



INTERNATIONAL PEN
Writers in Prison Committee

Case List – January to June 2010

INTERNATIONAL PEN

Writers in Prison Committee

HALF-YEARLY CASELIST

To 30 June 2010

International PEN
Writers in Prison Committee
50/51 High Holborn
London WC1V 6ER
United Kingdom

Tel: + 44 020 74050338
Fax: + 44 020 74050339
e-mail: wipc@internationalpen.org.uk
web site: www.internationalpen.org.uk

INTERNATIONAL PEN Writers in Prison Committee

International PEN is the leading voice of literature worldwide, bringing together poets, novelists, essayists, historians, critics, translators, editors, journalists and screenwriters. Its members are united in a common concern for the craft and art of writing and a commitment to freedom of expression through the written word. Through its Centres, PEN operates on all five continents with 144 centres in 102 countries.

Founded in London in 1921, PEN 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.

The **Writers in Prison Committee** of International PEN 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 International PEN 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.

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

INTERNATIONAL PEN CHARTER

The PEN Charter is based on resolutions passed at its international congresses and may be summarised as follows:

PEN 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.

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 works with international NGOs, such as Amnesty International and Human Rights Watch. It is a founder member of IFEX – the International Freedom of Expression Exchange. IFEX is a collaborative, on-line service in which several groups involved in the campaign for free expression pool information. Other members include Article 19, the Committee to Protect Journalists, Index on Censorship, the International Federation of Journalists and Reporters sans Frontieres, as well as regional and national groups. For further details see the IFEX website www.IFEX.org

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

Anyone wishing to take action on any individual mentioned in this Caselist should contact the Writers in Prison Committee headquarters for any update there may be on the case and for advice on appeals.

Explanation of Terms Used

Important: Please Read

Main Cases

Those cases listed as ‘main cases’ are those where the Writers in Prison Committee is confident that:

- i. the person is a writer or journalist or is persecuted because of their writings;
- ii. the person has not used violence towards his or her aims or advocated racial hatred.

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.

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.

Investigation case

An investigation case is one where the Writers in Prison Committee:

- i. needs more information to ascertain whether a person is a writer or is persecuted for their writings;
- ii. is not clear as to whether or not he or she has used violence or advocated racial hatred;
- iii. has insufficient information to confirm that the event has taken place;
- iv. is seeking confirmation that the person is still detained.

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 dropped as appropriate.

* by a name indicates that the case is new to the Committee’s list since the last Writers in Prison Committee report. The last report was dated December 2009.

AFRICA

ANGOLA

Case closed

Felisberto DE GRÂÇA CAMPOS: director of the private weekly *Semanário Angolense*, was convicted of 'insult, slander, calumny and infringement of rights' and given an eight-month prison sentence on 25 September 2007. The newspaper was also fined 18.7 million kwanza (US\$250,000) for criminal libel. The charges were filed by a former minister of justice who had complained about articles published by the newspaper in 2001 and 2004 alleging trafficking of influence. On 3 November 2007, Grâça Campos was provisionally released pending the outcome of an appeal. On 23 June 2008, he was reportedly sentenced to six months in prison on the same charges. His lawyer stated that an appeal had been launched and accepted, and that the sentence would not be implemented. As of January 2009, Grâça Campos was still waiting for the outcome of his appeal. No further news as of 30 June 2010; case closed due to lack of information. [RAN 43/07 and updates].

CAMEROON

Died in custody

***Germain S. ("Bibi") NGOTA NGOTA:** founder and editor of the private bimonthly newspaper *Cameroon Express*, died in Kondengui prison in the capital Yaoundé on 22 April 2010. His health had deteriorated since he was imprisoned in February 2010 and according to his death certificate he died from a lack of medical attention. **Details of arrest:** Ngota (38) was arrested on 15 February along with editors **Harrys Robert Mintya** of *Le Devoir* and **Serge Sabouang** of *La Nation*, in connection with a criminal complaint from presidential aide Laurent Esso in response to their investigation of allegations of corruption involving Esso and the state-run oil company, National Hydrocarbons Company (SNH) (see entry for Mintya and Sabouang below). The journalists were transferred to Kondengui prison in March pending trial. Three weeks before his arrest, Ngota had been picked up by Cameroon intelligence agency (DGRE) agents while being treated for high blood pressure at a hospital in Yaoundé and was held incommunicado without charge with Mintya, Sabouang and reporter **Simon Hervé Nko'o** of *Bebela*. **Conditions/ treatment in custody:** Ngota was reportedly held in a part of Kondengui prison where hardened criminals are housed and where the conditions are extremely harsh. Shortly before his death he had complained of fatigue, gout and joint pain. He had reportedly also suffered from high blood pressure, a hernia and asthma. However, according to Ngota's mother, the authorities rejected a plea for Ngota to

be released on medical grounds, despite it being endorsed by the prison doctor. The Cameroonian government has not responded to allegations that security agents used psychological and physical torture to force Ngota and the other journalists to reveal their sources for the document on which the allegations against Esso were based. **Government response:** A 26 April statement issued by the President's office stated that the judicial authorities would carry out an impartial investigation but denied that the case was "a matter of restriction of freedom of the press" or that Ngota had died because of a lack of medical care. On 28 April, a minister publicly disclosed that Ngota had tested positive for HIV while in prison and had died of infections arising from this condition, a claim refuted by Ngota's widow. A letter to PEN from the Minister of State dated 17 May stated that Ngota had been receiving treatment for his health complaints in prison prior to his death. It also said that Ngota had sent an "apology letter" to the Minister regarding the forgery matter prior to his arrest. As of 11 June, the authorities had not yet released details of the findings from the investigation into Ngota's death. **Background:** Ngota, who had worked as a journalist for 15 years, launched *Cameroon Express* in 2002-2003 and worked for several other publications on a freelance basis. He was reportedly well-known locally for his investigations on public corruption in the oil sector. He is survived by his wife and two children. [RAN 32/10]

Imprisoned: main case

Lapiro DE MBANGA (real name: Pierre Roger Lambo Sandjo): a well known singer-songwriter. **Date of arrest:** 9 April 2008. **Sentence:** three years. **Expires:** April 2011. **Charge:** incitement to riot and damaging property. **Details of arrest:** Mbanga, who is also a member of the opposition party Social Democratic Front (SDF), was arrested in Mbanga City on 9 April 2008, accused of instigating mass demonstrations and strikes against the high cost of living which took place in Cameroon at the end of February and which the authorities say led to the deaths of at least 40 people. However, according to the Media Foundation for Western Africa (MFWA), his arrest stemmed from a song he wrote entitled "Constipated Constitution" which warns President Biya of the dangers of the constitutional amendments. The Constitutional Amendment Bill, which was adopted on 10 April 2008, allows an unlimited number of presidential mandates, as well as granting the president immunity for any acts committed while in office. Mbanga was detained at Mbanga Principal Prison. **Details of trial:** On 9 July 2008, Mbanga was formally charged and on 24 September 2008, he was found guilty of taking part in riots against the high cost of living in Cameroon in February 2008 and sentenced to three years in prison. The songwriter was convicted of three of the six charges against him: "complicity in looting, destruction of property, arson, obstructing streets, degrading the public or classified property, and forming illegal gatherings". He was also ordered to pay a fine of 280 million CFA francs (US\$640,000) payable to the company Société des Plantations de Mbanga (SPM) and the Ministry of Finance as compensation for damage caused during the riots. Mbanga was reportedly convicted on the grounds that his presence during the protests, as a local leader, had galvanised the rioters. It was further argued that he would not have been allowed to film the events, as he did, had he been an outsider. This therefore made him an accomplice. However, according to local press reports, the riots were widely televised and none of the journalists who filmed the footage have been brought to trial. Moreover, Mbanga's sentence is twice that received by the actual leaders of the riots, who were handed 18-month prison terms the month after the riots and subsequently received a presidential pardon. The

government has reportedly denied that the case is politically motivated. Mbanga appealed the sentence. **Place of detention:** New Bell prison, Douala. **Appeal:** On 24 June 2009, an appeal court in Yaoundé confirmed Mbanga's three-year prison sentence. The fines for allegedly damaging property were also upheld, even though the company SPM had reportedly long since withdrawn from the case. Mbanga was also ordered to pay the costs of the trial. The fines and trial costs were to be paid immediately or be converted into an extra 18 months in prison. The appeal court reportedly ignored the defence's arguments that as Mbanga was convicted as an accomplice he should not be given a heavier sentence than the main instigators of the riots, most of whom had by then been released. Mbanga's lawyers reportedly planned to take the appeal to the Supreme Court in Yaoundé. **Prison conditions/ health concerns:** Prison conditions, including food and hygiene, are said to be poor and Mbanga has reportedly developed health problems since his imprisonment. In March 2009 it was reported that his health was deteriorating and that October 2009 it was reported that Mbanga had been suffering from the effects of typhoid fever for several months. His lawyer was attempting to have him released on humanitarian grounds pending his appeal before the Supreme Court. **New information:** In March 2010, the NGO Independent Commission against Corruption and Discrimination (COMICODI) wrote to President Biya asking for a pardon for Mbanga and another political prisoner on the basis of numerous alleged irregularities in their trials. However, Mbanga responded that he would reject a presidential pardon were it offered to him. As of 19 April, Mbanga's appeal was still pending before the Supreme Court, following numerous delays. Mbanga is still detained at New Bell prison, where conditions are reportedly very poor and where he is housed in a cell with 36 other inmates. Mbanga reportedly continues to suffer from ill health. On 16 June 2010, a group of US lawyers working with Freedom Now submitted Mbanga's case to the UN Working Group on Arbitrary Detention. **Awards:** In November 2008, Mbanga was a recipient of that year's Oxfam/Novib PEN Award for Free Expression. In November 2009, he was awarded the Freedom to Create Imprisoned Artist Prize. [RAN 39/08 and updates]

On trial

Jacques Blaise MVIÉ and Charles René NWÉ: deputy managing director and editor respectively of the independent weekly newspaper *La Nouvelle Presse*, were sentenced to five years in prison for allegedly publishing "defence secrets" in a closed hearing by a military court in the capital Yaoundé on 3 June 2009. The journalists were not present and were only informed of the hearing after it had taken place. They were also fined 500,000 CFA francs (approx. 760 Euros) each and issued an arrest warrant. However, as of 18 June 2009 neither of the two journalists had been arrested. The case stems from a series of articles published in 2006 and 2007 that reportedly revealed the positions of the Cameroonian army on the Bakassi peninsula on the border with Nigeria in western Cameroon. It is believed that the Nigerian army used these reports to plan an attack on the Cameroon positions in which 21 soldiers were killed. As part of the same case, a soldier was sentenced to four years in prison and a fine of 400,000 CFA francs (approx. 610 Euros). Mvié reportedly wrote to President Paul Biya to ask for his intervention for "unfair" treatment by the Minister of Defence. However the minister has reportedly denied having anything to do with the case or sentencing, stating that the legal proceedings were initiated by the Public Ministry which considered that the Defence Minister had been insulted. As of late 2009, Mvié and Nwé remained free pending appeal. On 13 January 2010, it was reported that

Mvié had decided to suspend publication of *La Nouvelle Presse* for economic reasons. **New information:** On 19 March 2010 it was reported that Mvié and Nwé had been detained at Kondengui central prison in Yaoundé following a court hearing the previous day. The next hearing was scheduled for 14 April. Appeal ongoing as of 30 June 2010; Mvié and Nwé have apparently been freed.

Brief detention

***Simon Hervé NKO'O and Serge SABOUANG:** respectively reporter for the Douala-based weekly newspaper *Bebela* and editor of the fortnightly newspaper *La Nation*, were arrested by members of the intelligence agency General Directorate for External Investigation (DGRE) on 5 February 2010 and held at DGRE headquarters in Yaoundé. When Nko'o was arrested, his home was searched and later ransacked. The journalists were apparently arrested in connection with a criminal complaint from presidential aide Laurent Esso in response to their investigation of allegations of corruption involving Esso and the state-run oil company, National Hydrocarbons Company (SNH). They were released on 12 February, having been held for a week. The publishers of two other privately-owned newspapers, the late **Germain "Bibi" Ngota Ngota** of the *Cameroun Express* (see 'Died in custody' above) and **Robert MINTSA** of *Le Devoir*, were also briefly detained in relation to the same case on 5 February.

Harassed

***Nadège Christelle BOWA (f):** journalist with the Yaoundé-based daily newspaper *Le Messenger*, was reportedly detained and questioned by agents of the State Secretariat for Defence (SED) on 17 January 2010. According to Bowa, she went to SED to meet a former secretary-general of the presidency who was detained there for misappropriating public funds in order to ask him to confirm information contained in a document she had in her possession. However, when Bowa tried to retrieve her identity card after meeting the former official, she was detained and taken to the judicial investigations branch. She was held for nearly two hours, during which time she was reportedly searched, interrogated and threatened. Her documents and notes were also confiscated.

Released

Lewis MEDJO: journalist and publisher of the Douala weekly *Détente Libre*, served 20 months in prison for "publishing false news" and was released on 16 May 2010. Medjo was arrested on 22 September 2008 for various articles. One of the pieces reportedly stated that President Biya was going to force the first president of the Supreme Court, a loyal ally of Biya's, to take early retirement in 2009. On 7 January 2009, Medjo was found guilty of "spreading false news" about President Biya and sentenced to three years in prison and a fine of approximately 3,000 Euros. His sentence was later reduced to 20 months on appeal. Medjo was released on 16 May 2010, having served his sentence in full. He said he was in poor health. He has reportedly lost hearing in his right ear as a result of a severe ear infection while in prison and may require surgery. He reportedly also suffered two heart attacks, dental and respiratory problems while in prison, yet had little or no access to medical care. Medjo said that some contributors to his newspaper had received anonymous threats since his release. [RAN 61/08 and updates]

Michel MOMBIO: editor of the bimonthly newspaper *L'Ouest Républicain*, based in Bafoussam, western Cameroon. Mombio was arrested on 4 September 2008 and charged with attempted fraud, blackmail and insult for a 26 August 2008 column that was critical of

Scientific Research Minister Madeleine Tchuinté. He was convicted of blackmailing and insulting the Scientific Research Minister on 19 October 2009 and sentenced to 14 months in prison and a number of fines. The fraud charge was dropped. Released in November 2009, having served his sentence in full.

CHAD

On trial

Yaldet Begoto OULATAR: managing editor of the newspaper *N'Djamena Bi Hebdo*, is reportedly facing prosecution for defamation in a case brought against the newspaper by a former public works minister. On 9 August 2009, the paper published an article alleging that the minister was involved in embezzlement; the minister was fired a few days later. The former minister then filed a defamation case against Oulatar, promising to “get even” with the journalist even if he lost the case. Oulatar faces a possible prison sentence if convicted. He was due to appear in court on 8 December 2009, but the hearing was postponed by a week. No further news as of 30 June 2010; PEN is seeking an update.

Kidnapped - released

Innocent EBODÉ: editor of the N'Djamena-based weekly newspaper *La Voix*, was reportedly abducted from his home in N'Djamena 20 December 2009. Ebodé is said to have been kidnapped by three men in plainclothes who arrived at his house in a car with no licence plates. One of the men forced Ebodé into the car without identifying himself or explaining why he was being taken away. He has not been seen or heard from since. The Minister of Interior reportedly stated that Ebodé, who is a Cameroonian national, was in Cameroon but according to other sources he may still have been in Chad. Ebodé had been deported from Chad on 14 October 2009 on the grounds that his papers were allegedly not in order but returned to Chad after a court ordered *La Voix* to be suspended at the start of December 2009 on the grounds that it did not have an editor. Reportedly still detained as of 7 January 2010. **New information:** Apparently free as of May 2010; the date and circumstances of his release are not clear.

