

**DATE OF BIRTH:** 1975

**DATE OF ARREST:** 16 November 2011

**SENTENCE:** 15 years' imprisonment, reduced from life imprisonment on appeal.

**DETAILS OF ARREST:** Al-Ajami was summoned on 16 November 2011 to the Qatari state security to be interrogated about a poem entitled 'Tunisian Jasmine', which he wrote in January 2011 and in which he criticised governments across the Gulf, stating that "We are all Tunisia in the face of the repressive elite". He previously recited a poem that criticised Qatar's Emir, which was posted online in August 2010. Held incommunicado for four months before being allowed family visits.

**DETAILS OF TRIAL:** Sentenced to life imprisonment on 29 November 2012 on charges of "inciting the overthrow of the ruling regime" and "criticising the ruler". According to his lawyer, he was subjected to an unfair trial, held behind closed doors in the capital Doha. Al-Ajami was not himself allowed in court and the defence was barred from making oral arguments. The sentence was reduced on 25 February 2013 to 15 years' imprisonment, and upheld on appeal on 21 October 2013.

**PLACE OF DETENTION:** Doha's Central Prison

**HONORARY MEMBER OF:** German PEN. Delegates from PEN International and PEN American Center attempted to visit him in October 2013, but were denied access. [RAN 72/12 and Update #1]

# SAUDI ARABIA

## IMPRISONED: INVESTIGATION

### Mohammad SALAMA: (joint US-Saudi national)

**PROFESSION:** Twitter user

**DATE OF ARREST** April 2012

**DETAILS OF ARREST:** Reportedly arrested for posting comments on his Twitter account which allegedly insult Islam. Some of Salama's posts are allegedly critical of the Quran and the Prophet Mohammad. Thought to be detained without charge, no further information as of 31 December 2013.

## DETAINED: MAIN CASE

### Raif BADAWI:

**PROFESSION:** editor of the website Free Saudi Liberals

**DATE OF BIRTH:** 1987

**DATE OF ARREST** 17 June 2012

**DETAILS OF TRIAL:** Raef Badawi was arrested on 17 June 2012 in Jeddah after organising a conference to mark a “day of liberalism”. The conference, which was to have taken place in Jeddah on 7 May, was banned by the authorities. On 29 July 2013, a court in Jeddah sentenced Badawi to seven years and three months in prison and 600 lashes after he was convicted under the information technology law of “founding a liberal website”, “adopting liberal thought” and for insulting Islam. The online forum, Liberal Saudi Network - created to foster political and social debate in Saudi Arabia - was ordered closed by the judge. According to reports, the appeal, submitted by Badawi’s lawyer, Walid Abu al-Khair, cited procedural and evidential reasons why the conviction should be overturned and Badawi should be freed. In December 2013, it was reported that the Court of Appeal had reversed the ruling of the District Court in Jeddah, dropped a charge of apostasy, and ordered that Badawi’s case be sent for review by another court. However, on 25 December 2013 the newly-appointed judge reportedly remanded Badawi to the General Court on charges of “apostasy”, stating that the lower court was not qualified to deal with the case. According to PEN’s information, the apostasy charge is only a recommendation from the judge and not a decision. If convicted of “apostasy”, Badawi could face the death penalty. [RAN 02/13 and updates]

## ON TRIAL

### \*Wajeha AL-HUWAIDER (f) and Fawzia al-Oyouni (f):

**PROFESSION:** leading journalists, novelists and women’s rights activists

**SENTENCE:** 10 months in prison and a two-year travel ban

**DETAILS OF ARREST:** The case dates back to 6 June 2011, when the pair were contacted by a Canadian woman, Nathalie Morin, who had been locked in her home in the city of Dammam with her three young children by her Saudi husband without sufficient provisions. Wajeha al-Huwaider and fellow activist Fawzia al-Oyouni arrived with food and water to help her, and were immediately arrested. They were initially charged with kidnapping because Morin’s husband alleged they intended to take Morin and the children to the Canadian Embassy in Riyadh. Al-Huwaider and Al-Oyouni were released on 7 June 2011, and believed the charges had been dropped.

**DETAILS OF TRIAL:** Over a year later, in July 2012, they were called in for questioning about the Women2Drive campaign, a campaign for Saudi women to be allowed to drive which both Al-Huwaider and al-Oyouni have pioneered. Following their summons they were informed that charges against them in the Morin case would be referred to court. The trial began in December 2012, and on 15 June 2013 they were found not guilty of kidnapping, but convicted of “takhbib” – inciting a woman against her husband. Al-Huwaider and al-Oyouni are appealing their convictions. Their appeal was submitted on 12 July 2013 and is still being considered as of 31 December 2013.

**BACKGROUND:** Leading writer and journalist Wajeha Al-Huwaider has been subjected to harassment since May 2003, when she was first banned from publishing. She continues to publish on-line and overseas, and also writes poetry and short stories. In 2004, her case was taken up by PEN International and featured in its campaign for International Women’s Day. In November 2004 she was awarded the PEN/NOVIB Free Expression award at the Hague. She is an honorary member of English and Melbourne PEN. [RAN 25/13 and updates]

## RELEASED

### Hamza KASHGARI:

**PROFESSION:** poet and former columnist with the daily newspaper Al Bilad, known for his

reformist views

**DATE OF ARREST:** 12 February 2012, after forcible return from Malaysia

**DETAILS OF DETENTION:** According to PEN's information, Kashgari, a 23-year-old writer from Jeddah, tweeted a series of messages addressed to the Prophet Mohammed on the anniversary of the Prophet's birth on 4 February 2012, some of which conveyed questions about his faith. Twitter registered more than 30,000 responses to his tweets, many of which accused him of blasphemy and called for his death. On 5 February 2012, Nasser al-Omar, an influential cleric, called for Kashgari to be tried in a Sharia court for apostasy, which is punishable by death, and the Saudi King Abdullah called for his arrest, vowing to seek extradition if Kashgari left the country. On 6 February Kashgari issued an apology and deleted his feed, but to no avail. Someone posted his home address in a YouTube video, and people searched for him at his local mosque. On 7 February 2012, Kashgari fled to Malaysia. He was arrested two days later in Kuala Lumpur on 9 February as he was trying to continue his journey to New Zealand, where he planned to request asylum. He was deported to Saudi Arabia on 12 February 2012. Released on 29 October 2013, no charges against him were made known.

## **CASE CLOSED**

### **Habib Ali Al-MAATIQ:**

**PROFESSION:** poet and journalist who wrote for the news website Al-Fajr Cultural Network

**DATE OF BIRTH:** 16 April 19073

**DATE OF ARREST:** 22 February 2012

**DETAILS OF ARREST:** Security forces arrested Al-Maatiq at his workplace in the city of Jubail, eastern Saudi Arabia, for his coverage of pro-reformist protests in the heavily restricted Eastern Province. A photographer for the Al-Fajr Cultural Network was also arrested for attempting to cover the issue, as well as the manager of another news website, Al-Awamia. Thought to have been held at a prison in Dammam, the capital of Eastern Province. The Al-Fajr Cultural Network website, which has also published sermons by Shiite clerics who support the protests, has been closed down.

**SENTENCE:** One year in prison

**DATE OF RELEASE:** Believed to have been released in December 2013 after his trial as he had already served the term.

**DETAILS OF TRIAL:** Reported to have been sentenced to one year in prison in December 2013.

**OTHER INFORMATION:** Habib Ali al-Maatiq is a published poet, journalist and photographer who supervised the news website Al-Fajr Cultural Network, known for its critical coverage of political unrest in the country's Eastern Province. The predominantly Shiite region has consistently faced discrimination and repression, and pro-reform protests are taking place. Case closed. [RAN 19/12 – 24 April 2012].

## **SYRIA**

Since February 2011, when widespread protests erupted calling for an end to the regime of President Bashar al-Assad, the human rights situation in Syria has continued to deteriorate and has evolved into an internal armed conflict across the country. Tens of thousands of individuals in Syria have been arrested, often arbitrarily, in conditions amounting to enforced disappearance. They include writers and journalists. Some have been referred to the Anti-Terrorism Court in Damascus, which began work in September 2012. Torture and other ill-treatment in prison are believed to have caused or contributed to the deaths of many if not



most of the 1,300 individuals reported to have died in custody since March 2011. The real death toll is likely to be much higher.

At the beginning of the uprising, the Syrian authorities imposed a media blackout in an effort to hinder the reporting of impartial news from the ground. This blackout paved the way for the emergence of a citizen journalism movement, as an alternative media, with individuals reporting what is actually happening on a daily basis. This new media is being operated mainly by young men and women. Syrian citizen journalists have been particularly targeted for attack by the government's forces. Since March 2011, more than 200 citizen journalists have been killed either by snipers from the security forces or under torture. Dozens who have done nothing more than to witness, report, film, and photograph acts of violence have been arrested and many have been subjected to enforced disappearance. Writers and journalists are also amongst those at risk of political and sectarian violence from government forces, pro-government militias and armed opposition groups, both in Syria and neighbouring countries.

## ENFORCED DISAPPEARANCE

### Hussein ESSOU:

**PROFESSION:** well-known writer from al-Hasakah, north-eastern Syria

**DATE OF ARREST:** 3 September 2011

**DETAILS OF ARREST:** Reportedly arrested from his home by Air Force Intelligence agents. Thought to be detained for actively participating in anti-government protests and advocating reform in his writings. Previously detained prior to the 2011 uprising for his dissident activities. Reports from released detainees who had been held with him suggest he may have been transferred to an Air Force Intelligence branch in Damascus. They say his health condition is very poor. His family has not been allowed access to him, and has not been informed of his whereabouts or the reason for his arrest. Still detained incommunicado as of 31 December 2013.

### Tal AL-MALLOUHI (f):

**PROFESSION:** student, poet and blogger

**DATE OF BIRTH:** 1991

**DATE OF ARREST:** 27 December 2009

**SENTENCE:** Five years in prison

**EXPIRES:** December 2014

**DETAILS OF ARREST:** Al-Mallouhi was detained on 27 December 2009 after being summoned for questioning about her blog entries.

**DETAILS OF THE TRIAL:** Appeared before the State Security Court on 10 November 2010. Al-Mallouhi was sentenced to five years in prison by the State Security Court in Damascus on 14 February 2011 after conviction of "revealing information to a foreign country". The verdict is final and there is no possibility for appeal. The court session was closed, and Al-Mallouhi's family were banned from attending. The judge reportedly did not provide any evidence against her. On 19 October 2013, her name was included in a prisoner exchange agreement between the government and armed groups, and it was reported that she had been released. However, she was taken from Douma prison to the State Security Department in Damascus, where she is still held incommunicado as of 31 December 2013.

**PLACE OF DETENTION:** Branch 258 of the State Security Department, Damascus

**OTHER INFORMATION:** For the first nine months of her arrest, Al-Mallouhi's family sought her release through diplomatic negotiations and therefore did not want any publicity on the case. However, on 2 September 2010 her mother published an open letter to the Syrian president

seeking information about her daughter's welfare and calling for her release. On 5 October 2010, it was reported that Al-Mallouhi had been charged with spying for a foreign country. Al-Mallouhi has no known political affiliations, and sources close to the family are baffled by the charges.

**HONORARY MEMBER OF:** PEN Canada and Danish PEN.

### **\*Khalil MA'TOUQ:**

**PROFESSION:** 54-year-old director of the Syrian Centre for Legal Studies and Research

**DATE OF ARREST:** 2 October 2012

**DETAILS OF ARREST:** Reportedly arrested along with his friend and assistant, 48-year-old Mohammed Thatha, at a government security checkpoint on their way to work in the capital Damascus. Despite repeated requests from family and lawyers, the Syrian authorities continue to deny they are in custody. Such conditions increase the risk of their being subjected to torture or other ill-treatment, which is rife in Syrian prisons. In May 2013, people close to the two men received a tip-off suggesting that Khalil Ma'touq was indeed in detention and that he was in extremely bad health.

**HEALTH CONCERNS:** His health is seriously at risk as he suffers from advanced lung disease and has severe breathing difficulties. He takes regular medication and must be under constant medical supervision. Because of his human rights work as executive director of the Syrian Centre for Legal Studies, Khalil Ma'touq was banned from travelling between 2005 and 2011. He wrote and published articles and legal studies in several newspapers and websites such as Al-Hiwar Al-Mutamiden. This included a research paper in which he analysed the connections between the International Criminal Court constitution and Syria's Penal Codes. Family members and colleagues of Khalil Ma'touq and Mohammed Thatha have suggested that their current detention may be related to this human rights work. Shortly before his arrest, Khalil Ma'touq had returned from a trip to France to obtain medical treatment, which may also have raised the authorities' suspicions about him. In February 2013, in response to a request for information from a group of lawyers, a public prosecutor in Damascus denied that Khalil Ma'touq was being detained. However, detainees released at that time from the State Security branch 285 in Kafr Soussa in Damascus reported seeing him held there during that month. In April, Khalil Ma'touq's lawyer reported that a State Security officer had informed him of his client's transfer to an Air Force Intelligence branch in late March.