CONGO, THE REPUBLIC OF (CONGO BRAZZAVILLE)

Killed: official investigation ongoing

Bruno Jacquet OSSÉBI: political columnist for *Mwindia* (‘Light’), a pro-opposition online newspaper based in France, and blogger, died on 2 February 2009 of injuries sustained during a fire at his home in the Congolese capital, Brazzaville, 12 days before. The circumstances of the fire and Ossébi’s death are thought to be suspicious. It is feared that the fire may have been set in retaliation for his criticism of the government and allegations of high-level corruption. **Injuries and death:** Ossébi (44) suffered second-degree burns in a fire at his home on 21 January 2009 that killed his girlfriend and her young sons. He was thought to be making a good recovery and his death on 2 February was unexpected. Ossébi, who had dual Congolese and French citizenship, was scheduled to be evacuated to France for medical treatment the next day. The cause of his death was said to be a “cardio-respiratory arrest”. There was no

post-mortem. **Other attacks:** A similar fire reportedly occurred the same evening at the French home of exiled political dissident Benjamin Toungamani. Three days before the fires took place, *Mwindia* had published an interview with Toungamani in which he accused President Denis Sassou-Nguesso of corruption. Toungamani was at home at the time of the fire but was not injured. He said that an insurance investigator traced the origin to a short circuit in a washing machine, but he requested police to investigate. **Background:** Ossébi and Toungamani were reportedly planning to become co-plaintiffs in an international legal complaint against President Sassou-Nguesso and the presidents of neighbouring Equatorial Guinea and Gabon. Ossébi was following the case closely and was writing a blog about it. He had also alleged in a column in January 2009 that the state-run national petroleum authority had requested US\$100 billion from a French bank due to government mismanagement of oil profits. The authorities have reportedly not responded to these allegations. Ossébi’s death came amid the run-up to the 2009 presidential elections, which took place in July and saw President Sassou-Nguesso re-elected. **Investigation:** As of April 2009 the investigation was ongoing. It was reported that the official Brazzaville fire service report had identified the cause of the blaze as a “short circuit,” although the commander of the Brazzaville fire rescue centre has reportedly acknowledged that this finding was not based on any forensic investigation. The remains of Ossébi’s house were reportedly demolished and cleared away within days of the fire, destroying potential evidence. At the beginning of July 2009, it was reported that the authorities had not publicly disclosed a police commission report on the investigation into Ossébi’s death that had been prepared weeks before. The report had been passed to the magistrate in charge of the investigation, by then reappointed to another post. Neither the police nor the new investigative magistrate would comment on the report. **Update:** The case was reportedly unsolved as of 2 February 2010, the first anniversary of Ossébi’s death. No further news; PEN is seeking to confirm that the investigation is ongoing.

DEMOCRATIC REPUBLIC OF CONGO

Imprisoned: main case

***Jullson ENINGA:** managing director of the daily newspaper *Le Journal*, was arrested on 13 April 2010 and held at the prosecutor’s office of the Kinshasa district court. He had gone to the prosecutor’s office in response to a summons by the attorney general regarding *Le Journal*’s decision to publish, without commentary, a statement by the Democratic Liberation Forces of Rwanda (FDLR), the Hutu rebel forces operating in the east of the country, in September 2009. *Le Journal* has been charged with “spreading propaganda” for the FDLR and has been suspended by the Minister of Communications and Media. Reportedly still detained as of 2 May; PEN is seeking an update.

Brief detention

***Popol NTULA VITA:** publisher of the weekly newspaper *Le Tonnerre*, based in Boma, Bas Congo province, was arrested at the Boma District Court prosecutor’s office after he responded to a summons on 13 April 2010 following a defamation complaint brought by the town mayor. The complaint stemmed from a piece published in the 13 March issue of the paper, which criticised the mayor’s administration. Ntula was taken into custody and held at the central prison in Boma. He was released on bail

of 300,000 FC (approx. US\$337) on 15 May, after spending 32 days in detention.

EQUATORIAL GUINEA

Brief detention

*Samuel OBIANG MBANA: correspondent for Agence France-Presse (AFP) and for a radio station, was detained by police in the capital Malabo on 14 April 2010. **Obiang Mbana** was arrested by presidential security agents at Malabo international airport where he had gone to cover arrivals for an extraordinary summit of heads of state of the Central African Economic and Monetary Community (CEMAC). The head of presidential security told **Obiang Mbana** that he should have had accreditation to cover the arrivals. The journalist was taken to the police station in Malabo where he was held for five hours before being released. **Obiang Mbana** has been AFP correspondent since October 2009, when he replaced Rodrigo Angue Nguema, who was imprisoned for four months at Black Beach prison over a defamation case brought against him by the head of the national airline Ceiba (see previous case list).

ERITREA

Imprisoned: main cases

Detained in September 2001:

Emanuel ASRAT (editor-in-chief of *Zemen* – ‘Time’), **Temesken GHEBREYESUS** (sports reporter of *Keste Debera* - ‘Rainbow’ - born c. 1967), **Mattewos HABTEAB** (chief editor of *Meqaleh* - ‘Echo’ - born c. 1973), **Dawit HABTEMICHAEL** (assistant chief editor of *Meqaleh* - born c. 1973), **Dawit ISAAC** (co-owner of *Setit*, playwright and writer – born 1964), **Date of arrest:** in the days following 23 September 2001. **Sentence:** it is thought that none have been put on trial. **Details of arrest:** According to news reports, presidential adviser Yemane Gebremeskel stated that these journalists (and the four others who are thought to have subsequently died in custody – see below) may have been arrested for avoiding national service. 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*). 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 effected 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. All those detained have had their bank accounts frozen and assets confiscated. 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 he did not know Fesshaye Yohannes, who is understood to have died in jail in 2007 (see below). He also stated that there had never been any

independent media in Eritrea, only journalists in the pay of the CIA. In a TV interview in June 2009, the President said that he did not know what crime Dawit 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”. In November 2009, a spokesperson for the Eritrean Ministry of Information, Emmanuel Hadgo, reportedly stated that he was not aware of any imprisoned journalists in the country. **Health concerns/ prison conditions:** It was reported in April 2004 that the journalists were being held in secret security sections of the 2nd and 6th 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, it emerged that four of the journalists who were arrested in September 2001 had reportedly died in custody between 2005 and early 2007: **Said Abdelkader** (*Admas*), **Medhanie Haile** (*Keste Debera*), **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 indicate that that Yohannes had been tortured prior to his death, including having his fingernails ripped out. Media censorship and the fact that Eritrea is closed to human rights investigators means that these reports remain unconfirmed. **ACPHR ruling:** 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. **Information on Dawit Isaac:** 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. 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 hospitalized 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. As of December 2008, he was reportedly being held at a maximum-security prison in Embatkala, 35km northeast of Asmara, which is said to be have one of the worst regimes in Eritrea. 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. **Update on Isaac:** The latest 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. 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. Many are in a very poor psychological state. In mid April 2010, the Swedish MEP (Member of the European Parliament) Eva-Britt Svensson reportedly stated that the Eritrean ambassador in Brussels, Girma Asmerom Tesfay, had told her in a meeting that Isaac

was to be formally charged with a crime and taken to court. However, this was swiftly denied by the Eritrean embassy in Brussels. **Update on other journalists:** On 18 February 2010, Reporters Without Borders reported that Emanuel Asrat and Dawit Habtemichael, like Isaac, were being held at Eirairo prison camp (cells 25 and 12 respectively). However, an April 2010 article by the Committee to Protect Journalists cited a report by Radio Wegehta, an opposition station based in Ethiopia, in which an alleged former prison guard at Eirairo stated that Habtemichael had died in custody, in addition to the four journalists named above; this death is unconfirmed. The former guard reportedly also said that Yusuf Mohamed Ali had died in June 2003 as a result of extreme heat, Medhanie Haile had died due to lack of medical treatment while Fesshaye Yohannes “Joshua” and Said Abdelkader had committed suicide. These reports are likewise unconfirmed. **Honorary Members:** American PEN, PEN Canada, Swedish PEN (Dawit Isaac). Isaac was awarded the 2009 Tucholsky Award by Swedish PEN.

Mahmud AHMED SHERIFFO, Haile WOLDETESNAE, Petros SOLOMON, Saleh Idris KEKIA, General Ogbe ABRAHA, Astier FESHATSION, Berhane GHEBRE EGHZABIHER, Hamid HIMID, Estifanos SEYOUM, Germano NATI and Beraki GHEBRE SELASSIE: former Minister of Local Government, former Minister of Trade and Industry, former Minister of Fisheries, former Minister of Transportation and Communication, and former Chief of Staff of the Defence Force and Minister of Trade and Industry respectively (the final six were also former members of government), have been detained since 18 or 19 September 2001 after 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 International reported that the G-15 members remained detained incommunicado without charge or trial. At least one of them, 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. **New information:** According to a May 2010 report by Amnesty International, in early 2009 there were unconfirmed reports that nine out of 11 of the former government officials known as the G-15 had died in detention since 2002.

Detained after 2001:

Yirgalem ASFHA (f) (essayist and journalist - staff member at Radio Bana, former art critic for the independent weekly newspaper *Zemen*); **Yirgalem FISSEHA MEBRAHTU (f)** (poet and journalist for Radio Bana); **Meles Negusse KIFLU:** (writer, poet and journalist - Radio Zara

and Radio Bana, formerly worked for *Tsigenay*); **Bereket MISGHINA** (“Wedi Misghina”) (playwright and actor and staff member at Radio Bana). **Date of arrest:** 22 February 2009, during a raid on Radio Bana, based in Addis Ababa, during which at least 50 employees were arrested by the security forces. By April 2009, most had been released but a number remain in detention. **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:** May Srwa prison (Fisseha, Kiflu and Misghina); unknown (Asfha). **Other information:** Kiflu and Misghina were reportedly first held at the Doboziot detention centre and then at the military prison in Adi Abeito, to the northwest of Asmara. On the night of 22 May 2009, along with other prisoners (including Mulubrhan Habtegebriel – see below), they were reportedly taken to an unknown destination in armored cars before being sent back to Adi Abeito. 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 was thought to be aged 30 at the time of her arrest, is from Adi Keyih in the south of the country. Kiflu is married with two children. **New information:** On 18 February 2010, Reporters Without Borders reported that Fisseha, Kiflu and Misghina were being held in May Srwa prison, to the north of the capital Asmara. On 23 May 2010, Reporters Without Borders said that Fisseha had been kept in solitary confinement for a number of weeks for unknown reasons. No further news of Asfha.

Mulubrhan HABTEGEBRIEL: 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 armored cars on the night of 22 May 2009 before being sent back to Adi Abeito. No further news as of 30 June 2010.

Wedi ITAY: freelance journalist, former journalist for *Keste Debena*; writer and essayist. **Date of arrest:** Unknown. **Place of detention:** A hospital in Asmara. **Other information:** Itay was in his 40s at the time of his arrest and is now said to be seriously ill. He is reportedly a former member of the Eritrean People’s Liberation Front (EPLF). No further news as of 30 June 2010.

Brief detention

***Haythem MEBRAHTU:** journalist employed by the news agency Newsroom and former employee of Radio Dimtsi Hafash. According to a 12 May 2010 report by Reporters Without Borders, Mebrahtu is believed to have spent about six months in Adi Abeito military prison in late 2009 and early 2010.

ETHIOPIA

Imprisoned: main cases

***Ezedin MOHAMED:** editor of the Islamic newspaper *Al-Quds*, was sentenced to one year in prison on 29 January 2010. The exact nature of the charges were not clear but they were thought to relate to a January 2008 column that criticized Prime Minister Meles Zenawi for statements he made during an interview with the British newspaper *The Guardian*. The *Al-Quds* column reportedly challenged Zenawi's characterization of his country as "Orthodox Christian Ethiopia". (To read *The Guardian* interview, click here: <http://www.guardian.co.uk/world/2008/jan/25/1>). Mohamed is reportedly serving his sentence at Kality Prison outside the capital Addis Ababa. **Background:** Mohamed was previously arrested on criminal defamation charges in February 2008, along with *Al-Quds* publisher **Maria Kadim** and *Selefia* editor **Ibrahim Mohamed Ali**. The three were held in custody for two weeks before being released on bail of 20,000 Birr (approx. US\$2,127) each. Kadim was later acquitted but Mohamed Ali was fined 10,000 birrs (US\$800) (see below for more on Mohamed Ali).

Ibrahim MOHAMED Ali and Asrat WEDAJO: respectively editor of the weekly Muslim-oriented newspaper *Salafiyya* and former editor of the now-defunct *Seife Nebelbal* weekly. **Date of arrest:** 24 August 2009. **Sentence:** one year. **Expires:** 23 August 2010. **Prison:** Kality Prison, outside Addis Ababa. **Details:** Ali and Wedajo were each sentenced to one year in prison on 24 August 2009 for publishing articles on sensitive issues several years ago. They were taken to Kality Prison outside the capital Addis Ababa immediately to begin serving their sentences. The two journalists were reportedly convicted on several charges under Ethiopia's criminal code and its now-obsolete Press Proclamation of 1992. The latter was reformed as the Freedom of the Mass Media and Access to Information Proclamation, which officially took effect in December 2008. The charges against Wedajo stemmed from a 2004 article containing allegations of human rights violations against the ethnic Oromos, Ethiopia's largest ethnic group. Mohamed Ali was charged in connection with a 2007 piece, written by a guest columnist, which was critical of the Ethiopian Ministry of Education's plans to restrict the use of headscarves by female Muslim students at public education institutions. Mohamed reportedly planned to appeal the one-year prison sentence; Wedajo reportedly could not afford a lawyer but it was thought he may be able to lodge an appeal regardless. **Previous charges:** Mohamed Ali has previously been imprisoned for publishing similar stories: in 2008 he, along with **Maria Kadim** and **Ezedin Mohamed**, publisher and editor of the newspaper *Al-Quds*, were jailed for almost two weeks in February 2008 for reprinting articles from the website EthiopianMuslims.net criticizing the Ministry's proposal to restrict religious practices in public schools. On that occasion, Kadim was acquitted but Mohamed Ali was fined 10,000 birrs (US\$800). He reportedly faced further charges relating to coverage of religious matters. **Background:** *Seife Nebelbal* was banned during the government crackdown on the media in 2005. **New information:** Wedajo was released had been released on parole after spending eight months in prison. However he reportedly had other legal cases pending and was facing a possible further prison sentence. PEN is seeking confirmation of Wedajo's release. No further news of Mohamed Ali; PEN is seeking an update.

On trial

Amare AREGAWI: editor of the pro-government weekly Amharic-language newspaper *The Reporter*, was arrested and briefly detained in August 2008 and is now on trial for libel. The case was brought by the Gondar-based brewery Dashen following a July 2008 *Reporter* article that quoted two former Dashen employees as saying they were wrongfully dismissed. **Arrest and detention:** Aregawi was arrested by police from the Amhara region at his office in Addis Ababa on 22 August 2008 and taken to the headquarters of the Addis Ababa police. The police were reportedly also looking for deputy editor **Eshete Assefa** and the author of the offending article, reporter **Teshome Niku**, but neither of them were in the office at the time. Aregawi was then transferred to a prison in Gondar, north of the capital, where he appeared in court on 25 August 2008. The prosecutor and judge reportedly offered to release the editor on bail in Gondar, but he refused on the grounds that it was illegal for him to have been taken there (under a new press law adopted in July 2008, defamation cases should be tried in the place where the alleged offence took place, in this case Addis Ababa, where *The Reporter* is registered). Aregawi was finally released on bail after being held for six days. **Attack:** On 31 October 2008, Aregawi was reportedly assaulted by unidentified individuals when leaving a meeting at his son's school. He was hit in the back of the head and left unconscious, and was later taken to hospital. Four men were later arrested in connection with the attack. The motive of the crime was not known but Aregawi and other *Reporter* staff had reportedly received anonymous threats in connection with a series of reports alleging that people close to a Saudi-Ethiopian billionaire had mismanaged his investments. As of August 2009, the investigation into the attack had stalled because the individuals who ordered the attack had reportedly left the country. The assailants had reportedly been tortured while in police custody. **Background:** Aregawi ran Ethiopia's public television after the fall of the Derg dictatorship in 1991 and is reportedly a former high official of the ruling EPRDF party. *Reporter* is a wide-circulation newspaper that reportedly defended the violent 2005 post-election crackdown on the independent media and government opponents. The board chairman of the Dashen brewery, which is an investment of the EPRDF's Endowment Fund for the Rehabilitation of Tigray, is Bereket Simon, a senior adviser to Prime Minister Meles Zenawi. **New information:** As of early February 2010, the trial was ongoing and a ruling was expected by early September. The court was reportedly expected to rule in favour of Aregawi or fine him rather than giving him a prison sentence. No further news as of 30 June; PEN is seeking an update.

Dawit KEBEDE and Wesenseged GEBREKIDAN: editors of *Awramba Times* and *Harambe* respectively, are on trial for "incitement". Kebede is also facing prosecution for criminal defamation. On 7 August 2008, Kebede and Gebrekidan were arrested and released on bail. The police were reportedly acting on orders from the Ministry of Justice, which had requested a criminal investigation into the two papers. *Awramba Times* was charged for an editorial, interview and opinion piece that had appeared in five different issues, while *Harambe* was charged for an editorial and opinion piece that had appeared in three separate issues. **Background:** 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 a new political opposition movement, Ginbot 7. Ginbot 7, which is named after the day on which the disputed 2005 elections were held, is led by **Berhanu Nega**, a formerly imprisoned academic (see previous case lists). Kebede and Gebrekidan were

jailed alongside Nega in 2005 and spent 21 months in jail before being released on a conditional pardon in August 2007. **New charges:** On 27 November 2008, it was reported that Kebede had appeared before a federal criminal court charged with defaming a pro-government political leader named Ayele Chamiso. Chamiso leads a small faction of CUD, the main opposition group in the 2005 elections, which is now allied with the EPRDF ruling party. Kebede was released on bail. **Incitement trial:** 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 pay post bail and was imprisoned for a few weeks until local journalists raised the money. A final ruling in both cases was reportedly expected by September 2010. If convicted, the journalists face a possible prison sentence. **New information:** As of March 2010, no progress had been reported in the incitement case; PEN is seeking an update. On 29 June, it was reported that *Awramba Times*' mail was being tampered with. According to Kebede, the paper had complained to the Ethiopian Postal Service at least three times since 6 June after finding opened and destroyed envelopes in its mailbox the national postal headquarters in Addis Ababa.