**BACKGROUND:** Khalil Ma'touq, a prominent human rights lawyer has provided legal assistance to many victims of human rights abuses in Syria for many years. He has defended hundreds of political prisoners, journalists, and prisoners of conscience, including those tried by the Supreme State Security Court which fell far short of international standards of fair trial and was abolished in 2011. In 2012, he was involved in the trial of human rights defender Mazen Darwish and his colleagues (see below) after they were arrested during a raid on the Syrian Centre for Media and Freedom of Expression (SCM) in February of that year. [See joint statement of PEN with other NGOs of 4 June 2013]. The last reported sighting of Khalil was September 2013, and there were signs that he had been tortured. Still detained incommunicado as of 31 December 2013.

### **Muheeb Al-NAWATHY:**

**PROFESSION:** a Palestinian journalist, used to work as a correspondent to Al-Arabiya.net, a Dubai-based news website

**DATE OF ARREST:** 5 January 2011

**DETAILS OF ARREST:** Arrested in Syria nine days after arriving in Damascus to do research for a book he is writing about Hamas (the Palestinian Islamic group). On 9 January 2011 Al-Nawathy

had been due to return to Norway, where he has resided as a political refugee since 2007. He is a former Gaza resident and is said to be a supporter of Fatah (a rival Palestinian group). Thought to remain detained incommunicado as of 31 December 2013; his whereabouts are unknown.

### **\*Abd al-Akram al-SAKKA:**

**PROFESSION:** Islamic scholar

**DATE OF ARREST:** 15 July 2011

**DETAILS OF ARREST:** On 15 July 2011, Air Force Intelligence arrested Abd al-Akram al-Sakka from his home without a warrant. His family has received no information about his fate or whereabouts, and official sources have never confirmed his detention. The only indication regarding his possible place of detention was received through a released detainee, who said he had seen Abd al-Akram al-Sakka at a military court in September 2012. This could indicate that he may be held at Sadnaya Prison, where detainees in military court cases are often held.

**PROFESSIONAL DETAILS:** Abd al-Akram al-Sakka, an imam from Daraya, a town on the outskirts of Damascus, has published several books and essays on a variety of topics, including feminism. He has a history of participating in awareness raising campaigns and community work framed by a group called Shabab Daraya (Youth of Daraya). As a result, security forces arrested him several times even before anti-government protests began in March 2011.

### **Ali Al-SHIHABI:**

**PROFESSION:** Syrian Palestinian political analyst and blogger

**DATE OF ARREST:** 17 December 2012

**DETAILS OF ARREST:** Reportedly arrested on 17 December 2012 by the Palestine Branch of the Syrian Military Intelligence at a checkpoint between Al-Zahra district and Al-Yarmouk Refugee Camp. He is said to be among dozens of writers, poets and playwrights to have been arrested since the start of the conflict for peacefully expressing their views about the current events taking place in Syria.

**OTHER INFORMATION:** Al-Shihabi is a leading writer and has published several books including *The World New Structure and Syria, Where to?* He previously spent nine years in prison for his peaceful opposition activities. Remains detained in an unknown location as of 31 December 2013. There are unconfirmed reports that he may have been killed under torture. On 15 March 2013, Al-Karama submitted his case to the UN Working Group on Enforced Disappearance and other UN Special Procedures and asked for their urgent intervention.

### **REPORTED MISSING**

### **Razan ZAITOUNEH (f):**

**PROFESSION:** human rights defender and writer

**DATE AND DETAILS OF ABDUCTION:** Razan Zaitouneh, along with her husband, Wa'el Hamada, and two colleagues, Nazem Hamadi and Samira Khalil, were abducted by unknown individuals on 9 December 2013 from a joint office for the Violations Documentation Center (VDC) and the Local Development and Small Projects Support (LDSPPS) in the Damascus suburb of Douma, part of Eastern Ghouta, an area under the control of a number of armed opposition groups that is being besieged by government forces. Zaitouneh was forced into hiding in 2011 after receiving threats from the Syrian authorities. In the last few months before her abduction, she received threats from at least one armed opposition group in the Eastern Ghouta area.

**AWARDS:** Zeitouneh has received the 2013 International Women of Courage Award. She also

has received the Anna Politkovskaya Prize and, in 2011, the European Parliament's Sakhorov Prize for Freedom of Thought.

**SUPPORT:** In December 2013, PEN International signed a joint statement calling for her release (<http://www.pen-international.org/newsitems/abducted-human-rights-lawyer-razan-zaitouneh-and-her-three-colleagues-must-be-released-unharmd>).

### **DETAINED: MAIN CASE**

#### **Zaki CORDILLO:**

**PROFESSION:** Cordillo is a playwright and a leading figure of Puppet Theatre (known in Arabic as Masrah Azil)

**DATE OF ARREST:** 13 August 2012

**DETAILS OF ARREST:** Reportedly arrested in Damascus on 13 August 2012 along with his son Mihyar, an actor. He is believed to be targeted for his writings about the current events taking place in Syria.

**OTHER INFORMATION:** Cordillo has written more than eight plays including Shade and Light, Captain Caracoz and Alma'ar and has directed and acted in his works. He has also written dramas for children such as Watery Dreams, The Active Girl and The Kingdom of Ants. Cordillo remains detained incommunicado at an unknown location as of 31 December 2013, and is considered to be at serious risk of torture and other ill-treatment. [RAN 03/13]

#### **Mazen DARWISH, Hussein GHREER, and Hani ZETANI:**

**PROFESSION:** Mazen Darwish is a journalist and the head of the Damascus Centre for Freedom of Expression (SCM); the others are bloggers and members of the SCM.