Case closed

Mesfin NEGASH and Girma TESFAW: editor-in-chief and deputy editor-in-chief, respectively, of the newspaper *Addis Neger*, were arrested on 30 May 2008, charged with criminal defamation and released on bail the same day. The suit was reportedly brought by a pro-government faction of the opposition group Coalition for Unity and Democracy (CUD). As of August 2009, no case had been filed against the journalists and it was thought the case may have been dropped. Both journalists left the country in late 2009 after the newspaper was threatened with prosecution for terrorism. As of 30 June 2010, both journalists were still abroad and awaiting resettlement in a third country; case closed.

GABON

Suspended sentence

***Jonas MOULENDA:** reporter with the state-owned daily newspaper *L'Union*, was found guilty of criminal defamation and given a suspended three-month prison sentence and a fine of 500,000 CFA francs (US\$900) by a court in the capital Libreville on 7 June 2010. The charges related to a November 2009 article in which Moulenda raised questions about the unsolved murder of René Ziza, government official who was credited with fighting corruption while in charge of Gabon's maritime transport agency, the Council of Shippers. Moulenda's article alleged that an internal audit under Ziza had uncovered the embezzlement of more than 1 billion CFA francs (US\$1.7 million), possibly leading some unnamed agency officials to order his murder. As a result of the article, Ziza's predecessor as head of the Council filed a complaint against Moulenda. The ruling was appealed against by both the defense and the public prosecutor; the latter had reportedly also requested Moulenda's acquittal during the trial due to lack of evidence. The case had been dismissed due to procedural irregularities on two separate occasions since 2009. Moulenda's lawyer said he believed that these requests were ignored due to political interference. **Background:** Moulenda and other staff members at *L'Union* have reportedly faced harassment since September 2009, when Moulenda published an exclusive investigative report on the oil city of Port-Gentil, which had been devastated by deadly violence

following Gabon's disputed presidential polls. Following the paper's publication of interviews with Port-Gentil residents which suggested that more people had been killed than reported by the government, security agents briefly detained *L'Union* editor **Albert Yangari**, and raided Moulenda's house. Moulenda went into temporary hiding after reportedly receiving telephone death threats that made reference to editor Norbert Zongo, who was murdered in 1998.

GAMBIA

Imprisoned: main case

“**Chief**” **Ebrimah MANNEH:** reporter and sub-editor with the pro-government *Daily Observer*, was reportedly arrested by two National Intelligence Agency (NIA) officers on 7 July 2006 and has held been 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 hearing:** 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 ruling:** 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:** On 15 April, 2009 a report by Agence France-Presse quoted an unnamed police source as saying that Manneh had been removed from Mile Two prison in the middle of the night some time in 2008, and speculating that the journalist was dead. However, on 27 April 2009 it was reported that credible sources had said that Manneh was still alive. **Update:** As of 7 July 2010, Manneh had been missing for four years.

Death threats

***Abdoulie JOHN:** correspondent for Associated Press news agency and an editor of the UK-based website Jollof News, reportedly received several anonymous telephone threats in June 2010, including on 20 June, when he received a call followed by a text message that read: “Today is the last day you will insult people.” John believes that the threats are linked to his coverage of domestic political issues for Jollof News, and fears that they come from Gambian security operatives. He reported the incidents to police in Serrekunda, who referred him to the police headquarters in the capital Banjul. **Background:** John is the former deputy editor-in-chief and production manager of the government-controlled newspaper *Daily Observer* in Banjul, where he worked until August 2009 when he was dismissed, according to John for political reasons.

Case closed

Abdul Hamid ADIAMOH: publisher and editor of the independent Banjul-based newspaper *Today*, and a Nigerian national, suffered judicial harassment by the Gambian authorities in 2008 and 2009. The harassment is thought to be related to Adiamoh’s hiring of journalist Buya Jammeh, who was dismissed from the pro-government *Daily Observer* in March 2008 for being an executive member of the Gambian Press Union. On 26 August 2008, Adiamoh was arrested and charged with “publishing with seditious intention” an article and photographs about children who skipped school in order to look for metal scraps in rubbish dumps. He was released on bail the next day. He had reportedly been arrested and detained on two previous occasions in relation to the same matter. At a hearing on 10 September 2008, a police officer testifying for the prosecution alleged that Adiamoh had not paid his taxes since 2006 and did not have the required business permit. The next day, the editor was arrested again by the police’s Serious Crime Unit, reportedly for tax evasion, and a ban was placed on the newspaper. On 8 June 2009, Adiamoh was arrested again after his newspaper published a story that falsely reported the dismissal of two state ministers by President Yahya Jammeh. The newspaper retracted the story on 11 June 2009, apologised to the ministers named in the article and stopped further circulation of the edition in question. Adiamoh was granted bail on 15 June, after a week in detention, and the next day was found guilty of “publishing false information” and fined 50,000 Gambian dalasis (approx. US\$1,890). It was reported that should he fail to pay the fine, he would be imprisoned for six months. No further news on either matter as of 30 June 2010; case closed due to lack of information.

Pap SAINE: publisher and editor of the independent daily newspaper *The Point* and correspondent in Gambia for Reuters news agency, was subject to extensive judicial harassment in 2009. On 2 February 2009, Saine was arrested after refusing to disclose his sources for a 30 January article on the alleged arrest and imprisonment of a Gambian diplomat. On 4 February he appeared in court charged with “publishing and disseminating false news” and was released on bail of 50,000 dalasi (approx. US\$1,890). He was re-arrested on 9 February and interrogated for several hours about another 30 January article on a reshuffle of diplomatic staff at the Gambian Embassy in Washington DC, USA, before being charged with another offence of “false publication and broadcasting”. On 20 February, police came to the *Point* offices three times, unsuccessfully demanding that the staff members reveal their sources; Saine was not present at the time. On 24 February new charges were brought against Saine, who was accused of being Senegalese and obtaining a Gambian passport and a birth certificate under false

pretences, and released on bail. The original charges of “publishing and disseminating false news” were dropped on 9 April but the charges of falsifying citizenship documents stood, despite a key government witness having testified that Saine’s proof of being Gambian is authentic. On 29 July it was reported that Saine had been acquitted of obtaining a passport and birth certificate under false pretences in June 2009, but that the charges of publishing “false information” with relation to the 30 January article on a diplomatic reshuffle had been revived. Saine was also one of six journalists jailed for a month for alleged sedition in August/ September 2009 before being pardoned and released (see previous case list). In early 2010 it was reported that none of the charges against Saine had been pursued; case closed.

GUINEA (CONAKRY)

Brief detention

***Mohamed FOFANA:** intern at the Conakry-based weekly newspaper *L’Indépendant*, was arrested at the offices of the state transport company Soguitrans in Conakry on 11 May 2010 and detained overnight. He had reportedly gone to Soguitrans to inquire about the announced bankruptcy of the company when the director general of Soguitrans ordered her guards to arrest him. The guards reportedly beat Fofana and seized his equipment before taking him to PM3 military prison. He was released on the evening of 12 May following negotiations between the newspaper and the army. Fofana’s arrest came one week after the National Transition Council adopted a new law decriminalising press offences.

GUINEA-BISSAU

Death threats/ attacked

***João de BARROS:** owner and publisher of the independent daily newspaper *Diário de Bissau*, was reportedly attacked at the paper’s premises on 15 May 2010 by a businessman he believes to be linked to drug traffickers. That day, Barros received a phone call from the businessman saying he was waiting for him at the newspaper. When Barros arrived, he found the businessman waiting with his driver. The former reportedly insulted Barros and two of his fellow journalists and threatened them with death. Barros believes that the attack was due to *Diário de Bissau*’s publication of a number of articles about drug trafficking in Guinea-Bissau, the latest of which focused on the victims of drug traffickers without naming any names. According to Barros, the businessman, who is close to the drug traffickers, felt targeted by the latest article and that he did not want to see any more such reports in the newspaper. A struggle ensued, during which the businessman and his driver reportedly tried to strangle Barros. Before leaving, the businessman and his driver smashed all the computers, hard disks and printers in the newsroom. Barros has filed a complaint and is waiting for the matter to go to court. Both assailants were held for nine hours at the headquarters of the Bissau judicial police before being released. **Background:** Two of Barros’ newspapers, *O Expresso Bissau* and *O Correio da Guiné-Bissau*, were reportedly closed down in the 1990s for political reasons.

IVORY COAST

Killed: official investigation ongoing

Guy-André KIEFFER: writer and independent reporter with joint French and Canadian nationality, disappeared on 16 April 2004 and is now assumed to have been killed. According to Reporters without Borders (RSF), he was “abducted from the car park of an Abidjan supermarket, at around 1pm on 16 April 2004 after falling into a trap set for him by a member of President Laurent Gbagbo’s entourage”.

Background: The journalist and writer, who had lived with his family in the Ivory Coast for several years, was the Abidjan correspondent for the French publication *La Lettre du Continent*, had written for French business publication *La Tribune* and other publications. He also reportedly wrote for the Ivorian press under a pseudonym and was collaborating on a book with Louis-André Dacoury-Tabley, foreign affairs coordinator for the Patriotic Movement of the Cote d’Ivoire (*Mouvement patriotique de Cote d’Ivoire* – MPCCI). In addition to his work as a journalist and writer, Kieffer has also worked as a cocoa and coffee trade expert for a firm of consultants and has conducted numerous investigations into the coffee and cocoa sectors, some of which have exposed corruption.

Investigation: Following Kieffer’s disappearance, rumours circulated in the Ivory Coast that the body of a white man had been found in a suburb of Abidjan. Michel Legré, the brother-in-law of President Gbagbo’s wife, Simone Gbagbo, was reportedly the last person to have seen Kieffer before his disappearance. Legré named eight suspects whom he claimed had kidnapped Kieffer on behalf of the head of presidential security. He was subsequently charged with ‘accessory to kidnapping’, ‘unlawful confinement’ and murder and held in an Abidjan detention centre for a year and half before being granted provisional release in October 2005. On 11 January 2006, Jean-Tony Oulai, an Ivorian army captain who claims to have belonged to the Ivorian special services, was arrested outside Paris; the French judicial authorities announced that he was to be formally investigated on suspicion of kidnapping and illegally detaining Kieffer. Oulai was reportedly rearrested on 16 October 2007 for violating his bail conditions and failing to respond to summons. French judge Patrick Ramaël, in charge of investigating the disappearance, has reportedly faced constant obstruction by the Ivorian authorities during his many visits to the Ivory Coast. In July 2008 it was reported that Simone Gbagbo and former Ivorian economy minister, Paul-Antoine Bohoun Bouabré, had been summoned for questioning in Paris by Ramaël. According to Ramaël, Gbagbo and Bouabré’s names have repeatedly been mentioned during interviews with other witnesses and suspects. However, they failed to appear at Ramaël’s office on 10 July 2008, later denying that they had received the summons. 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 Ivorian state prosecutor Raymond Tchimou stated that Kieffer had been taken out of the country and is still alive. Tchimou offered no other explanations or details on the journalist’s purported whereabouts. **New information:** On 15 April 2010, press conferences were held in Paris and Abidjan to mark the sixth anniversary of Kieffer’s disappearance. Suspect Jean-Tony Oulai was due to be provisionally released the next day after two and a half years in detention. The lawyer of the Ivorian First Lady Simone Gbagbo, who attended the Paris press conference, reportedly insisted that the Ivorian authorities were not blocking the

French investigation and had cooperated fully with all of Judge Ramaël’s requests.

Threatened

***Patrice YAO:** managing editor of the pro-opposition Abidjan-based daily newspaper *Le Nouveau Réveil*, and other employees from the media group, reportedly received threatening text messages and telephone calls on 5 May 2010, which warned the recipients to be careful. Some of the messages described the employees of *Le Réveil* group as “pro-rebels who want to burn the country down” and said that they knew where they lived. The threats reportedly came at a time when a coalition of the four main opposition parties, known as the Rallye des Houphouëtistes pour la Démocratie et pour la Paix (RHDP), was preparing for a peaceful march scheduled for 15 May.

Harassed

***Diarrassouba YOUSSEUF and Dembele AL SENI:** respectively publisher and reporter of the privately-owned Abidjan-based newspaper *L’Expression*, were reportedly questioned by the police for over ten hours on 25 May 2010, about an 8 February article on the alleged casualties of a paramilitary group’s clampdown on demonstrations earlier that month. The two were interrogated on a range of issues including the intention of the article in question and their political affiliations. *L’Expression* had alleged that the Mama Militia, a paramilitary group in the Abidjan district of Gagnoa, killed five protesters and injured several others in an attempt to suppress demonstrations protesting President Laurent Gbagbo’s call for the dissolution of the government and the Independent Electoral Commission (CEI). It was reportedly the second time that Youssouf had been summoned for questioning on the demonstrations. On 7 May, he was summoned by the Regional Police Commander for allegedly relaying information to France 24 television station and other Ivorian media. Al Seni, who wrote the offending article, was asked to report to the police again on 26 May; he was later released without charge.

KENYA

Killed: official investigation ongoing

Francis NYARURI: journalist for the independent newspaper *Weekly Citizen* (under the pen name Mong’are Mokua), disappeared on 15 January 2009. Nyaruri left his residence in Nyamira, western Kenya, on the morning of 15 January and travelled 30km to Kisii to purchase construction materials. His wife spoke to him later that morning; that was the last time he was heard from. His family reported his disappearance to the Nyamira police but it is understood that no missing person’s report was circulated to other police stations or to the provincial headquarters. Nyaruri was found decapitated two weeks later, on 29 January 2009, with his hands bound and with marks on his body in Kodere Forest near Nyamira. Prior to his disappearance, Nyaruri had written a series of articles exposing financial and other malpractice by the local police department. The last article he wrote, which appeared two days before he disappeared, implicated local police in a public transport racket. He had reportedly received threats from police officers in the area as a result of the articles and had reportedly told friends and colleagues that he feared for his life. A team of senior police officers was reportedly sent to Nyamira to investigate the murder. **Investigation:** On 8 June 2009 it was reported that two key witnesses, Nyaruri’s family lawyer and a

policeman, had had gone into hiding after receiving death threats. The lawyer had been pushing for the arrest of Nyaruri's suspected killers; the policeman had been providing protection to the lawyer and had been instrumental in the arrest of two key suspects. The threats warned them to drop the case. It is suspected that senior policemen from Nyamira may have masterminded the murder and be responsible for attempting to stall the investigation. The police officers in charge of investigating the murder had also received repeated threats; one of them reportedly filed a complaint to the police commissioner but this apparently caused the threats to intensify. As of 21 September 2009, one suspect, a member of a local gang, was reportedly facing murder charges, but the other, a taxi driver, had been released without explanation and had not been seen since. **New information:** On 24 February 2010, it was reported that a suspect had been arrested in Kisii and transferred to Kisumu, where the case is being handled. Police said the suspect, a member of the Sungu Sungu group which is suspected to have been hired to kill the journalist, had been identified shortly after the killing but had gone into hiding. The murder reportedly remained unsolved as of May 2010.

On trial

Fwamba N C FWAMBA: contributor to various print media and a member of Kenyan PEN, has been arrested on a number of occasions and is facing charges for taking part in a supposedly illegal demonstration. On 7 August 2007, Fwamba was arrested along with **Philo Ikonya**, President of Kenyan PEN, and nine others while they were singing a peace song in a small group outside the headquarters of the Criminal Investigation Department (CID) to protest against arbitrary arrests of members of civil society. Fwamba and Ikonya were arrested again on 18 February 2009 for taking part in a peaceful protest against hyperinflation and the rising prices of maize flour at a time of famine in Kenya. They were arrested outside the Kenyan parliament along with another activist. All three were reportedly severely assaulted while in police custody. On 19 February 2009, they were charged with "taking part in an unlawful assembly" and released on bail. Both Fwamba and Ikonya were hospitalised following their release to receive treatment for injuries sustained during the assault. They attempted to lodge a complaint against the senior police officer who assaulted them but this was denied on three successive occasions. Fwamba said he also received threats in 2009, including a death threat from an MP. He believes his movements and phone calls are being monitored by state agents. Ikonya is now living in exile. No further news as of 30 June 2010; PEN is seeking an update.

Okiya Omtatah OKOITI: writer, journalist and member of Kenyan PEN, is facing prosecution for taking part in demonstrations against the Kenyan government, and was arrested four times between July 2007 and December 2009. **Details of most recent arrest:** Okoiti was arrested on 24 December 2009 while taking part in a peaceful protest against the alleged embezzlement of funds intended for free primary education. He was detained for two days and released on 26 December 2009, having been charged under a Colonial-era law controlling freedom of assembly. The case was due to be heard on 22 February 2010. If convicted, he reportedly faces a maximum sentence of life imprisonment. **Previous arrests:** (1) On 31 July 2007, Okoiti was arrested with four other individuals taking part in a demonstration protesting about the salaries of Kenyan members of parliament. Okoiti and another man were hospitalised overnight after the police car they were travelling in was involved in a traffic accident, and were released after appearing in court, after having spent 48 hours in police custody. Okoiti alleges that he was assaulted while being arrested and lost a tooth as a result of the accident,

and suspects that they were being illegally abducted when the accident occurred. The case was dismissed as the police had failed to charge the men within the required 24-hour period. Okoiti went on to sue the Attorney General and the Police Commissioner for putting his life in danger and violating his constitutional rights through malicious arrest and detention, among other things. The case moved to court on 10 December 2008. According to Okoiti, the presiding judge disqualified himself on the grounds that the accused had raised fundamental issues that required a three-judge bench to determine. As of 31 December 2009, the case was still before the Chief Justice. (2) On 8 July 2008, Okoiti was arrested for leading a protest calling on the then Finance Minister, Amos Kimunya, to resign due to alleged irregularities in the sale of a hotel to foreign investors. At the police station Okoiti was reportedly assaulted by senior policemen. He and six others were later charged with "participating in an unlawful assembly contrary to Section 78 of the Penal Code," an offence which reportedly carries a mandatory one-year jail term. Okoiti and the others were arraigned at the Kibera Law Courts on 8 and 9 July 2008 and were released on bail. The case opened in July 2008. Okoiti says that since the attack he has been informally approached by the Central Division Deputy OCPD asking him to withdraw his complaint. The writer filed a criminal lawsuit against the police officer in 2009; as of 31 December 2009, the Chief Justice had yet to appoint the three-judge bench to hear the case. No further news on any of the cases as of 30 June 2010.

Eric ORINA: freelance journalist for a number of publications including the *Daily Nation* and *The Standard*; also Secretary General of the Kenya Union of Journalists, is on trial for creating a disturbance and causing a breach of the peace. Orina was reportedly assaulted by policemen during public celebrations for Madaraka (Kenya self government) Day in a stadium in Nairobi on 1 June 2009 after he went to the rescue of photo-journalist **Boniface Mwangi** who was being manhandled by two men. When Orina questioned the behaviour of the assailants, who turned out to be plainclothes policemen, he and Mwangi were reportedly taken to the basement of the stadium and beaten. Both journalists were left with severe injuries, in Orina's case a deep cut to his head and bruising to the hand, ribs and legs, while Mwangi suffered a sprained ankle and bruising. They were then detained overnight in police custody and appeared in court the following day, charged with creating a disturbance and causing a breach of peace. The charges reportedly stem from the journalists having shouted out slogans criticising corruption and impunity during the ceremony, at which the President was present. Orina and Mwangi were released on bail of KES20,000 (approx. US\$256) each. Following their release the journalists received hospital treatment for their injuries and lodged a complaint with the authorities about the police's behaviour. Trial ongoing as of 31 December 2009. If convicted, Orina and Mwangi face a maximum six-month prison sentence. **New information:** On 31 January 2010, Mwangi reported that he and Orina were due to appear in court on 17 February when they hoped to be acquitted due to a lack of witnesses for the prosecution, who had failed to attend previous hearings. PEN is seeking an update.

LIBERIA

On trial

Syrenius CEPHUS and Michael MAKINDE: respectively publisher of the *Plain Truth* newspaper and manager of the Seamarco Printing Press, which publishes the newspaper. Both are on trial for criminal libel

against the President, sedition and criminal malevolence in connection with a 9 December 2009 article suggesting that the Liberian government was supplying arms and ammunition to Guinean dissident groups in their bid to overthrow the military junta in Guinea. Cephus was summoned for questioning on 11 December and on 14 December was taken to the NSA headquarters where he was interrogated and held overnight. Makinde was also arrested on 11 December in connection with the same story and released after three days. Both men were formally charged on 16 December and taken to Monrovia Central Prison pending trial. They were released on bail on 18 December and were expected to appear in court on 22 December. No further news as of 30 June 2010; PEN is seeking an update.

Attacked

***Peter FAHN:** journalist with the government-owned newspaper *New Liberia*, was reportedly assaulted by a member of President Sirleaf's security service on 23 March 2010. That day, Fahn went to cover proceedings at an Economic Community of West African States (ECOWAS) meeting taking place in Monrovia. He reportedly showed his identification card and his conference accreditation from the Ministry of Information to the security agents at the entrance of the conference hall and was allowed to go in, but as he was making his way inside he was assaulted by a Special Security Service (SSS) agent. Fahn required treatment at a local health centre following the attack and two days later was still experiencing severe internal pains. The SSS Deputy Director reportedly refused to talk to the press about the incident.

MAURITANIA

Released

Hanevy Ould DEHAH: editor of the website *Taqadoumy*, was imprisoned for eight months in 2009-10 for offending a politician. Dehah was arrested on 18 June 2009 following a complaint by the head of the opposition Alliance for Justice and Democracy/ Movement for Renovation (AJD/MR), who was then a presidential candidate. The politician had been angered by a 22 April 2009 article which referred to his alleged purchase of a villa in one of the capital's best neighbourhoods. The politician and his family claimed the article was "defamatory and baseless". Dehah was charged on 24 June and taken to Dart Naim prison. On 19 August, he was sentenced to six months in prison for "offending public decency," fined and ordered to pay legal costs. He was acquitted of charges of defamation, inciting rebellion and inciting crimes and offences. Dehah lodged an appeal. Taking into account the two months he spent in prison before being sentenced, he was expected to be released on 24 December. However, he was still detained as of 14 January 2010, when the Supreme Court ordered a re-trial on the basis of alleged procedural flaws in the first trial. There were concerns for Dehah's health after he went on hunger strike in protest at the ruling. Following the retrial, on 4 February 2010 Dehah was sentenced to two years in prison on charges of violating public decency, inciting revolt and "criminal publication." However, on 26 February Dehah was released along with around 100 other prisoners under a presidential pardon issued in honour of Mawlid (the Prophet Mohammed's birthday). [RAN 08/10]

MOZAMBIQUE

Threatened

***Salomao MOYANA:** editor of the weekly *Magazine Independente*, published in the capital Maputo, reportedly received a number of anonymous threatening text messages between 18 and 22 May 2010. Moyana believes the threats were from supporters of the opposition political party Mozambican National Resistance Movement (Renamo). They follow the publication of an editorial by Moyana in which he criticised the "political inconsistency" of the Renamo party leader and touched on the leader's private life. Moyana reported the threats to the police's criminal investigation department, which said they would investigate. Moyana's car was also vandalized outside his home on 20 May.

NAMIBIA

Attacked

***John GROBLER:** freelance journalist, was reportedly assaulted by four men at a bar in the capital Windhoek on 8 January 2010. The men accused Grobler of writing negatively about the ruling party South West Africa People's Organization (SWAPO) before cutting his face with a broken glass and kicking him repeatedly in the head. He said he was able to identify three out of four of his assailants as prominent businessmen with close ties to SWAPO, one of them being the son-in-law of former President Sam Nujoma. It is thought that the attack may have been linked to two articles by Grobler: a September 2009 piece for the independent daily newspaper *The Namibian* that implicated one of the assailants in the illegal acquisition of state-owned resort properties; and a December 2009 article in the South African independent weekly newspaper *Mail and Guardian* that accused the ruling party of vote-rigging during the November presidential and parliamentary elections. Grobler filed a complaint against the four men, but the son-in-law of the former President reportedly filed a counterclaim on 12 January, stating that it was Grobler who had attacked the four men. Police were reportedly investigating both claims.

NIGER

On trial

Ali SOUMANA: publisher of the independent Niamey-based weekly newspaper *Le Courrier*, is on trial for defamation and "publishing false information". Soumana was arrested on 6 April 2009 and detained at the headquarters of the Criminal Investigation Department (CID) following a defamation complaint brought against him by the managing director of the state-owned water company, Eau du Niger (SPEN). The charges apparently stem from a 26 March 20089 article accusing the SPEN head of engaging in "dirty business deals" with a Chinese geo-engineering company, which, according to *Le Courrier* claimed, was corrupt and had been blacklisted by the World Bank. The article reportedly also included a remark about the degree of power and influence gained by Prime Minister Seini Oumarou since he took office. Soumana was released on 7 April 2009 and was later charged with two counts of defamation and "publishing false information". Soumana was reportedly arrested again on 1 August 2009 and questioned about a *Le Courrier* report alleging that Niger's National Commission on Human Rights and Fundamental

Freedoms misused 350 million CFA francs (US\$760,000) that was earmarked for supervision of a referendum on a constitutional amendment abolishing presidential term limits. The commission members denied the accusation. Soumana was arrested and detained along with *Le Canard Déchaîné* editor **Abdoulaye Tiémogo**, who was subsequently sentenced to three months in prison on other charges. Soumana, Tiémogo and six other editors were also questioned about the publication of a leaked document indicating that President Mamadou Tandja's son received kickbacks from Niger's uranium mining profits. The other six editors - **Moussa Aksar** of *L'Evènement*, **Zakari Alzouma** of *Opinions*, **Abard Mouddour Zakara** of *L'Actualité*, **Oumarou Keita** of biweekly *Le Républicain*, **Ibrahim Souley** of *L'Enquêteur* and **Assane Sadou** of *Démocrate* - were released without charge a few hours later. **Update:** As of 30 June 2010, no further information on Soumana's trial for alleged defamation.

Case closed

Moussa AKSAR and Aboubacar SANI: editor and reporter for the weekly newspaper *L'Evènement*, were sentenced to three months in prison for criminal libel on 18 November 2008, and ordered to pay fines. The charges stemmed from a 29 September 2008 editorial by Sani raising questions about management at the country's electricity supplier, NIGELEC. The journalists were released pending appeal. In August 2009, Aksar was one of eight editors questioned about the publication of a leaked document indicating that President Mamadou Tandja's son received kickbacks from Niger's uranium mining profits; they were released without charge a few hours later. No news on the appeal on the criminal libel case as of 30 June 2010; case closed due to lack of information.

Ibrahim SOULEY and Soumana Idrissa MAIGA: managing editor and founder respectively, of the bi-monthly publication *L'Enquêteur*, were detained for several days for investigation for libel on 4 and 5 December 2007, respectively, and released on bail on 7 December 2007. The charges stemmed from articles published on 19 November 2007 alleging that the Minister of Economy and Finance was involved in granting state projects illegally and encouraging mismanagement of public finances. On 8 February 2008, Souley and Maiga were both sentenced to one month in jail, and ordered to pay a symbolic fine of 40,000 Francs (around 60 Euros) each to the Minister. They appealed the decision. No further information as of 30 June 2010; case closed due to lack of information. [RAN 09/08]

NIGERIA

Killed: motive unknown

***Sunday Gyang BWEDE, Nathan S. DABAK and Edo Sule UGBAGWU:** journalists, were killed in two separate incidents on 24 April 2010. Dabak (36) and Bwede (39), respectively deputy editor and reporter for Church of Christ in Nigeria-owned monthly publication *The Light Bearer*, were reportedly on their way to interview a local politician in Jos, Plateau state, as part of their coverage of deadly outbreaks of sectarian violence in the region, when they were stabbed to death by rioters. The rioters were said to be Muslims reacting to the discovery of an allegedly Muslim corpse found near a church. Dabak and Bwede were reportedly among five people killed in the riots and it was not clear whether they were specifically targeted, although some journalists had been singled out for attack during the violence. Bwede was reportedly

survived by a wife and a son. The same day, Ugbagwu (42), a court reporter for the private daily *The Nation*, was shot dead at his family home in Lagos. According to Ugbagwu's brother, two armed gunmen entered the house demanding money, shot Ugbagwu twice and then drove off without taking anything. Police were investigating the crime but were unable to say whether the case was a murder or a violent robbery. It is understood that Ugbagwu had not been working on any sensitive stories prior to his death and his last assignment had been covering a press conference organized by the Nigerian Bar Association. As of 30 April, police had reportedly detained some suspects in Ugbagwu's case.

Killed: official investigation ongoing

Paul Abayomi OGUNDEJI: reporter and a member of the editorial board of the Lagos daily newspaper *ThisDay*, was shot dead by unidentified gunmen in Lagos on 17 August 2008. According to initial police reports, Ogundeji was ambushed by armed men while driving home and was shot when he refused to stop and open his car door. The police later claimed that Ogundeji had ignored orders to stop at a police checkpoint and had been shot as a result. The autopsy reportedly concluded that he had been "professionally" shot from behind. **Background:** Ogundeji had previously worked for a number of other newspapers, including *The Guardian*, *The Punch* and the now defunct *Comet*. He was also chief press secretary to former Lagos state deputy governor Femi Pedro. Godwin Agbroko, *ThisDay*'s former editorial board chairman, was also shot dead as he was returning home from the newspaper's offices on 22 December 2006. Agbroko's killers have yet to be found. **Investigation:** In January 2009, it was reported that the judicial police had taken over the investigation into Ogundeji's murder. On 9 July 2009, an arrest warrant was reportedly issued for Assistant Commissioner of Police (ACP) Johnson Adeniken, who had supervised the initial investigations into Ogundeji's murder, for failing to obey court orders. The week before, a key witness had reportedly been murdered. According to a local press report in October 2009, a coroner found that Ogundeji was killed by two armed robbers. The coroner said the evidence was not strong enough to suggest that the police killed Ogundeji but conceded that he would not have been killed if the police had fulfilled their duties. He criticized the stalling of the police investigation and urged them to continue looking for the murderers. **Update:** As of May 2010, no one had been convicted for Ogundeji's murder.

Bayo OHU: assistant news editor for the independent daily newspaper *The Guardian*, was shot by a group of unidentified assailants at his home in Lagos on 20 September 2009. Ohu (45) was getting ready to go to church to meet his wife, and two of his five children were home at the time. Local journalists reportedly believe that Ohu was killed for his political reporting, suggesting as a possible motive a recent investigation into the alleged use of forged educational certificates by a recently appointed customs official. Ohu had also been reporting on the Ekiti state elections campaign which had reportedly involved some attacks on journalists. His assailants reportedly took a laptop and a mobile phone from his house but nothing else. In October 2009, it was reported that two suspects had been arrested and that police were offering a N2m (approx. US\$13,285) reward for anyone with information that could lead to the killers' arrest. **New information:** On 15 March 2010, the police held a press briefing in which they presented three suspects who allegedly shot Ohu during a break-in. However, according to Reporters Without Borders, the police did not present any substantial new evidence and only journalists from the two TV stations and from Ohu's newspaper, *The*

Guardian, were allowed to attend. Reporters Without Borders expressed concern that the police were still insisting that Ohu was shot in the course of a break-in although there are strong indications that he was the victim of a targeted killing related to his work as a journalist. As of late April, the crime reportedly remained unsolved.

Death threat

***Yusuf ALI, Olusola FABIYI and Chuks OKOCHA**: reporters, respectively, for the newspapers *The Nation*, *The Punch* and *ThisDay*, were among four journalists who reportedly received anonymous death threats via text message on 28 April 2010. The messages, sent from the same number, were identical and said that the reporters would meet the fate of three murdered Nigerian journalists (see above). All four journalists had who received the threats had covered Acting President Jonathan Goodluck's recent decision to dismiss the chairman of the Independent National Electoral Commission. The deposed official denied any involvement in the threats. The threats came just days after three journalists were killed in two separate incidents (see entry for Bwede, Dabak and Ugbagwu above). The police were said to be investigating the threats.

On trial

***Jude OPARA**: foreign correspondent for the private daily newspaper *Champion*, was reportedly arrested by police, assaulted and charged for allegedly obstructing traffic in the capital Abuja on 16 February 2010. Opara was on his way to cover an ECOWAS summit in Abuja when his car was stopped by the Area Commander and Assistant Commissioner of Police (ACP). The ACP and his men reportedly assaulted Opara, arrested him and took him to a police station. When Opara asked what he had done, the ACP reportedly said that Opara was trying to get him sacked. When Opara identified himself as a journalist, the ACP confiscated his official ECOWAS media accreditation badge and impounded his car. The ACP reportedly boasted that he was going to "set an example with this bastard." Opara was charged and taken to a magistrate's court, on the ground that he was "causing an obstruction on the highway by failing to obey hand signals" contrary to the Road Traffic Act. The ACP claimed that Opara had obstructed the convoy of acting President Dr. Goodluck Jonathan, who later arrived to attend the ECOWAS meeting. Opara was granted bail and the matter was adjourned to 8 March.