**DATE OF ARREST:** 16 February 2012

**DETAILS OF ARREST:** Arrested on 16 February 2012 after the office of SCM was raided by Air Force Intelligence. The detainees are facing trial before the Anti-Terrorism Court for "propagating terrorists acts" for his human rights and media activities in response to the ongoing conflict in Syria. Despite several hearings, none of the detainees have been brought before the court and there has been no explanation by the Air Force secret services which is holding them. There are mounting concerns for their welfare. The detainees were moved in November 2012 to Adra prison outside of Damascus. Darwish, who has been held incommunicado without access to visits until recently, has now seen lawyers and his wife. He is reported to have lost a lot of weight. Two others arrested and charged in the case, Abdelrahman Hamada and Mansour Al-Omri, were reportedly released on 5 February 2013; Mansour Al-Omri has since left the country. The trial started in February 2013 and has been repeatedly postponed. The latest hearing took place on 18 November 2013 at the Anti-Terrorism Court in Damascus. Reports confirmed that once again the trial was postponed to 10 March 2014. PEN International has joined several joint statements with other NGOs campaigning for their release.

#### **\*Adnan ZARRA'Al:**

**PROFESSION:** playwright and script-writer

**DATE OF ARREST:** 26 February 2012

**DETAILS OF ARREST:** Reportedly arrested on 26 February 2012 and detained incommunicado in the State Security detention centre in Damascus. He has reportedly suffered a broken rib as a result of torture during his detention. Remains detained without charge or trial as of 31 December 2013, and reports suggest he may have been moved to Sadnaya prison.

## DETAINED: INVESTIGATION

### Jihad JAMAL (AKA Milan):

**PROFESSION:** freelance journalist and blogger

**DATE OF ARREST:** 7 March 2012

**DETAILS OF ARREST:** Reportedly arrested whilst having dinner at a restaurant in the Bab Sharqi district of Damascus with Sean McAllister, a reporter for Channel 4 (a UK TV station), who was released six days later after being tortured and otherwise ill-treated in detention. Unconfirmed reports suggest that Jamal may have been transferred for interrogation at the Ministry Intelligence's Branch 248 before being brought before a military court in mid-May 2012, despite being a civilian and without access to legal counsel. This is his fourth arrest since the Syrian protests started in March 2011. Previously detained without charge from 14 October-30 December 2011, and on 4 August 2011 when he spent 60 days in detention. He was also arrested in March 2011 and held for one month in solitary confinement at the Military Intelligence security centre in Damascus. Jamal has actively engaged in online dissent and helped foreign journalists to gather information about the conflict in Syria, which is believed to have led to his numerous arrests since March 2011. He was transferred to Saydnaya prison on 21 December 2012 to await trial before a Field Court - a military court which can impose the death penalty. Sentences imposed by the court are final and not subject to appeal or review. Still detained as of 31 December 2013, PEN International is seeking further information.

## ON TRIAL

### Dia'a AL- ABDULLAH:

**PROFESSION:** poet and blogger

**DATE OF ARREST:** 13 February 2012

**DETAILS OF ARREST:** He was arrested from his home in Asswaida by the Air Forces Intelligence after writing an open letter entitled As A Syrian Citizen I Announce in which he demanded that the Syrian President step down in order to prevent further bloodshed. He was released on 19 April 2012 but faces charges. Dia'a is waiting to appear before a Military Court after being charged with "insulting the President". The date of the trial has not been set yet. According to Dia'a, he was subjected to torture in detention and all his front teeth were broken.

**BACKGROUND:** Al-Abdullah was previously detained for his writing on 29 June 2011, and held incommunicado until his release on 13 January 2012. Trial still pending as of 31 December 2013.

### Bassam Ahmed AL-AHMAD, Yara BADR (f), Razan GHAZZAWI (f), Mayada KHALIL(f), Thannaa AL-ZITANI (f) and Jwan SAID Ahmad (aka Jwan Farso):

**PROFESSION:** Bloggers and members of the Damascus Centre for Freedom of Expression (SCM)

**DATE OF ARREST:** 16 February 2012

**DETAILS OF ARREST:** Arrested after the office of SCM was raided by the Air Force Intelligence. Charged by a Military Court with "processing recorded materials" which call for protests. Released on bail after one week and the trial continues. Five others were arrested and charged in the case, three of whom remain detained at an unknown location (see Mazen DARWISH, Hussein GHREER, and Hani ZETANI, 'main case' above). The trial continues, they remain free on bail. Bassam AL-AHMAD, Yara BADR (f) and Razan GHAZZAWI (f) are reported to have left the country.

## CASE CLOSED

### Shibal IBRAHIM:

**PROFESSION:** journalist, writer and member of the Union of Young Kurdish Coordinating Committees, which organises peaceful pro-reform protests

**DATE OF ARREST:** 22 September 2011

**DETAILS OF ARREST:** Reportedly arrested from his home in Qamishli by men in civilian clothing. Detained for organising and participating in peaceful protests. Held incommunicado, he did not have access to his family or a lawyer for the duration of his detention and trial.

**DETAILS OF TRIAL:** In September 2012, he was tried by a judge from the Anti-Terrorism Court and sentenced without his knowledge to 15 years in prison.

**DATE AND DETAILS OF RELEASE:** He was released on 29 May 2013 following a general amnesty issued by Syrian President Bashar al-Assad. Has now fled the country – case closed.

### \*Shaza AL MADDAD (f):

**PROFESSION:** journalist

**DATE OF ARREST:** 2 November 2012

**DETAILS OF ARREST:** Reportedly arrested by State Security forces in Damascus, after she was called several times for investigation by the same branch. She was first summoned upon her return from a trip to the USA after spending one month at the Woodrow Wilson Center's Visiting Arab Journalist Program. She was also reportedly investigated for her work with the website, Damas Post, for its stance on the events in Syria.

**DATE AND DETAILS OF RELEASE:** On 10 July 2013, the investigating judge of the Anti-Terrorism Court ordered her release on bail but instead of being released, she was kidnapped from inside the prison by another branch of the security forces. She was released on 13 July 2013 on bail of 5000 Syrian Lira (approx. US \$50) by the Terrorism Court in Damascus.

### Hanadi ZAHLOUT (f):

**PROFESSION:** writer and journalist

**DATE OF ARREST:** 4 August 2011 and 16 February 2012. Reportedly arrested in 2011 and held for alleged involvement in anti-government demonstrations. She was subjected to physical and psychological mistreatment, and confessed under duress to involvement in the demonstrations. Later released, but re-arrested on 16 February 2012 and held for one week.

**DETAILS OF TRIAL:** She is on trial and appeared before a court on 24 June 2012. The trial continues and she remains free on bail. She has reportedly left the country.

## TUNISIA

### IMPRISONED: MAIN CASE

### Jaber Ben Abdallah MEJRI

**PROFESSION:** writer

**SENTENCE:** seven years' imprisonment

**EXPIRES:** March 2019

**DATE OF ARREST:** 5 March 2012

**DETAILS OF ARREST:** The case relates to an essay published in July 2011 by Ghazi Ben Mohamed Beji entitled "The Illusion of Islam," published on [www.scribd.com](http://www.scribd.com). The essay satirises aspects of the Prophet Muhammad's biography, including his sexual life. Mejri published photos on his Facebook page drawn from Beji's work, along with other writings satirising Islam and the Prophet Muhammad.

**DETAILS OF TRIAL:** Mejrri was convicted on 28 March 2012 of publishing material "liable to cause harm to public order or public morals", under Article 121(3) of the penal code and was sentenced to seven years in prison and a fine of 1,200 Tunisian dinars (approx. US\$ 790) for publishing writings perceived as offensive to Islam. Mejrri's sentence was confirmed on appeal on 28 May 2012, and confirmed by the Court of Cassation on 25 April 2013. His request for a presidential pardon was reportedly denied in November 2013. Ghazi Ben Mohamed BEJI was also sentenced in the case, but was tried in absentia (having left for Europe).

### **BRIEF DETENTION**

#### **\*Ala YAACOUB (aka Weld El 15):**

**PROFESSION:** rapper

**DATE OF ARREST:** June 2013

**SENTENCE:** Four-month prison sentence

**DATE OF RELEASE:** 19 December 2013

**DETAILS OF TRIAL:** Convicted of insulting the police in his song 'The Police are Dogs' and sentenced to two years in prison. The sentence was reduced by the Tunis court of appeal to a suspended six-month term, and he was released on 3 July 2013. However, on 2 September 2013 it was reported that he had been again sentenced to 21 months in prison for insulting the police in songs he performed at a concert in Hammamet, east of Tunis, in August 2013. According to his lawyer neither he nor his client had been informed about the latest trial, and Yaacoub remained free until 5 December 2013, when he was convicted and taken into custody to serve a four-month prison sentence. Acquitted on appeal on 19 December 2013 and released.

## **UNITED ARAB EMIRATES**

### **IMPRISONED: MAIN CASE**

#### **\*Waleed AL-SHEHHI:**

**PROFESSION:** Netizen who had been active before his arrest in publicising information on Twitter about the trial of the "UAE 94" - the trial of 94 individuals in the UAE who were charged with endangering national security.

**DATE OF ARREST:** 11 May 2013

**DETAILS OF ARREST:** Al-Shehhi was held for 10 days at an unknown location, believed to be the state security detention centre in Abu Dhabi, before being transferred to Al-Wathba central prison.

**SENTENCE:** Two years in prison and a fine equivalent to US\$137,000

**DETAILS OF TRIAL:** He was accused of using Twitter to instigate incitement of the public

against state security and was convicted on 18 November 2013 under Articles 28 and 29 of the new Cybercrime law No. 5/2012.

### **Mohammed Salem Al-ZUMER:**

**PROFESSION:** blogger

**DATE OF ARREST:** 5 December 2012

**DETAILS OF ARREST:** At approximately 9pm, Mohammed Salim Al-Zumer and a friend were arrested on the street by plain-clothes security officials who took their personal belongings including mobile phones and ipads. He was taken to an undisclosed location.

**SENTENCE:** Three years in prison and a fine of 500,000 Emirati Dirham (approx. US\$136,000).

**DETAILS OF TRIAL:** On 25 December 2013, the Federal Court in Abu Dhabi convicted him of insulting both the head of state and the Crown Prince of Abu Dhabi in critical comments published online regarding their relationship with the private security firm Blackwater. He made serious allegations of torture and ill-treatment during his detention that were never investigated by the court.

**CASE CLOSED**

### **\*Abdullah AL-HADIDI:**

**PROFESSION:** netizen

**DATE OF ARREST:** 22 March 2013

**DETAILS OF TRIAL:** Charged on 28 March 2013 under Article 265 of the Penal Code for publishing details of a public trial session "without probity and in bad faith". The court reportedly referred to Article 46 of the 2012 federal decree on cyber-crime (the Federal Legal Decree 5/2012), which makes the use of the Internet or information technology an aggravating factor in the commission of a crime. The case relates to information he circulated on Twitter about the trial of 94 individuals in the UAE, including his father, who were charged with endangering national security. Convicted by a lower court on 8 April 2013 and sentenced to ten months in prison. The Abu Dhabi Court of Appeal reportedly upheld the sentence on 22 May 2013 and the Court of Cassation further upheld it on 7 July 2013.

**DATE OF RELEASE:** Released on 1 November 2013 on completion of his sentence.

## **YEMEN**

**KILLED: MOTIVE UNKNOWN**

### **\*Wajdi Al SUBAIHI:**

**PROFESSION:** freelance  
journalist

**DATE OF BIRTH:** 1987

**DATE AND DETAILS OF DEATH:** He was killed while at his home in Aden city, on 21 February 2013. Reports say that the journalist was gunned down by masked men who burst into his home. The day after his death, the Defence Ministry reportedly stated that Al Subaihi had links to al-Qaeda; however, this statement was withdrawn soon after. Al-Subaihi, aged 30, worked for various news website in the city of Aden. The authorities are investigating if the journalist's death is linked to his work but have neither charged nor arrested anyone for the killings.



## ON TRIAL

### \*Husam ASHOUR:

**PROFESSION:** news editor and reporter for the website News Yemen and Al-Nida' weekly newspaper

**SENTENCE:** Three months in prison, suspended, and a fine of 300,000 Yemeni Rials (approx. US\$1,400)

**DETAILS OF TRIAL** Reportedly sentenced on 2 April 2013 for insulting a public official in a series of reports published in 2011 alleging official corruption. Remains free on bail pending appeal. No further information as of 31 December 2013.

## ATTACKED

### \*Mohammed AL-HUDHAIFI

**PROFESSION:** journalist for the newspaper Mareb Press' website

**DATE OF ATTACK:** 21 April 2013

**DETAILS OF ATTACK:** The son of al-Hudhaifi was allegedly knocked down by a car in an attempted abduction. Having first asked his father's name, the man asked al-Hudhaifi's son to get in the car. Upon refusal he knocked the 12 year old down, causing injuries to his head, back and an arm. Al-Hudhaifi reported the assault to police who he said showed no interest and instead told him to contact authorities in Aden, where the attacker's car was registered. Subsequently, he has been trying to contact the Aden police but, likewise, no one has been cooperative.