Harassed

***Mallam Issa Hassan TIKUMAH**: Ghanaian academic resident in Nigeria, was reportedly subject to harassment by both the university he worked for and by the Nigerian authorities after he published a book in February 2010 challenging the use of the *niqab* (face veil) by Muslim women. Tikumah, a Muslim scholar who has written more than 15 books, was a social studies lecturer in the Faculty of Education at the Ahmadu Bello University (ABU) in Zaria until he was dismissed as a result of his latest book. Entitled *Niqab (Face-veil): An exemplary Sunnah or a Repugnant Innovation*, the book apparently argues that the idea of a Muslim woman covering her face in public places is a misconception of a tradition of the Holy Prophet Muhammad. Tikumah said writing the book was "part of [his] mission to help find solutions to some of societal problems in Nigeria." However, it reportedly provoked the ire of some Islamic scholars, who called for the book to be banned and its author banished. According to Tikumah, the ABU authorities challenged him over the book following pressure from the group Muslim Forum, while the Islamic scholars called on him to withdraw the book from bookstores

both within and outside ABU as well as seizing the plates from the publishers, ABU Press Limited, to ensure that the book would not be reprinted. Tikumah was then reportedly called for questioning by the police and State Security Services (SSS), briefly detained and ordered to report to the police on a daily basis. ABU reportedly dismissed Tikumah in late April, despite protests by students. On 25 April, Tikumah's home in Zaria was raided by officers of the Nigerian Immigration Service who reportedly intended to deport the entire family, despite the fact that Tikumah has been living in Nigeria for 11 years, his immigration papers are in order and three of his four children were born in the country. Tikumah, his wife and two of his four children were out of the house at the time but the other two sons, a 10-year-old who is disabled and a 13-year-old, were there and were reportedly taken away by the immigration officers. Tikumah, his wife and his two other children subsequently went into hiding to avoid deportation. His wife and children reportedly returned home on 29 May, after a month in hiding, following a Federal High Court stay on the deportation, but Tikumah remained in hiding. It is not clear what happened to the two children who were taken away. Tikumah said he would challenge the move to deport him.

Mallam TUKUR MAMU: editor of the Kaduna-based weekly newspaper *Desert Herald*, has been subject to police harassment since July 2009. On 8 February 2010, he was arrested on defamation charges at his office in Kaduna and taken to a police station in Bauchi State before being released on bail. Police then withdrew the charges against him on 10 February, re-arrested him under new, unspecified charges and took him to neighboring Yobe State. Police attempted to re-arrest Tukur again on 12 February without an arrest warrant or closure of the original case against him, but his lawyers intervened. It was thought that the police were trying to arrest Tukur because a recent edition of the *Desert Herald* had accused the Yobe State Governor of acquiring several housing properties illicitly. The deputy governor of Yobe State initially attained a warrant to arrest Tukur for a September 2009 story in which the governor was alleged to have escaped a conspiracy to poison him. As of 12 February, Tukur had gone into hiding and said he feared the police may arrest him without a warrant at any time. He had previously been briefly detained in July 2009, soon after having gone into hiding due to death threats (see previous case lists).

RWANDA

Killed

***Jean Leonard RUGAMBAGE**: deputy editor of the banned newspaper *Umuwugizi*, was shot in the chest as he drove through the gate of his home in the capital Kigali on 24 June 2010. Police arrived at the scene soon afterwards but Rugambage was already dead. Police investigations were opened. Prior to his death, Rugambage (34) had reportedly told friends and colleagues that he was being followed and had received phone threats. **Jean-Bosco Gasasira**, the exiled editor of *Umuwugizi*, said he believed the murder was reprisal for a recent story alleging government involvement in the attempted assassination of a former Rwandan army commander in South Africa. Gasasira suspected that Rwandan security operatives were behind the killing. The government has denied the accusations as "baseless". On 28 June, the police announced that two, unnamed people had been arrested in connection with the shooting. They said that one of the suspects, who had already pleaded guilty, is related to a person allegedly killed by Rugambage during the 1994 genocide. Rugambage was acquitted of genocide

charges by a local *gacaca* court in 2007. **Background:** *Umuvugizi*, considered to be one of the few critical voices in Rwanda, was suspended for six months by the Media High Council in April 2010, and when the newspaper moved online soon after, its website was blocked within Rwanda. These developments occurred in the run-up to the presidential elections scheduled for August 2010. Before joining *Umuvugizi*, Rugambage was a reporter for the now-defunct independent tabloid newspaper *Umucó*. He was imprisoned for 11 months in 2005-06 after writing an article alleging mismanagement and witness tampering in Rwanda's traditional courts for suspects of the 1994 genocide. He is survived by a wife and a two-year-old daughter, according to local journalists. [RAN 37-10]

On trial

***Charles KABONERO, Didas GASANA and Richard KAYIGAMBA:** respectively former editor, acting editor-in-chief and reporter of the Kinyarwanda-language private weekly newspaper *Umuseso*, were given prison sentences on 22 February 2010 after being convicted in absentia of invading the privacy of the Cabinet Affairs Minister and the Mayor of Kigali. Kabonero was sentenced to one year in prison and Gasana and Kayigamba to six-month prison terms under the 1977 penal code and 2009 Media Law. All three were also ordered to pay damages of 1 million Rwandan francs (US\$1,700) to the minister and the mayor. They were free pending appeal. The case related to a November 2009 article reporting allegations of an extramarital affair between the minister and the mayor. According to Kabonero, the story was a matter of public interest because Rwanda's 2008 Law on the Leadership Code of Conduct criminalized offenses such as adultery for public office holders. Both the minister and the mayor have publicly denied the accusations. At the time of the conviction, Kabonero and Gasana were already appealing a suspended two-year prison term from a 2008 conviction for defamation over a story about tax evasion charges against a businessman in South Africa.

Released

***Asumani NIYONAMBAZA:** editor of the bi-monthly newspaper *Rugari*, was acquitted on appeal of "extortion" by the Nyarugenge High Court in the capital Kigali on 23 April 2010. The judge quashed Niyonambaza's two-year jail sentence handed down by a lower court in August 2009 and ordered his immediate release. Niyonambaza had reportedly been imprisoned for more than eight months.

SENEGAL

On trial

Abdou Latif COULIBALY: author and journalist, including director of the fortnightly newspaper *La Gazette*, is being repeatedly sued by the state-owned national lottery, Lonase. Lonase originally sued Coulibaly for defamation and public slander following the publication of his 2007 book *Loterie nationale sénégalaise: chronique d'un pillage organisé* on the alleged embezzlement of funds within the company. The trial started on 11 September 2007. In a separate case brought by the director general of Lonase, on 3 November 2009 Coulibaly and *La Gazette* reporter **Cheikh Fadel Barro** were reportedly given a three-month suspended prison sentence and fines for publishing "false news" on the basis of an April 2009 article on Lonase's alleged deficit and foreign debts. They were acquitted of additional charges of defamation and public slander.

New information: According to local media reports in July 2010, the defamation charges brought by the director of Lonase on the basis of Coulibaly's 2007 book were dismissed in May 2008. The plaintiff appealed and the final appeal is due to be heard on 5 November 2010. In the meantime, however, the plaintiff brought another case against Coulibaly, who was on 10 July 2010 found guilty of receiving stolen documents in relation to his book; sentencing pending. **Background:** Coulibaly has previously got into trouble over other books, including death threats, publications blocked at customs and the restricted circulation of his books within Senegal.

Pape Samba DIARRA and Mame Seye DIOP: respectively editor and journalist for the weekly *Weekend Magazine*, were reportedly sentenced to three months in prison and a 10 million CFA (US\$20,000) fine on 21 June 2009 for "public slander" of the deputy speaker of the Senegalese parliament. The charges stemmed from an article that was allegedly critical of the love life of the politician, who is a member of the ruling Senegalese Democratic Party. The journalists appealed the conviction and were released pending the appeal hearing. No further news as of 30 June 2010; PEN is seeking an update.

Case closed

Papa Samba SÈNE: journalist for the independent newspaper *L'As*, was reportedly detained for 12 days in September 2009 and was put on trial for "defamation", "disseminating false information" and "criminal conspiracy". He was arrested along with a radio journalist on 18 September 2009 following a complaint brought against them by the governor of the newly created region of Kaffrine. His arrest and detention were thought to have been in connection with articles accusing the Kaffrine regional authorities of diverting seeds meant for distribution to local farmers. Both journalists were released on bail on 30 September 2009. **New information:** At a hearing 30 June 2010, the governor of Kaffrine reportedly withdrew his complaint and the charges were dropped. Case closed.

SIERRA LEONE

Death threats

Sylvia BLYDEN (f): publisher and editor-in-chief of the independent newspaper *Awareness Times*, has been threatened with death and sued for "publishing false information" after publishing an article alluding to President Ernest Bai Koroma's alleged extramarital affairs in 2009. The story in question, published on 12 May 2009, claimed that the President had attempted to pass one of his allegedly numerous girlfriends off as the First Lady to the people of Kailahun, about 350 kilometres from the capital Freetown. Blyden was contacted by the Criminal Investigations Department (CID) the same day requesting her to provide documentary evidence to substantiate her claims. CID personnel also searched the newspaper offices and confiscated unspecified documents. Blyden reportedly went into hiding later that day after receiving multiple death threats on her mobile phone. However she reportedly turned herself into Freetown police a week later and was charged with "publishing false information" on the basis of the aforementioned article. On 21 May 2009, she was granted bail of 50 million leones (approx. US\$16,000). **New information:** The case against Blyden was reportedly dropped in January 2010. However she continued to receive repeated death threats from anonymous government officers in relation to the matter.

SOMALIA

Imprisoned: main case

***Hadis Mohamed HADIS:** editor of the independent Somaliland-based news website Baadiyenews.com, was reportedly arrested by officers of Somaliland's Criminal Investigation Department (CID) at a hotel in Hargeisa on 26 June 2010. When asked the reason for his arrest, the CID officers only said that they were investigating "serious crimes" that they suspect Hadis of being involved in. The officers reportedly also confiscated the journalist's camera. Hadis was taken to Hargeisa central prison. The National Union of Somali Journalists (NUSOJ) believes Hadis is being targeted for his journalistic work.

On trial

Mohamed Said ABDULLAHI and Yasin Jama ALI: respectively editor-in chief and reporter for the online newspaper *Berberanews* (berberanews.com), were reportedly convicted of committing a "crime against the Somaliland nation" by the Sahil regional court in Berbera, in the semi-autonomous republic of Somaliland, on 23 August 2009. Abdullahi was sentenced in absentia to three years in jail for allegedly defaming local officials; he had been in hiding since mid August. The website was also banned from operating for an indefinite period. Abdullahi reportedly intended to appeal the verdict. Ali was freed but banned from practicing journalism until further notice. He had been arrested and detained for 10 days without charge after he posted two opinion pieces, not written by him, that accused local officials of misusing public funds to support a local political party. No further news as of 30 June 2010; PEN is seeking an update on the status of Abdullahi's appeal.

Threatened

***Mohammed IBRAHIM:** Somali correspondent for the *New York Times*, was reportedly subject to threats and attempted arrest by Somali government security forces after the publication of an article on child soldiers in Somalia in June 2010. On 15 June, the *New York Times* ran a piece entitled "Children Carry Guns for a US Ally, Somalia", for which Ibrahim had provided research. The Somali government denied that its army employs child soldiers. Shortly after the article was published, members of the Somali security services began contacting Ibrahim and he received an email from the director of communications at the presidential palace, asking him to appear for a meeting with security chiefs. The communications director assured Ibrahim that he would not be harmed. Ibrahim did not attend the meeting. On 24 June, the government held a press conference where again denied that it used child soldiers. According to Ibrahim, the government had detained the child soldiers he had interviewed for the piece and forced them to retract their story. The same day, security officers reportedly attempted to arrest Ibrahim at a restaurant but thanks to a tip-off he was able to leave before the officers arrived. On 26 June, Ibrahim spotted police officers looking for him while he was buying a plane ticket but again managed to evade arrest. He later left the country travelling overland. He said he was afraid to return to Somalia for fear of reprisals by security officers. Others involved in reporting the story in question have reportedly also been threatened, including a translator and the owner and staff of the hotel where the journalists stayed. President Sheik Sharif Sheik Ahmed has reportedly announced the launch of an investigation into the possible existence of underage soldiers in the Somali army, but other officials continue to deny the allegations.

Attacked

***Muse Mohamoud JISOW and Abdirisak Elmi JAMA:** respectively editor and journalist of the *somalisan.com* website, were among eight journalists who were reportedly badly injured in a bomb attack on a police training centre in Mogadishu on 29 June 2010. Jisow, Jama and two others required hospital treatment following the attack. The journalists had gone to the training centre to cover a press conference being held there by the militant Islamist group Al-Shabaab, which had taken over the premises the previous day. According to one of the journalists, those behind the attack had been informed that a press conference was being held on the premises and that journalists would be present. The National Union of Somali Journalists (NUSOJ) believes that the Somali Transitional Federal Government (TFG) forces are linked to the bombing. At the time, the TFG, backed by the United States, the United Nations and African Union peacekeepers, had tentative control over a small part of Mogadishu in an attempt to prevent Al-Shabaab from annexing the entire city.

SUDAN

Imprisoned: main cases

***Abu Zar AL-AMIN, Ashraf ABDELAZIZ and Althahir IBRAHIM (known as Abo Jawharah):** respectively deputy editor, reporter and political editor of the opposition daily newspaper *Rai al-Shaab*, were arrested 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. **Charges:** On 25 May, al-Amin was charged with "undermining the constitution," "terrorism and espionage," "publishing false news," "undermining the prestige of the State" and "inciting sedition", crimes that can carry the death penalty. He was transferred to police custody and his wife and brother were allowed to visit him. Al-Amin was said to be in poor health and claimed to have been ill treated by national security agents, including being given electric shocks. The whereabouts of the other journalists and employees was not yet known. **Background:** The raid on *Rai al-Shaab* was apparently triggered by a 14 May article alleging that Iran had built a weapons factory in Sudan to supply insurgents in Africa and the Middle East. The ruling National Congress Party dismissed the report as false and a scheme by the opposition Popular Congress Party (PCP) - which publishes *Rai al-Shaab* - to damage relations between Sudan and the United States. The day before the raid on *Rai al-Shaab*, the authorities had arrested the PCP leader Hassan al-Turabi, who is a vocal critic of President Omar Hassan al-Bashir, accusing al-Turabi of "stirring up hatred, disseminating malicious lies and abuse of Sudan's foreign relations"; he was released without charge on 1 July. There were further raids on several other newspapers on 19 May, including on another opposition newspaper, *Ajras Alhurria*, which was ordered to remove an article on the journalists' arrests, among others. Sudanese President Omar al-Bashir, accused of war crimes and crimes against humanity in Darfur, was re-elected in national elections in April 2010. According to rights groups, the election process was seriously flawed and marred by widespread repression and human rights violations. **Trial:** The trial of the three journalists began on 11 June. On 16 June, the defence lawyers pulled out after the court

reportedly refused to hear testimony from three of the four defence witnesses on the grounds that they were members of the opposition and their testimony consisted only of hearsay. The court gave the journalists three days to choose new lawyers and the trial was scheduled to resume on 21 June.

***Al-Haj Ali WARRAG and Fayez Al Sheikh Al SALEEK:** respectively former and current editor of the newspaper *Arjas al-Huriya*, are reportedly facing trial for “humiliating the state and publishing false news”, it was reported on 11 May 2010. The charges stem from a 6 April article by Warrag which supported a boycott of the Sudanese elections called by Yasser Arman, the leader of the Sudan People’s Liberation Movement, accused the National Conference of vote-rigging and strongly criticised President Omar al-Bashir. The journalists are being prosecuted under Article 66 of the criminal law, and Articles 24 and 26 of the press law and reportedly face up to a year in prison or a fine, or both.

TOGO

On trial

***Zeus K. AZIADOUVO, Jean-Baptiste K. D. DZILAN and Glakpé K. OLIVIER:** managing editors of the privately-owned newspapers *Liberté, Forum de la Semaine* and *Journal Le Correcteur*, based in the capital Lomé, are on trial for “false publication” and “criminal defamation”. The case stems from a complaint filed by the country’s Inspector General of Police (IGP) over an 8 May 2010 article in the three newspapers which alleged that two traffic policemen had caused the deaths of a commercial motorbike driver and his passenger after the driver ran a red traffic light. The newspapers quoted unnamed eyewitnesses who claimed the policemen had pushed the driver off his moving bike, resulting in his death as well as that of the passenger. The police have denied the accusations, claiming that the man died as a result of an accident caused by speeding. The editors were arraigned on 19 May 2010 and were due to make their third appearance in court on 9 June.

UGANDA

Imprisoned: investigation

Patrick OTIM: freelance journalist for the government vernacular newspaper *Rupiny* and a radio station in Gulu District, is on trial for treason. Otim was reportedly arrested by plainclothes policemen from the Chieftaincy of Military Intelligence (CMI) along with seven supporters of opposition political parties in May 2009, while local council by-elections were taking place. He was held incommunicado without charge for more than four weeks, during which time officials denied that Otim was in government custody. The journalist finally appeared in court on 15 June 2009 in response to a habeas corpus application filed by human rights lawyers. He was charged with treason, along with 10 others, for allegedly forming an armed rebel movement named the Popular Pacific Front (PPF) with the aim of overthrowing the government. The accused were remanded in custody and sent to Luzira Prison in the capital Kampala. As of late June 2009, the government was reportedly yet to produce any evidence to back up the charges but it claimed to have seized weapons and military equipment related to the alleged crime. Two of the 10 other defendants are reportedly former members of the Lords Resistance Army (LRA). Otim’s case reportedly passed to the High Court on 18 November 2009. On 5 January 2010, it was reported

that he was facing a possible death sentence. **New information:** Otim’s trial was reportedly scheduled to commence in February 2010 but was postponed. On 7 July it was reported that Otim had still not been brought to trial and was being pressurized to apply for amnesty, a controversial provision in Ugandan law that gives blanket immunity to all rebels who make a full confession. According to his lawyer, Otim has refused amnesty and wants his case to be brought to court.