**BACKGROUND:** Al-Hudhaifi suspects that the perpetrator was a supporter of former president Saleh, given that many supporters were angered at his reporting of events in Taizz. He had previously written that Saleh supporters had attacked families of uprising victims protesting outside the governor's office earlier that month for compensation to cover medical costs.

### \*Mohammed Al-IMAD:

**PROFESSION:** editor-in-chief of Al-Hawiyah newspaper

**DATE OF ATTACK:** 20 November 2013

**DETAILS OF ATTACK:** Seriously injured in a car explosion in the Yemeni capital Sana'a, in an apparent assassination attempt.

### \*Murad AL-SAEEDI

**PROFESSION:** journalist for the weekly newspaper Akhbar al-Yom

**DATE OF ATTACK:** 17 January 2013

**DETAILS OF ATTACK:** Al-Saeedi was reportedly assaulted in central Sanaa by two young men who emerged from a tent displaying Huthi slogans. He was allegedly knocked down by these two men, whilst a third told him before he lost consciousness: "This is a warning. Next time we will cut your tongue out if you don't end your campaign." After the attack, Al-Saeedi awoke at a clinic in Change Square with a broken hand. Al-Saeedi reported the incident to security forces who reportedly refused to investigate the incident claiming that this would escalate the violence.

**BACKGROUND:** Two days prior to the attack, 15 January 2013, Al-Saeedi gave a speech at a public protest in Sanaa demanding that families who have been displaced in northern Yemen by Huthi rebels receive compensation. Following the speech, he received around 40 phone

calls from unnamed individuals, accusing him of attacking “Ansar Allah”, as the Huthi movement is now known. His mother also received a call in which an anonymous callers warned “we will give your son to Abdul Malik al-Huthi if he does not stop.” Al-Saeedi was targeted after he published an article reporting that Huthis rebels bombed the home of a family, killing 14 and injuring 8, in November 2012. He also claims he was attacked and beaten by people who had been chanting Huthi slogans when he participated in a protest on the Saana university campus in the same month.

### **\*Ahmad ALAJABIHA:**

**PROFESSION:** editor of the Al wahdawi newspaper

**DATE OF ATTACK:** 27 November 2013

**DETAILS OF ATTACK:** Reportedly kidnapped in front of the President’s home by an armed gang driving a Sonata taxi with plate number 1525. His laptop and phone was stolen.

### **\*Abdullah bin AMER:**

**PROFESSION:** publisher and editor-in-chief of the Masapress (Evening Press) newspaper

**DATE OF ATTACK:** 29 November 2013

**DETAILS OF ATTACK:** Reportedly shot at three times by an unidentified armed man on a motorbike on a street close to the home of the Yemeni president in the capital Sana’a. He escaped unhurt. Prior to the attack he had written several articles alleging official corruption in state institutions including the office of the Presidency.

### **\*Mansour NOOR**

**PROFESSION:** journalist for the website Septemper 26 News

**DATE OF ATTACK:** 17 April 2013

**DETAILS OF ATTACK:** Noor was reportedly assaulted and shot in the leg three times after accepting a lift from three men. Doctors had to amputate part of Noor’s right leg. Following the incident he reported the attack to security forces, but knows of no ongoing investigation.

**BACKGROUND:** On the evening of 17 April 2013, three men called out to Noor by name offering him a lift as he was walking home in Aden through an area affected by a power cut. Having driven a short distance, they stopped and one man told him to get out of the car pointing a gun at him while the driver assaulted him. The gunman then shot him in the leg three times. Noor does not know the identity of his attackers or their motive, but assumes that it was due to his reporting as they knew his identity when they offered him a lift and he claims he had no personal conflicts that the attack could be attributed to.

### **\*Jabr SABR:**

**PROFESSION:** journalist for the opposition newspaper Mareb Press

**DATE OF ATTACK:** 5 January 2013.

**DETAILS OF ATTACK:** Sabr was reportedly assaulted by members of the Central Security Forces who allegedly beat him with batons and kicked him in the back whilst he was on the ground.

**BACKGROUND:** Sabr had gone to cover a public protest in southern Sanaa. He claims he saw the security forces accuse a teacher whom he knew of being a journalist and assaulted him. Upon intervening, three members of the Central Security Forces beat Sabr with batons and gun butts. They took his camera, phone, wallet and money. Sabr was then taken to a nearby police station where another officer accused him, and journalists more generally, of causing chaos in the country. He was released without charge several hours later. On 30 January 2013,

the attorney general announced an investigation into the case, but no other action has been taken on his complaint and his property has not been returned to him.

## **THREATENED**

### **\*Rashad AL-SHARABI:**

**PROFESSION:** journalist for the government owned Al-Jomhuryah and Al-Masdar newspapers

**DATE OF THREAT:** January-February 2013

**DETAILS OF THREAT:** Al-Sharabi was reportedly threatened with daily phone calls for ten days in succession after refusing to apologise for a story in Al-Jomhuryah about harassment of female teachers in a school in Marib governorate. In addition, al-Sharabi reports receiving further threats after writing a similar article, citing the Marib case amongst others. He reported the threats to the Ministry of Interior and the attorney general but received no response.

**BACKGROUND:** On 26 December 2012, a member of parliament reportedly threatened al-Sharabi about his article. The parliamentarian, whose daughter is the principal of the school discussed in the article, allegedly phoned al-Sharabi and said, "Either you apologise or I will send you my guards." The parliament member demanded that al-Sharabi prove his allegations or publish an apology. Al-Sharabi declined and offered him the right of reply instead. The above succession of threats followed until the issue was resolved through tribal mediation.

## **HARASSED**

### **\*Samia AL-AGHBRY (f):**

**PROFESSION:** journalist for opposition weekly newspaper Al Thawry

**DATE OF THREAT:** Early 2013

**DETAILS OF THREAT:** Al-Aghbry was reportedly a victim of a campaign launched against her on Facebook, accusing her of ridiculing Islam. The campaign resulted in a flurry of threatening comments, including some suggestion that she should be killed. On 24 January 2013, the man who began the campaign later posted a link to a video showing the al-Qaeda flag with images of Al-Aghbry's face surrounded by flames and a list of her "religious crimes". He also filed a law suit accusing her of blasphemy which has yet to come to court. The attorney general has not taken any action following these threats.

**BACKGROUND:** According to Human Rights Watch, in the past year women journalists have been subjected to pressure and harassment by religious conservatives who take exception to their growing prominence and have targeted them with apostasy campaigns. On 30 December 2012, Al-Aghbry spoke at an event marking the 10<sup>th</sup> anniversary of the assassination of Jarallah Omar, the deceased deputy leader of the Yemeni Socialist party. After the event, a former member of the Islamist Islah Party reportedly launched the campaign against her, which included her photograph and a letter to the attorney general of Damt accusing her of ridiculing Islam. Al-Aghbry feels that the circumstances of the campaign strongly suggest that the Islah Party was involved.

## **SENTENCED**

### **Majed KAROUT:**

**PROFESSION:** journalist for the news website Masdar Online

**SENTENCE:** One year in prison

**DETAILS OF TRIAL:** He was convicted by a court in Al-Bayda on 4 June 2012 of "posting lies in

Facebook". The lawsuit was filed by the financial director of the official communication agency in Al-Bayda, after a photo and a letter were published on the internet. The letter, signed by employees of the agency denouncing alleged corruption at their workplace, was posted on Facebook by another person in February 2011. Karout was tagged in the accompanying photo, despite not being its author. The journalist was not notified by the court about the charges against him or the hearings in this trial. An appeal was filed against the imprisonment sentence, the third session of which was heard in February 2013. There are fears that the reason for this trial and conviction is an attempt to stop Karout from continuing investigating and reporting on issues of local corruption. Believed to remain free as of 31 December 2013.

## **CONDITIONAL RELEASE**

### **\*Husam ASHOUR**

**PROFESSION:** journalist with the independent news website newyemen.net and Al-Nida' weekly newspaper

**DATE OF SENTENCING:** 2 April 2013

**DETAILS OF SENTENCE:** Ashour was given a three-month suspended sentence and ordered to pay a fine of 300,000 YER (approx. US\$1,392) for criminal defamation because of an anti-corruption article he wrote on 3 May 2011.

**BACKGROUND:** Ashour's story accused the manager of a local branch of the Reconstruction Fund for Hadramout and Mahra Provinces, to the far west of Yemen-bordered Oman, of financial and administrative corruption.

## **RELEASED**

### **Abdulelah Haider SHAYE:**

**PROFESSION:** journalist at the Saba Yemeni news agency who had worked for other publications, including the Washington Post

**DATE OF ARREST:** 16 August 2010

**DETAILS OF ARREST:** Shaye was arrested at his home by anti-terror police who reportedly beat him in front of his family and neighbours. Police also searched his home and confiscated his personal computer and notebook. He spent 34 days in solitary confinement, during which time he said he was beaten, leading to chest injuries, bruising on his body and a broken tooth.

**SENTENCE:** five years' imprisonment

**DETAILS OF TRIAL:** After an unfair trial before the Specialized Criminal Court, he was sentenced on 17 January 2011 after conviction of charges including "communicating with 'wanted men'", "joining a military group" and "acting as a media consultant to al-Qa'ida", to be followed by a two-year travel ban. He refused to appeal against his conviction and sentence, citing concerns about the fairness of proceedings.

**DATE AND DETAILS OF RELEASE:** On 1 February 2011, former Yemeni President Ali Abdullah Saleh issued an order to free him, but it was not carried out after US President Barack Obama expressed concern over the journalist's release. In May 2013, current president Abdu Rabbu Mansour Hadi announced he had made plans for Abdulelah Haider Shaye's release. Released on 23 July 2013. As a condition of his release, Shaye is required to stay in Sana'a for two years.

## LIST OF CENTRES WITH HONORARY MEMBERS

### PEN American Centre

Cameroon	Dieudonné Enoh MEYOMESSE
China	HADA LIU Xiaobo SHI Tao
China/Tibet	Dawa GYALTSEN Dolma KYAB
China/XUAR	Nurmuhemmet YASIN
Eritrea	Emanuel ASRAT Temesken GHEBREYESUS Mattewos HABTEAB Dawit HABTEMICHAEL Dawit ISAAC Seyoum TSEHAYE
Iran	Adnan HASSANPOUR
Myanmar/Burma	AUNG Than
Turkey	Ayşe BERKTAY
Ukraine	Muhammad BEKZHON (BEKJANOV)
Vietnam	NGUYEN Xuan Nghia

### Austrian PEN

Cameroon	Dieudonné Enoh MEYOMESSE
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### Basque PEN

Iran	Adnan HASSANPOUR
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### PEN Canada

China	HADA YANG Tongyan (aka Yang Tianshui)
Eritrea	Emanuel ASRAT Temesken GHEBREYESUS Mattewos HABTEAB Dawit HABTEMICHAEL Dawit ISAAC Seyoum TSEHAYE
Ethiopia	Reeyot ALEMU Eskinder NEGA
Russia	Anna POLITKOVSKAYA
Syria	Tal Al-MALLOUHI
Turkey	Ayşe BERKTAY
Ukraine	Muhammad BEKZHON (BEKJANOV)
Uzbekistan	Dilmurod SAIDOV (pen-name: SAYYID)

### Czech PEN

China	LIU Xiaobo
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### Danish PEN