On trial

Moses AKENA: reporter for *The Daily Monitor*, is on trial for allegedly criminally defaming the Deputy Resident Commissioner of Gulu District in a case brought on 10 August 2009. The charges reportedly relate to a story he 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. **New information:** As of May 2010, Akena was still regularly reporting to court as part of his bail conditions but the case had still not gone to trial.

Joachim BUWEMBO and Bernard TABAIRE: Buwembo and Tabaire are former managing editors of the *Daily Monitor*; Tabaire is now a columnist for the same newspaper. Both were charged in their capacity as managing editors with defaming the Inspector General of Government on 28 January 2008. The charges are based on a 17 August 2007 article on alleged irregular salary claims made by the official.

Two other *Daily Monitor* journalists, news editor **Robert Musaka** (now with the *Observer*) and chief parliament reporter **Emmanuel Gyezaho** were also charged with one count each. All four were released on bail pending trial. In June 2009, it was reported that Buwembo, Mukasa, Tabaire and Gyezaho had unsuccessfully challenged the constitutionality of Section 179 of Uganda’s Penal Code Act on criminal defamation before Uganda’s Constitutional Court. Their petition was unanimously dismissed. The journalists said they would take the petition to the Supreme Court, the country’s highest court. Senior reporter **Angelo Izama** was named in the lawsuit but was not charged because he was abroad; he is likely to be included if the petition is dismissed by the Supreme Court and the trial starts in the magistrates court. Izama is also facing other charges (see separate entries below). **Update:** In early 2010, the requirement to report to a magistrate on a monthly basis was finally waived until there is a court decision. As of 30 June 2010, the Supreme Court appeal was still pending. **Honorary Member** (Bernard Tabaire): English PEN.

Angelo IZAMA, Daniel KALINAKI and Grace MATSIKO: Kalinaki and Izama are, respectively, managing editor and senior reporter of the *Daily Monitor*; Matsiko was formerly a senior reporter for the same publication but now runs an occasional magazine *Kampala Dispatch*. On 2 January 2009 it was reported that all three had been questioned by the Criminal Investigation Directorate (CID) of publishing materials prejudicial to national security and released on police bond. The charges stem from a 28 December 2008 piece about Operation Lightning Thunder, a joint state operation in the DRC (involving Uganda, the DRC and Southern Sudan) to capture Lord’s Resistance Army rebels. The journalists reportedly face up to seven years’ imprisonment if convicted. As of 30 June 2009, the case was ongoing and was being handled by the Media Offences Department, created within the Ugandan police force in late 2008. All three were reportedly arrested at least four times in 2009. **New information:** As of June 2010, the case was reportedly in limbo but could be resurrected at the State’s discretion. Izama is also on trial for criminal defamation (see entry below).

Daniel KALINAKI and Henry OCHIENG: managing editor of the *Daily Monitor* and editor of the *Sunday Monitor* respectively, were reportedly charged with forgery in August 2009 after the newspapers printed a reproduction of a leaked presidential memorandum. The *Monitor* had acknowledged some errors in the reproduction of the document (relating to the misspelling of the name of an ethnic group) and published a correction on 4 August. Although government spokeswoman Kabakumba Matsiko reportedly criticized the media's coverage of the story, she did not dispute the document's contents. The editors were freed on bail pending trial on 7 October. **Update:** The case was reportedly extended to 29 March 2010 because the Directorate of Public Prosecutions did not have the police file. Trial reportedly ongoing in the magistrate's court as of late June 2010. Kalinaki and Ochieng are also facing prosecution for other matters (see cases above and below). Kalinaki was reportedly arrested least four times in 2009.

***Henry OCHIENG and Angelo IZAMA:** respectively editor and senior reporter for *Sunday Monitor* news magazine, were interrogated at the police "media crimes" division on 3 February 2010 before being taken to court and charged with criminal libel the same day. The two journalists were accused of defaming President Yoweri Museveni in a 19 December 2009 opinion piece by Izama entitled 'Will the people's power defeat President Museveni in the poll?' The piece reportedly discusses the risk of political violence during the general elections scheduled for 2011 and also suggests parallels between President Museveni's Uganda and the Philippines under former leader Ferdinand Marcos. President Museveni, who took power in Uganda a few months before Marcos was ousted by protests in 1986, is expected to seek a fourth term in the 2011 general elections. Izama and Ochieng denied the charges and were released on bail pending trial, which reportedly began on 25 February. Defamation cases, like those involving sedition and the promotion of sectarianism, are all suspended pending a Supreme Court ruling on the constitutionality of such penal code statutes. Both Ochieng and Izama are also facing prosecution for other matters (see cases above and below). **Background:** On 5 January 2010 it was reported that Izama was being harassed by police over a 20 December 2009 article entitled "Preparing for 2011 elections by arming troops". He had been summoned and questioned three times over the last week for allegedly libeling President Yoweri Museveni, on 22, 28 and 29 December, and had been ordered to report to the police again on 6 January 2010. He was also told not to leave Kampala. It was not clear whether or not he would be prosecuted. If tried on a criminal libel charge, he reportedly faces a three-year jail sentence. On the day that the offending article was published, President Museveni reportedly said that he would "deal with" *The Monitor* "if they don't change their ways." Izama was reportedly arrested at least four times in 2009.

Andrew MWENDA, Odoobo BICHACHI and John NJOROGE: publisher/ political journalist, consulting editor and journalist respectively for the weekly news magazine *The Independent*, have been charged with sedition. They were arrested during a Chieftaincy of Military Intelligence (CMD) raid on Mwenda's home and the newspaper's offices on 26 April 2008, during which documents and journalistic equipment were seized. The raid and arrests were reportedly linked to two stories published by *The Independent* that week: one an interview that touched on the alleged use of torture by Ugandan military intelligence in secret government-run detention centres and implicated top officials in atrocities during Uganda's civil war with the Lord's Resistance Army; the other an editorial alleging unrest in the army following the imprisonment of the former army chief for corruption. The three journalists were

taken to the Criminal Investigations Directorate (CID) and were released on bail a few hours later. Mwenda is well known for his critical reporting and was reportedly already fighting numerous counts of "sedition" and "promoting sectarianism" in relation to his journalism, most linked to commentary aired on Mwenda's former political radio talk show. It has been reported that Mwenda could spend up to 75 years in jail if convicted. On 20 November 2008, Mwenda and Bichachi received police summons for questioning about coverage deemed "prejudicial" to state security. He has challenged the constitutionality of the sedition charges in court. Mwenda and Bichachi were reportedly ordered to report to the police at least seven times in 2009. **Update:** As of May 2010, the trial had been suspended pending the Constitutional Court ruling on the challenge to the sedition law. As of February, Mwenda was reportedly facing 22 different criminal charges of sedition or promoting sectarianism stemming from different incidents over the previous five years.

Ssemujju Ibrahim NGANDA: former investigative journalist and political editor for the bi-weekly newspaper *The Observer*; now reportedly spokesman for the Inter Party Co-operation (IPC), a coalition of opposition parties. In October 2008, while Nganda was still working as a journalist, it was reported that he had been charged with "promoting sectarianism" and "incitement to violence" for the second time in two years. The journalist was arrested and interrogated by Criminal Investigation Directorate (CID) detectives at least three times in October 2008. He has reportedly been accused of mobilizing Baganda, the biggest ethnic group critical of the current government, and of criticising President Yoweri Museveni in talk shows for the alleged high rates of human rights violations during his administration. If convicted, Nganda could face up to five years in prison for promoting sectarianism and up to three years for incitement to violence. Nganda was accused of the same charges in June 2006 for writing an article that criticized government persecution of opposition leader Kizza Besigye. The trial was halted as the offence is being challenged in Uganda's Constitutional Court, but the case has not been dropped. *Observer* editor **James Tumusiime** is also named in the case. Both men have been reporting to the police on a regular basis since 2007 as part of their bail conditions. On 24 July 2009, Nganda was reportedly threatened with judicial sanctions by the Ethics Minister over two opinion pieces on President Museveni. **Update:** As of May 2010, the 2006 charges against Nganda and Tumusiime still stood but the case had not gone to court because of the pending constitutional challenge to the relevant sections of the penal code.

Kalundi Robert SSERUMAGA: writer, journalist and popular host of a daily radio talk show, 'Spectrum', was briefly detained and assaulted in custody in September 2009 before being released on bail pending trial for alleged sedition. **Details of arrest and detention:** Sserumaga was arrested late on 11 September 2009 as he left the studios of WBS Television in the Ugandan capital Kampala where he had participated in a debate in which he had criticised President Museveni for allegedly stirring up conflicts between people who had hitherto co-existed peacefully. Eyewitnesses, including **Bernard Tabaire** (see above and below), report that Sserumaga was bundled into a waiting car and taken away. A day later it was disclosed that he was being held in the Kampala Central Police Station. On 14 September, it was reported that he had been transferred to the International Hospital in Kampala to receive treatment for injuries he sustained during severe police beatings. **Charges:** On 15 September, Sserumaga was formally charged on six counts of sedition under Sections 39 (1) (a) and 40 (1) (b) of the Penal Code. Each count refers to comments he made during a discussion on the 'Kibazo on Friday Live Talk Show and Phone-in Programme', broadcast on 11

September. He is accused of “intention to bring into hatred, contempt and to excite disaffection against the person of the President, and the Government...” On reading the charge sheet, International PEN concludes that while strongly critical of the authorities, none of the contentious statements can be considered as incitement to violence. Sserumaga was freed on payment of US\$250 bail. **Background:** Violence broke out when the government banned the King of Buganda, one of the four tribal regions in Uganda, from visiting the neighbouring Kayunga district. Over 20 people were said to have been killed, and 550 others, including Sserumaga, were reportedly arrested to face trial. Four other radio stations were also closed (of which three are back on air as of June 2010). Sserumaga was suspended from his talk show following his detention. As of December 2009, Sserumaga was petitioning the high court to declare his suspension from the radio station illegal. **Update:** As of May 2010, the case against Sserumaga had been stayed pending the Constitutional Court decision on the challenge to the sedition law. Sserumaga is reportedly also suing the Chairman of the Broadcasting Council and the Attorney General for unlawfully suspending him from broadcasting. [RAN 48/09 and updates]

Richard TUSIIME and Francis MUTAZINDWA: editor-in-chief and news editor of the tabloid newspaper *Red Pepper*, are on trial for allegedly defaming the Libyan President, Col. Muammar Gaddafi. The charges stem from a series of articles in February 2009 alleging that President Gaddafi was having an adulterous relationship with Best Kemigisha, the Queen Mother of King Oyo Nyimba of Tooro Kingdom (Tooro is one of the kingdoms that merged to form Uganda at independence and has a ceremonial traditional ruler). The lawsuit was brought by President Gaddafi but was subsequently taken over by the Ugandan Director of Public Prosecution (DPP). On 18 February, Tusiime and Mutazindwa were charged with six counts of criminal defamation of a foreign prince under section 53 of the Ugandan Penal Code. They denied the charges and were released on bail. If convicted, they reportedly face up to two years in prison. President Gaddafi is reportedly also seeking millions of dollars in damages. *Red Pepper* often faces lawsuits due to its coverage of the lifestyles of celebrities and public officials. **Update:** As of June 2010, the case was reportedly ongoing.

Attacked

***Mukiibi SERUNJOGI:** reporter for the vernacular weekly newspaper *Ggwanga*, was reportedly struck in the knee by a bullet fired by a security agent during violent clashes between security forces and protesters in Kasubi, a suburb of the capital Kampala, on 17 March 2010. Scores of protesters and mourners had come to Kasubi after a fire destroyed the royal tombs of the Buganda kingdom, a UNESCO World Heritage Site, the previous day. Serunjogi, who required hospital treatment for his wounds, believes he may have been targeted, although other reports suggested that the shot was random. Buganda News and Publishing House, which publishes *Ggwanga*, reportedly have close ties to the Buganda kingdom. Tension has run high between the Ugandan government and the Buganda kingdom since disagreements over land and political rights led to deadly violence in September 2009. At least four other journalists were reportedly also wounded by either security guards or protesters during the clashes on 17 March. **Benjamin Ssebaggala**, freelance reporter for the vernacular pro-government daily newspaper *Bukedde*, was attacked by protesters and sustained minor injuries. Two photographers working for the same newspaper were also attacked, one by protesters and the other by an officer with the Presidential Guard Brigade. **Leila Ndinda**, correspondent for Deutsche Welle, was assaulted

by protestors who accused her of belonging to the same tribe as President Yoweri Museveni.

Case closed

Bernard TABAIRE, Henry OCHIENG and Chris OBORE: managing editor, Sunday editor and journalist respectively for the newspaper *Daily Monitor*, were interrogated by the Criminal Investigations Directorate (CID) for allegedly publishing seditious material on 30 September 2007. The interrogation stemmed from a story entitled ‘Soldiers train to take police jobs’, in which it was alleged that soldiers were secretly trained as policemen in order to have the police force under military control. The three were summoned to the police on 1 October 2007 and released on police bond the same day. **New information:** In May 2010, it was reported that following repeated appearances on police bond, the case had been dropped. Bernard Tabaire is also on trial for criminal defamation (see also case above). He is an Honorary Member of English PEN.

ZAMBIA

On trial

Fred M'MEMBE: editor-in-chief and owner of the daily independent newspaper *The Post*, was twice charged with criminal contempt of court in 2009 in relation to articles critical of the trial for pornography of *Post* news editor **Chansa Kabwela** (see Background below). On 31 August 2009, the trial magistrate summoned M'membe, along with Cornell University law professor **Muna Ndulo** - the author of an opinion piece which *The Post* published on Kabwela's prosecution on 27 August - and the entire *Post* editorial staff to appear in court on contempt charges. These charges were dismissed in September 2009. However, on 14 October 2009, M'membe and the newspaper were again charged with contempt of court over an August opinion piece on Kabwela's trial. **Sentence:** On 4 June 2010, M'membe was sentenced to four months in prison with hard labour following his conviction for contempt of court earlier that week. The magistrate reportedly justified the prison sentence by claiming that *The Post's* publication of Muna Ndulo's opinion piece about Chansa Kabwela's trial was likely to affect the proceedings and that it would serve as a deterrent to other journalists. M'membe was taken to Chimbokaila Prison in the capital Lusaka but was released on bail on 7 June pending his appeal to the High Court. **Background:** Chansa Kabwela of the *Post* was arrested in July 2009 for circulating photographs of a woman giving birth without medical help outside the University Teaching Hospital. Kabwela decided the photos were too graphic for publication but sent them to a number of government ministers, an archbishop and two civil society groups, urging that a medical workers' strike be settled. She was charged with circulating obscene materials but was acquitted on 16 November 2009. President Rupiah Banda, who described the photos in question as pornographic, is reportedly known to be an enemy of *The Post*, which has exposed alleged corruption in Zambia.

ZIMBABWE

On trial

Brezhnev MALABA and Nduduzo TSHUMA: editor and reporter respectively for the state-owned newspaper *The Bulawayo Chronicle*, are

on trial for criminal defamation and “publishing falsehoods” for an article alleging police corruption. The charges stem from a January 2009 story that alleged that senior police officials were involved in a Grain Marketing Board (GMB) scandal in which tonnes of maize was sold on the black market in Zimbabwe and Zambia. On 17 March, the two journalists were made to sign a police statement. Malaba and Tshuma are reportedly the first journalists working for state-owned publications to be prosecuted under Zimbabwe’s media laws. No further news as of 30 June 2010.

Davison MARUZIVA: editor of the independent Sunday newspaper *The Standard*, is on trial for publishing a 20 April 2008 opinion piece by an opposition leader that was critical of the Mugabe regime. Maruziva was arrested at his office on 8 May 2008 and detained overnight before being charged the following day with ‘publishing false statements prejudicial to the state and contempt of court’ and released on bail. The author of the piece in question, Arthur Mutambara, the leader of a breakaway faction of the Movement for Democratic Change (MDC), was standing trial with Maruziva. In the offending article, Mutambara reportedly criticized the delay in the release of the 29 March 2008 presidential election results, the High Court’s dismissal of the MDC’s application to have the results released and security agents’ involvement in the elections. On 22 October 2008, Mutambara’s defence argued that the Magistrate’s court did not have jurisdiction to hear the matter and it should therefore be referred to a higher court. On 12 November the matter was referred to the Supreme Court, where it was still pending as of 30 June 2009. Case reportedly ongoing as of October 2009. No further news as of 30 June 2010.

Death threats

***Stanley KWENDA:** freelance journalist who contributes to the private weekly newspaper *The Zimbabwean*, reportedly fled the country after receiving a death threat on 15 January 2010. Kwenda was able to identify the caller as a high-ranking police officer. The officer allegedly said that Kwenda would be killed in the next few days because of an article in *The Zimbabwean* in which he had quoted relatives of the officer’s late wife making critical comments about him. A police spokesman reportedly said that no complaint had been filed and no investigation opened. The police officer in question reportedly orchestrated the 2008 arrests of 32 former opposition party members and human rights activists, including freelance photojournalist Andrisson Manyere, who is now free on bail but is facing a number of politically motivated criminal charges.

Harassed

***Golden MAUNGANIDZE:** editor of *The Masvingo Mirror* newspaper, was reportedly summoned to Harare Central Police Station on 10 May 2010 and interrogated for six hours following the publication of a story that allegedly criminally defamed the Minister of Tourism. Maunganidze was questioned about his sources, which he refused to disclose. Some journalists had previously asked him for the same information, and at the police station Maunganidze was shown transcripts of this conversation which had been filed as supporting evidence in the complaint filed by the Minister. The complaint stemmed from an article published in the 9-15 April 2010 edition of *The Masvingo Mirror* which alleged that some top ZANU PF officials had appropriated gifts they had collected on President Mugabe’s behalf for his 86th birthday. The story did not mention the Minister of Tourism. However, the Minister based his complaint on subsequent online reports that explicitly named him as being among those implicated, arguing that the online stories were written by the same

person. Maunganidze denies the allegations of criminal defamation and being the author of the online stories.

Case closed

Vincent KAHIYA and Constantine CHIMAKURE (f): editors of the *Zimbabwe Independent*, were arrested on 11 May 2009, detained overnight and released on bail the next day. They were charged with publishing a story which named members of the Central Intelligence Organisation (CIO) and police who were allegedly involved in the abduction of human rights and Movement for Democratic Change (MDC) activists in 2008, including freelance journalist Shadreck Andrisson Manyere. On 19 April 2010, it was reported that the charges against Kahiya and Chimakure had been dropped.

AMERICAS

BRAZIL

Killed: official investigation ongoing

José Givonaldo VIEIRA: owner of local newspaper *Folha do Agreste* and radio presenter, was shot dead by unidentified assailants in Bezerros, Pernambuco state, on 15 December 2009. Vieira’s vehicle was reportedly intercepted by another car with three men in it outside the offices of the radio station that Vieira worked for. One of the men walked over to Vieira’s car and shot him three times in the chest and head before fleeing. Vieira (40) hosted a radio programme which focused on local social issues and which was reportedly critical of the local authorities, angering some local politicians. Local police were investigating the killing, and the authorities offered a reward of 2,000 reais (US\$1,200) for any information on the crime. They did not yet have a motive. **New information:** On 23 February 2010, one of the two suspects being investigated for the murder, José Cleonildo, reportedly turned himself into the Public Ministry in Recife after receiving a series of death threats. He reportedly confessed to committing the murder and was transferred to police custody.

Attacked

***Gilvan Luiz PEREIRA:** editor of the newspaper *Sem Nome*, from Juazeiro do Norte, Ceará state, was reportedly abducted and tortured by four men on 20 May 2010. He was held for around 20 minutes until the car he was in was intercepted by the police, who had been informed of the kidnapping by eye witnesses. The kidnappers fled, abandoning Pereira, who was by then unconscious. He was found tied up and injured, and later required 46 stitches in his head. As of 28 May, there was no news on the identities or whereabouts of the assailants. Pereira’s newspaper reportedly publishes articles criticizing the local mayor, accusing him of administrative irregularities, fraud and overbilling on construction projects. Pereira has reportedly said that the mayor and a local councilor, about whose wife the journalist had recently written, could have been involved in the attack. Prior to the kidnapping, Pereira had reportedly received two threats from people related to the politicians. The mayor

and the councilor deny any involvement and the mayor has reportedly condemned the attack in Pereira in a statement. According to the mayor's lawyer, the mayor and the councilor have sent a letter to the Secretary of Public Security of the State and the Minister of Public Security requesting an investigation into the case. They reportedly also intend to sue Pereira for defamation.

Case closed

Renata MODESTO (f) and Marcos JUNQUEIRA: journalists for the newspaper *Comercio da Franca*. On 26 January 2009, the Court of Justice State in Franca, São Paulo state, informed the two reporters that it intended to reopen proceedings against them for criminal defamation. The case dates back to December 2007, when the journalists were accused of damaging the honour of Franca's chief of police. A *Comercio de Franca* report had alleged that the chief of police had insulted a police officer who was attempting to arrest a man accused of assault and thus abused his authority. The police chief began defamation proceeding against the journalists under the Press Law, which was enacted during the military dictatorship. However, the lawsuit was dropped after the law was repealed in February 2008 following a Supreme Court decision. Notwithstanding, the public prosecutor's office insisted that the case should continue and as a result it was reopened on 12 November 2008. Modesto and Junqueira reportedly intended to appeal the ruling. No further news as of 30 June 2010; case closed.

CANADA

Attacked

***Wyndham BETTENCOURT-MCCARTHY, Lisan JUTRAS and Jesse ROSENFELD:** were among a number of journalists allegedly harassed and attacked by police during the G20 summit in Toronto on 26-27 June 2010. According to press reports, Bettencourt-McCarthy of the Torontoist website was struck by a police officer with a baton; Rosenfeld, a freelancer who writes for various publications, was beaten and arrested by police; and Jutras, a journalist for the newspaper *Globe and Mail*, was detained for four hours.

CHILE

Imprisoned: investigation

Asel LUZARRAGA: Basque novelist, blogger, translator and musician currently resident in Chile, was reportedly detained in Temuco, Araucanía region, Chile, on 31 December 2009, and remains under house arrest pending trial for alleged possession of explosive material. **Details of arrest:** On 31 December 2009, around 20 police officers from an antiterrorist unit (Grupo de Operaciones Espaciales de Carabineros, GOPE) raided Luzarraga's home in Temuco. The operation took place after an undetonated homemade bomb was found outside the Araucanía Justice Secretariat in Temuco earlier that day. A search of Luzarraga's house reportedly located materials similar to those used in the bomb, including an empty fire extinguisher, a small amount of gun powder and fuses. Luzarraga, who says he was prevented from witnessing the raid, denies ever having these items in his home. According to Luzarraga's girlfriend, the police took a computer, camera, books, papers and other items from the house. The writer was not informed of the reason for his arrest at the time. Luzarraga was detained without charge for six days

under antiterrorism legislation and appeared in court on 6 January 2010. The magistrate ordered that he should be held in preventative detention for three months in order to allow the state prosecutor to continue the investigation. Luzarraga's appeal was rejected on 9 January. **Charges:** Luzarraga is charged with "illegal possession of weapons and explosives", charges which carry a penalty of up to 15 years' imprisonment. He is accused of being involved in two bomb attacks carried out in Chile in the last year. He was originally accused of involvement in another two attacks as well but these charges were dropped when it was proven that he had been out of the country at the time. Luzarraga denies involvement in any of the attacks and claims that on the night of the most recent incident he was at home with his girlfriend.

Bail/ house arrest: On 10 February 2010, Luzarraga was released on bail and placed under house arrest in Temuco pending trial. As of July, he remained under house arrest but had recently been granted permission to leave the house in the daytime. The trial had been delayed but had finally been set for 25 August. **PEN's position:** PEN acknowledges the gravity of the charges against Luzarraga and takes no position on his innocence or guilt in relation to them. However, it is concerned by a number of aspects of the case, as follows. **Due process concerns:** PEN is disturbed by a number of apparent irregularities and failures in due process in the case against Luzarraga. According to PEN's information, the policemen who arrested Luzarraga failed to inform him of the reason for his detention, prevented him from witnessing the search of his house, and were accompanied by members of the press. His lawyer was reportedly not given time to present a thorough defence before the preventative detention order was imposed. An expulsion order was reportedly issued against Luzarraga while he was still detained in January 2010, which would appear to run contrary to his right to be presumed innocent until proven guilty, as established by international human rights law. **Concern that arrest may be related to human rights advocacy:** PEN is also concerned that Luzarraga's arrest and detention may be linked to his writing on and advocacy for the rights of the Mapuche, Chile's largest indigenous group, who have long been in conflict with the Chilean government over their right to land and other natural resources. Mapuche activists and those seeking to document violations against the Mapuche are frequently harassed by the Chilean authorities, including arrest and detention under antiterrorist legislation. Luzarraga for his part has written about the Mapuche conflict on his blog, and at the time of his arrest had recently participated in protests demanding the release of a female Mapuche activist. Luzarraga's girlfriend is Mapuche and while imprisoned he was held in a prison cell with Mapuche political prisoners. **Background:** A member of Basque PEN since 2004 and a member of its board since September 2008, Luzarraga has been living in Chile since March 2009. He is the author of four Basque-language novels: *Abaraska* (Editorial Txalaparta, 2008), *Mozorroaren xarma* (Editorial Erein, 2007), *Karonte* (Editorial Elkar, 2005 – winner of the 2003 VI. Igartzta Prize) and *Hamaika ispilu ganbil* (Editorial Labayru, 2003), and writes two blogs (<http://gorribeltzean.wordpress.com> and <http://goiena.net/blogak/asel>).

Until his detention, he was working as a Spanish-Basque translator in Chile.

Case closed

***Pascale BONNEFOY MIRALLES (f):** freelance journalist, appeared in court in January 2010 on criminal slander and insult charges brought in June 2006 by Edwin Dimter Bianchi, a retired army officer, acting on the orders of General Augusto Pinochet. The case stemmed from a 26 May

2006 article published in the Chilean and international press in which Bonnefoy identified Dimter as “The Prince”, a man who terrorised thousands of political prisoners in the Chile Stadium after the military coup of 11 September 1973. Bonnefoy reportedly faced up to 10 years in prison. However, she was absolved of all charges on 14 January 2010, the judge having ruled that she had not “intended to insult” Dimter.

COLOMBIA

Killed

***Clodomiro CASTILLA OSPINA:** editor and publisher of local news-magazine *El Pulso del Tiempo* and radio journalist, was shot dead in Montería, Córdoba department, on 19 March 2010. Castilla (50) was reportedly reading a book outside his home in Montería when an unidentified gunman shot him at least eight times before fleeing on a motorbike. He died at the scene. Castilla was known as a controversial journalist and said to have been the target of regular threats since 2006 due to his coverage of the links between local politicians, landowners and illegal paramilitary groups. He received protection under a programme run by the Interior and Justice Ministry between 2006 and 2009 and asked for the security measures to be reinstated in November 2009 due to increasing threats; however his request was reportedly turned down on the basis of a national intelligence agency report that indicated he was no longer under threat. The Ministry had reportedly ordered a new risk analysis but at the time of Castilla's death this had yet to be carried out. According to one source, Castilla had recently reported on a local landowner's alleged part in the murder of a Montería-based lawyer, corruption in local government bodies and alleged links between paramilitary groups and local politicians. He had also recently been a witness for a Supreme Court investigation into the latter. The national police began an investigation. President Álvaro Uribe Vélez reportedly condemned Castilla's murder and offered a 50 million peso (US\$26,000) reward for information on the crime. **Update:** The attorney general took over the investigation on 26 March. Two months later, it was reported that the authorities had still not identified any suspect or disclosed any possible motives. Castilla's daughter, Tania Castilla Florez, who is a witness in the case, was reportedly forced to flee Montería in late April after being followed and harassed. Other family members had also been followed. In an interview in late March, the director of the local radio station that Castilla had worked for stated his belief that Castilla was killed because of his journalistic work. [RAN 26/10]

Imprisoned: investigation

Miguel Ángel BELTRÁN VILLEGAS: Colombian academic. **Year of birth:** c. 1965. **Date of arrest:** 22 May 2009. **Place of detention:** La Picota prison, Bogotá. **Details of arrest:** Beltrán was arrested at the headquarters of the immigration authorities (INM) in Mexico City, Mexico, on 22 May 2009, after being informed that the visa for which he had applied in August 2008 had been denied. A few hours later he was flown to Colombia in an aeroplane belonging to the Mexican state. On arrival in Bogotá, Colombia, Beltrán was detained on the orders of the Colombian Public Prosecutor (Fiscalía General) and taken into the custody of the judicial and intelligence police (Dirección General de la Policía Judicial e Inteligencia, DIJIN). **Charges:** Beltrán was charged with being a member of the Colombian Revolutionary Armed Forces (FARC), which the Colombian government considers to be an international terrorist group. He denied the charges at an initial hearing on 23

May 2009, which ruled that he should be jailed pending trial. **Prosecution evidence:** The Colombian authorities say there is substantial evidence that Beltrán is a key member of the FARC known as ‘Jaime Cienfuegos’ supposedly responsible for writing ‘ideological material and articles’ for the FARC and other publications that allegedly support Colombian guerrilla groups. Beltrán is reportedly also accused of using his research at UNAM as a façade to recruit students and fundraise for the FARC. According to press reports, much of the evidence against Beltrán comes from documents and emails found on a laptop computer which allegedly belonged to the deceased FARC leader Raúl Reyes, who was killed in March 2008. **Defence:** Beltrán has admitted meeting Raúl Reyes and other known members of the FARC during peace talks hosted in Mexico and later interviewing Reyes as part of his research into the Colombian conflict. However, he has denied that he is ‘Jaime Cienfuegos’ or having any connection with the alleged emails between ‘Jaime Cienfuegos’ and Reyes, and maintains that he was in Mexico to undertake legitimate academic research. Beltrán has said that he believes that he is being persecuted as part of a wider strategy employed by the Colombian government to criminalise dissent, including individuals associated with public universities. His colleagues in Colombia and Mexico have been vocal in their support, insisting that Beltrán is an established academic, not a terrorist, and suggesting that he is being persecuted for his leftwing political views. **Statement by President:** Despite Beltrán's denial of the charges against him, President Álvaro Uribe has publicly stated, including on the Colombian Presidency's official website, that Beltrán is the FARC member known as ‘Jaime Cienfuegos’ and therefore a terrorist. The same assumption has been consistently repeated in the Colombian and international media. This runs contrary to Beltrán's right to be presumed innocent until proven guilty, as established by international human rights law. **Trial:** On 23 December 2009, Beltrán was reportedly transferred from Modelo Prison in Bogotá to an undisclosed location. Neither Beltrán nor his family and lawyer had been informed in advance of the move, which meant that he was unable to receive visits from family members over the Christmas period. On 28 December, it was reported that Beltrán was being held at La Picota prison in Bogotá. His trial began on 29 December; Beltrán had reportedly not been able to consult with his lawyer. The hearing was postponed until 17 February 2010 after Beltrán decided to change defence lawyers. **New information:** On 16 June 2010, it was reported that the latest hearing had been postponed due to an appeal submitted by the defence. **PEN Position:** PEN holds no position on Beltrán's guilt or innocence. It has raised concerns with the Colombian authorities about irregularities that may affect the fairness of the trial, including President Uribe's statement. It has also called for assurances that Beltrán is not detained solely for his political views. **Background:** Beltrán has taught in several public universities in Colombia, including the Universidad de Antioquia and the Universidad Nacional in Bogotá, as well as in Mexico. He has won a number of awards for his teaching and has published widely in national and international journals. His academic interests include the analysis of social conflict and the political history of Colombia and Latin America. From August 2008 to May 2009, Beltrán was granted a sabbatical from the Universidad Nacional, where he has been an associate professor since 2005, to undertake postdoctoral research at the Universidad Autónoma de México (UNAM) in Mexico City. Some of his writings, along with other materials, can be seen at: <http://www.libertadmiguelangelbeltran.com/>.

On trial

Edinson LUCIO TORRES: internet journalist (author of the blog “Lucio y sus notas”) based in Cartagena, Bolivar, is on trial for allegedly defaming a senator. The senator sued Lucio Torres for criminal defamation in October 2006 after the journalist reported on his blog and radio programme that the congressman was one of eight people shown to have links with paramilitary groups. Lucio Torres, who is also the Bolivar 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. The charges against him were admitted on 14 February 2008 and the Prosecutor’s Office subsequently ruled that Lucio Torres did not have sufficient proof for his allegations and had slandered the plaintiff. **New information:** The initial hearing was due to commence on 19 February 2010, having reportedly been postponed six times. PEN is seeking an update.

Death threats

***Raúl PARRA and Fernando POSSO:** respectively journalist for the publication *La Hoja de Parra* and local columnist, were reportedly among five journalists threatened with death in a leaflet that began circulating in Cartago, Valle del Cauca department, on 21 February 2010. According to the leaflet, which was signed by the group “Los Doce del Patíbulo”, anyone opposed to the current mayor of Cartago would be designated a “military target” and that the group would target anyone trying to get votes by attacking “those who are trying to do something positive for Valle del Cauca”. Four similar pamphlets have reportedly been distributed in Cartago since March 2009. The acting mayor of Cartago stated that the Mayor’s Office has condemned these pamphlets, calling on the authors to seek legal avenues of action. The Cartago police chief reportedly said he was aware of the latest pamphlet and that appropriate action would be taken. **Background:** Three similar pamphlets that circulated in Cartago in March, July and October 2009 were also signed by “Doce del Patíbulo” and contained threats against roughly the same list of people. According to the authorities, no such group exists but those who may be behind the threats have not been identified. However, others state that the group does exist, operates in the north of Valle del Cauca and is linked to drug trafficking and hired assassins in the region.