Syria	Tal Al-MALLOUHI
Turkey	Muharrem ERBEY Nedim ŞENER Ahmet ŞIK Deniz ZARAKOLU

### English PEN

China	LIU Xiaobo
China/Tibet	Dolma KYAB
China/XUAR	Nurmuhemmet YASIN

	Turkey	Hrant DINK
Finnish PEN		
	Eritrea	Dawit ISAAC
French PEN		
	Vietnam	DANG Phuc Tue (religious name: Thich Quang Do)
German PEN		
	China	LI Bifeng
		LIU Xiaobo
	China/Tibet	Dolma KYAB
	Qatar	Mohammed Ibn al-DHEEB al-AJAM
	Turkey	Deniz ZARAKOLU
		Ragıp ZARAKOLU
	Vietnam	DANG Phuc Tue (religious name: Thich Quang Do)
Guatemalan PEN		
	China	GUO Quan
Iceland PEN		
	China	LIU Xiaobo
Independent Chinese PEN Centre (ICPC)		
	China	CHEN Wei
		GUO Quan
		HADA
		LI Tie
		LIU Xianbin
		LIU Xiaobo (Honorary President)
		LU Jianhua
		QI Chonghuai
		XU Zhiyong
	China/Tibet	BHUDHA (pen-name: Buddha the Destitute)
		DHONKHO Jangtse (aka Rongke, pen-name: Nyen)
		DROKRU Tsultrim
		KHEL SANG (KALSANG) Jinpa (pen-name: Garmi)
	China/XUAR	Hailaite NIYAZI (aka Hairat or Gheyret Niyaz)
		Nurmuhemmet YASIN
Italian PEN		
	China	YANG Tongyan (aka Yang Tianshui)
Melbourne PEN		
	Belarus	Irina KHALIP
Netherlands PEN		
	Turkey	Ragıp ZARAKOLU
New Zealand PEN		
	Belarus	Irina KHALIP
Norwegian PEN		
	Turkey	Hrant DINK
Portuguese PEN		
	China	LIU Xiaobo
San Miguel de Allende PEN		
	Turkey	Ragıp ZARAKOLU
Swedish PEN		
	Eritrea	Dawit ISAAC
	Iran	Adnan HASSANPOUR
		Mohammad Sadiq KABUDVAND
	Vietnam	DANG Phuc Tue (religious name: Thich Quang Do)
Swiss German PEN		

Turkey	Erol ÖZKORAY Pinar SELEK
Swiss Italian PEN	
China	LIU Xiaobo
Turkey	Muharrem ERBEY Deniz ZARAKOLU
Suisse Romand PEN Centre	
China/Tibet	BHUDHA (pen-name: Buddha the Destitute) DHONKHO Jangtse (aka Rongke, pen-name: Nyen) KHELSANG (KALSANG) Jinpa (pen-name: Garmi)
Vietnam	LU Van Bay NGUYEN Tien Trung
Sydney PEN	
China	LIU Xiaobo
Vietnam	NGUYEN Van Ly
Turkish PEN	
Turkey	Mustafa BALBAY Ayşe BERKTAY Muharrem ERBEY Professor Büşra ERSANLI Nedim ŞENER Ahmet ŞIK Ragıp ZARAKOLU
Uyghur PEN	
China	GUO Quan
PEN USA	
Ethiopia	Eskinder Nega
Ukraine	Muhammad BEKZHON (BEKJANOV)
PEN Vlaanderen	
Turkey	Hrant DINK

## Full-Year Figures

The following table represents the full-year's (January-December 2013) figures. Please refer to the explanatory note on page 6 for clarification of categorisation. [\*indicate an ongoing crime that was first reported on a previous case list.]

Category	Total
Killed	14
Killed: motive unknown	19
Killed: impunity	27
Enforced disappearance	2
Enforced disappearance: impunity (ongoing)*	6
Abduction	1
Abduction: impunity (ongoing)*	1
Reported missing	2
Reported missing: impunity (ongoing)*	5
Imprisoned: main case	122
Imprisoned: investigation	64
Detained: main case	42
Detained: investigation	55
On trial	165
Judicial concern	7
Brief detention	46
Death threat	39
Attacked/ill treated	83
Threatened	33
Harassed	95
Judicial harassment	23
Sentenced	16
Conditional release	33
Total	900
Released	43





# DAY OF THE IMPRISONED WRITER

15 NOVEMBER

The Day of the Imprisoned Writer is an annual, international day intended to recognise and support writers who resist repression of the basic human right to freedom of expression and who stand up to attacks made against their right to impart information.

Every year, on November 15, PEN Centres around the world stage events, commemorating friends and colleagues who resist repression of the basic human right to freedom of expression.

Each year the focus is on a number of specific cases from that represent the type of threats and attacks faced by writers across the globe. For more information for to [www.pen-international.org](http://www.pen-international.org)

## The Gezi Park Protests: the impact on freedom of expression in Turkey

**March 14 2014**

In The Gezi Park Protests: the impact on freedom of expression in Turkey, PEN assesses the violations of the right to freedom of expression and to freedom of assembly during last year's protests, detailing numerous examples of intimidation, judicial harassment and violence against writers and journalists by the authorities in Turkey, and shedding light on the mechanisms by which the mainstream media in Turkey is pushed towards self-censorship.

To read this report please go to:

<http://www.pen-international.org/wp-content/uploads/2014/03/PEN-Gezi-Report.pdf>

## Honduras: Journalism in the Shadow of Impunity

**January 22 2014**

Journalists who cover organized crime, government corruption and other sensitive issues are increasingly facing threats and lethal attacks in Honduras, with almost complete impunity for perpetrators, said PEN International in a new report released today in partnership with PEN Canada and the International Human Rights Program (IHRP) at the University of Toronto Faculty of Law.

The report – Honduras: Journalism in the Shadow of Impunity – documents the rise in violence against journalists following the coup d'état that ousted President José Manuel Zelaya in June 2009, and the failure of both state and international mechanisms to investigate and punish those responsible. Since June 2009 at least 32 Honduran journalists – most working for the broadcast media – have been killed and many more continue to work in a climate of fear and self-censorship.

To read this report please go to:

<http://www.pen-international.org/wp-content/uploads/2014/01/Honduras-Journalism-in-the-Shadow-of-Impunity1.pdf>

## The PEN Report: Creativity and Constraint in Today's China

**May 3 2013**

On World Press Freedom Day, PEN International launched The PEN Report: Creativity and Constraint in Today's China. The culmination of five years of collaborative research among PEN members inside and outside of China, the report is a frank assessment of the climate of freedom of expression in the world's most populous state. It also provides first-hand accounts of life under the weight of Chinese censorship through personal essays by 10 of China's leading dissident writers.

To read this report please go to:

<http://www.pen-international.org/wp-content/uploads/2013/05/The-PEN-Report-Creativity-and-Constraint-in-Todays-China.pdf>

PEN International promotes literature and freedom of expression and is governed by the PEN Charter and the principles it embodies: unhampered transmission of thought within each nation and between all nations. Founded in 1921, PEN International connects an international community of writers from its Secretariat in London. It is a forum where writers meet freely to discuss their work; it is also a voice speaking out for writers silenced in their own countries. Through Centres in over 100 countries, PEN operates on five continents. PEN International is a non-political organisation which holds Special Consultative Status at the UN and Associate Status at UNESCO.

International PEN is a registered charity in England and Wales with registration number 1117088.

**[WWW.PEN-INTERNATIONAL.ORG](http://WWW.PEN-INTERNATIONAL.ORG)**