Case closed

Ulilo ACEVEDO SILVA: director and owner of the newspaper *Hoy Diario del Magdalena*, reportedly under investigation by an antiterrorist prosecutor for alleged links to a local paramilitary group in early 2009. Also claimed to have been subject to death threats in 2006. (For details, see previous case list.) The investigation into Acevedo appears to have been dropped at the end of 2009.

Alfredo MOLANO BRAVO: d.o.b. 1944, sociologist, author and journalist, was put on trial for criminal libel (‘calumnia e injuria’) for a 24 February 2007 opinion piece published in the newspaper *El Espectador* that was critical of a powerful Colombian family’s alleged involvement in contraband coffee and cattle trading, drugs trafficking and election fraud. (For further details, see previous case list.) On 9 February 2010, almost two years after the article appeared, Molano was acquitted of all charges. **Background:** Molano is the author of around a dozen books and innumerable articles published in, among others, *El Espectador* and leading magazines *Semana* and *Cromos*. His books include *Trochas y fusiles* (1994), *El Tapon del Darien: Diario de una travesia* (1996) and *Desterrados: Crónicas del desarraigo* (2001).

Rodrigo PARDO: director of *Cambio* magazine, was tried for criminal defamation. Judge José Alfredo Escobar Araújo began legal action against Pardo following the publication of a 27 November 2008 article alleging that he was linked to an Italian citizen accused of drug trafficking. As a result, *Cambio* was ordered to issue a correction on 25 February 2009. However, Escobar felt that the correction was unsatisfactory and filed a criminal defamation suit. A Bogotá criminal court judge called for Pardo’s arrest in August 2009 after ruling that he had failed to comply with the court’s original decision. Escobar has brought a number of lawsuits against media outlets and journalists who have reported on his alleged links to the Italian, including against *Semana* director **Alejandro Santos**, columnists **Daniel Coronell** and **María Jimena Duzán**, as well as columnist **Mauricio Vargas** of *El Tiempo* (see below). **New information:** On 3 February 2010, the High Court in Bogotá ruled that Pardo had complied with the original decision and revoked the arrest warrant against him.

Mauricio VARGAS: columnist, was sentenced to three days’ detention by the Bogota Circuit Criminal Court for failing to issue a correction to comments he made about Judge José Alfredo Escobar, according to a 3 December 2009 report. Vargas had reportedly criticized Escobar in a November 2008 article published in the national daily newspaper *El Tiempo*. The article was later rectified in another column but Escobar considered this insufficient and filed a contempt complaint. The judge who ruled in favour of Escobar had also previously ordered Vargas to issue a retraction. Escobar has sued a number of other well known journalists and publications for defamation (see entry for **Rodrigo Pardo** above). **New information:** On 1 February 2010, it was reported that the High Court in Bogotá had overturned the ruling and revoked the arrest warrant against Vargas.

CUBA

Imprisoned - main cases (11)

March 2003 Crackdown Trials *The following 11 writers, journalists and librarians were among 35 sentenced during one-day trials held on 3/4 April 2003 under laws governing the protection of the Cuban state. They were arrested as part of a crackdown on alleged dissidents that began on 18 March 2003 and in which 75 people in total were detained and tried. The one-day court hearings were held behind closed doors and there was insufficient time for the accused to put together a cogent defence. The accusations focused on the alleged conspiratorial dealings between the defendants and James Cason, the chief of the US Special Interests Section in Havana. Shortly before the crackdown Cason had considerably stepped up his contacts with Cubans who had voiced opposition to Fidel Castro. Charges All of the detained were tried under Article 91 of the Penal Code and Law 88. Article 91 deals with charges of acting against “the independence of the territorial integrity of the state”, the maximum penalty for which is death. Law 88 is a catch-all piece of legislation that has been used in the past as a means for sending writers and journalists to prison. It allows for prison sentences of up to 20 years for those found guilty of committing “acts that, in line with imperialist interests, are aimed at subverting the internal order of the Nation and destroying its political, economic, and social system.” Appeals All those sentenced lodged appeals with the Tribunal Supremo Popular (Supreme Popular Tribunal) in April 2003 but none were successful. However, since April 2004, a number of those sentenced have been conditionally released, seemingly for health reasons. **Background** An official state-*

ment on the Cuban government website (www.cubagov.cu) explicitly condemned the alleged actions of James Cason and, by definition, those with whom he allegedly conspired. The fact that the statement went on to mention the so-called 'Five Heroes' – Cuban nationals who infiltrated Miami-based anti-Castro organisations – suggests that the arrests may also have been made as a reprisal, and possibly as a bargaining chip to obtain their release. This appears to be confirmed by President Raul Castro's offer on 18 December 2008 to release political prisoners in exchange for the 'Five Heroes', who have been detained in the US since 1998. The Working Group on Arbitrary Detention of the United Nations Commission on Human Rights has formally declared that all those sentenced in the March 2003 clampdown are being detained arbitrarily (Category II). **Health concerns:** the majority of the writers, journalists and librarians are suffering from health complaints caused or exacerbated by the harsh conditions and treatment they are exposed to in prison. Despite their deteriorating health status, access to adequate medical treatment is often limited. (See below for individual updates). *****Release deal:** Under a deal brokered by the Catholic Church and the Spanish government in early July 2010, the Cuban government reportedly agreed to release from prison the remaining 52 dissidents arrested in March 2003. However, the Spanish Minister of Foreign Affairs, Miguel Angel Moratinos, has gone further, reportedly telling a congressional committee in Madrid on 12 July that all of Cuba's political prisoners would be freed. According to a 20 July report by the BBC, the president of Cuba's parliament, Ricardo Alarcon, has confirmed that the Cuban government is ready to release more political prisoners beyond the 52 it has already promised. The Cuban government has not explained why it has agreed to the releases. However, the regime has come under increasing pressure from the international community following the 23 February death of imprisoned dissident Orlando Zapata Tamayo after an 85-day hunger strike for better prison conditions, harassment of the dissident group 'Ladies in White' during protests in March and April, and reports in early July that the journalist Guillermo Fariñas who went on hunger strike following Zapata's death was himself in danger of dying. (Fariñas reportedly called off his hunger strike after the releases were announced.) **Releases to date:** At the time of going to print, a total of 11 of the writers, journalists and librarians detained in March 2003 had been released and sent to Spain (see 'Released – exiled' below). One of the conditions of their release is apparently that they agree to be exiled to Spain, although they will be free to move elsewhere thereafter. Both the USA and Chile have reportedly offered to take in the dissidents. The remaining detainees are due to be released over the next three to four months. However, some are reportedly refusing to leave Cuba; it is not yet clear what will happen in these cases. *******

Pedro ARGÜELLES MORÁN: director of the Cooperative of Independent Avileña Journalists (Cooperativa Avileña de Periodistas Independientes, CAPI), Ciego de Ávila. Also said to be a cartographer. **Year of birth:** 24 February 1948. **Sentence:** 20 years. **Expires:** April 2023. **Charge:** Law 88. **Prison:** Canaleta, Ciego de Ávila. **Concerns:** Since his imprisonment, Argüelles has reportedly suffered from a number of health complaints including cataracts which have left him almost blind, arthritis, respiratory ailments and weight loss. He reportedly went on hunger strike on at least two occasions in 2007 and 2008 to gain access to medicines and periodicals with religious content. **New information:** Reportedly went on hunger strike for three days in February 2010 following the death in custody of dissident Orlando Zapata Tamayo, who died on 23 February after a prolonged hunger strike

protesting prison conditions. As of late July, unconfirmed reports indicated that Argüelles was one of a number of prisoners refusing to travel to Spain under the release deal brokered by the Catholic Church and the Spanish government. **Honorary Member:** English PEN.

Víctor Rolando ARROYO CARMONA: author, journalist (Independent Union of Independent Cuban Journalists and Writers - Unión de Periodistas y Escritores de Cuba Independiente, UPECI, and Cubanet) and independent librarian (Reyes Magos Library). **Date of birth:** 23 December 1951. **Sentence:** 26 years. **Expires:** April 2029. **Prison:** Kilo 5½ prison, Pinar del Río. **Charge:** Law 88 and Article 91. **Concerns:** Since his imprisonment Arroyo has reportedly been diagnosed with various ailments including diabetes, hypertension and pulmonary emphysema (an irreversible lung condition), and has been denied medical attention on several occasions. He has staged protests against prison conditions and as a result has been held in punishment cells. He is also said to have been attacked by other prisoners and threatened by the prison authorities. In late August 2008 Arroyo was reportedly transferred from Holguín prison, eastern Cuba, where he had been held since October 2005, to Kilo 5½ prison in Pinar del Río, which means that he is now closer to his family. On 5 June 2009, it was reported that Arroyo had been hospitalised as a result of a three-week hunger strike which he had staged in protest at prison conditions, including lack of medical care and overcrowding. His wife, who had visited him in hospital, said that his health had greatly deteriorated. **New information:** Reportedly went on hunger strike again in late March 2010 in protest at the fact that the prison authorities were denying him permission to eat with the plastic utensils doctors had recommended due to his severe gastric problems. He ended the hunger strike after three days when he was allowed to use the plastic utensils again. **Honorary member:** Finnish PEN

Juan Adolfo FERNÁNDEZ SAÍNZ: journalist (correspondent for independent news agency Patria). **Date of birth:** 30 November 1948. **Sentence:** 15 years. **Expires:** April 2018. **Prison:** Canaleta, Ciego de Ávila. **Charge:** Law 88. **Concerns:** Fernández is said to have suffered from numerous health complaints in prison, including emphysema (an irreversible lung condition), a kidney cyst, arthritis, osteoporosis, hypertension, circulation problems and weight loss. He has reportedly gone on hunger strike on several occasions in protest at prison conditions, most recently to gain access to literature with religious content. As of December 2009, prison conditions were said to be very poor, Fernández being housed in a barracks with some 40 other inmates and poor ventilation and hygiene. **New information:** Reportedly went on hunger strike for three days in February 2010 in protest at the death in custody of dissident Orlando Zapata Tamayo, who died on 23 February after a prolonged hunger strike in protest at prison conditions. **Honorary Member:** Catalán PEN, English PEN.

Miguel GALVÁN GUTIÉRREZ: journalist (Havana Press agency) and coordinator of the pro-democracy Varela Project; also said to be a mechanical engineer. **Year of birth:** 12 January 1965. **Sentence:** 26 years. **Expires:** April 2029. **Prison:** Guanajay, Havana. **Charge:** Article 91 and Law 88. **Concerns:** Galván is reported to have suffered a number of illnesses in prison and to be physically disabled as a result of a car accident. He has also reportedly suffered maltreatment by the prison authorities, including being housed with convicted murderers and other dangerous prisoners in 2004, and being kept in solitary confinement for over six months in 2005-06. Despite a June 2007 transfer from the maximum security Agüica prison in Matanzas to Guanajay prison in Havana, where conditions were reportedly better, in March 2008 it was

reported that Galván continued to endure solitary confinement, inadequate medical care and restrictions on family visits. Although this maltreatment has in the past been said to be linked to his reporting on prison conditions, Galván continues to file stories from jail, including an August 2008 article on the allegedly abysmal work conditions of prisoners used as free labour in a local shoe factory. **Recent information:** As of December 2009, still being held at Guanajay prison where according to his sister, he was kept in a cell on his own and was able to read and study but had limited access to books. He was said to be suffering from back and joint pain. No further news as of 30 June 2010. **Honorary Member:** Sydney PEN Centre.

Iván HERNÁNDEZ CARRILLO: journalist (Agencia Patria news agency) and librarian (Juan Gualberto Gómez Library). **Date of birth:** 24 May 1971. **Sentence:** 25 years. **Expires:** April 2028. **Prison:** Guamajal Prison, Villa Clara. **Charge:** Law 88. **Concerns:** Hernández reportedly suffers from hypertension and gastritis and has frequently complained about prison conditions. He has often reported gone on hunger strike: demanding decent food and medicine for seriously ill prisoners in 2003; protesting mistreatment by guards in 2007; demanding to be housed in a cell on his own in April 2009 and protesting the confiscation of a book in October 2009. He has often complained of being attacked by prison guards and fellow prisoners. In April 2009, Hernández said that the prison authorities were encouraging his cell mates to isolate and threaten him, to the point that he feared for his life, while in November he complained of constant harassment by prison guards.

New information: Hernández reportedly went on hunger strike again in March 2010, in protest at abuse by prison guards and at the death in custody of dissident Orlando Zapata Tamayo, who died on 23 February after a prolonged hunger strike in protest at prison conditions. In mid July, unconfirmed reports indicated that Hernández is one of a number of prisoners refusing to travel to Spain under the release deal brokered with the Catholic Church and the Spanish government. **Honorary Member:** Catalán and Scottish PEN Centres.

Juan Carlos HERRERA ACOSTA: journalist (Eastern Free Press Agency - Agencia de Prensa Libre Oriental or APLO). **Sentence:** 20 years. **Expires:** April 2023. **Prison:** Guantánamo Provincial Prison. **Charge:** Law 88. **Concerns:** Herrera reportedly suffers from health problems including cardio-vascular ailments, vitiligo (a disfiguring skin condition) and weight loss. He has staged a number of protests including hunger strikes - on several occasions reportedly sewing up his mouth - against the miserable prison conditions, poor medical care and the physical and verbal mistreatment to which he claims he is subjected. At the end of 2008 it was reported that he was suffering from psychological stress. In 2009, he was reportedly in poor health and required hospitalisation late year. As of December 2009, his psychological problems had reportedly worsened. **New information:** On 21 June 2010, Herrera wrote in an article that he had been transferred from Holguín prison to Guantánamo Provincial Prison on 12 June as a result of the Cuban state's discussions with the Catholic Church. The prison is supposed to be medium security but according to Herrera he continued to be held under 'special regime', with visits allowed only every three months. **Honorary Member:** German PEN.

Régis IGLESIAS RAMÍREZ: poet, writer and member of the pro-democracy Movimiento Cristiano Liberación (Christian Liberation Movement) and Varela Project Varela Project. **Date of birth:** 18 September 1969. **Sentence:** 18 years. **Expires:** April 2021. **Prison:** Combinado del Este, Havana. **Charge:** Article 91. **Concerns:** In December 2004, Iglesias was reportedly diagnosed with pulmonary

emphysema (an irreversible lung condition). **Publications:** Two volumes of poetry written while in prison: *Historias gentiles antes de la Resurrección* (Aduana Vieja, Cádiz, 2004) and *Memorias de otoño* (Editorial Hispano Cubana, Spain, 2010). **New information:** In March 2010, Iglesias' second collection of poetry, *Memorias de otoño*, was published in Spain. The same month, he was one of a number of writers in prison who publically called for a mass hunger strike in protest at their continuing imprisonment and the ongoing harassment of writers, journalists and activists in Cuba. In April, Iglesias, along with other political prisoners, was reportedly denied permission to attend a religious service held in the prison. In mid July, unconfirmed reports indicated that Iglesias is one of a number of prisoners refusing to travel to Spain under the release deal brokered with the Catholic Church and the Spanish government. As of 22 July, said to be in the prison infirmary. **Honorary Member:** New Zealand PEN.

José Miguel MARTÍNEZ HERNÁNDEZ: librarian (General Juan Bruno Zayas Library), area representative for the unofficial political group Movimiento 24 de Febrero, and involved in the pro-democracy Varela project. **Date of birth:** 4 August 1963. **Sentence:** 13 years. **Expires:** April 2016. **Prison:** El Aguacate high security prison, Quivicán, Habana province. **Charge:** Law 88. **Concerns:** In August 2008, Martínez reported that sanitary conditions were extremely poor in El Aguacate, with contaminated drinking water and an outbreak of tuberculosis exacerbated by damp and overcrowding. No further news as of 30 June 2010; PEN is seeking an update.

Héctor Fernando MASEDA GUTIÉRREZ: independent journalist, author and president of the Cuban Liberal Party (Partido Liberal Cubano). **Date of birth:** 8 January 1943. **Sentence:** 20 years. **Expires:** April 2023. **Prison:** Agüica maximum security prison, Colón, Matanzas. **Charge:** Law 88 and Article 91. **Health concerns:** Maseda is said to suffer from hypertension and skin complaints. In 2007 he reportedly had numerous skin growths, feared to be malignant, surgically removed. **Prison conditions:** For the first two years and 10 months of his sentence, Maseda was reportedly held in solitary confinement in a maximum security prison and was not allowed any visits; during this time he reportedly lost a great deal of weight (18 kilos). After his wife delivered a copy of Maseda's book *Enterrados Vivos* to the Cuban President's office in March 2008, it was reported that there had been surveillance of their calls, with Maseda being told his calls would cut off if he read out anything over the phone. The prison authorities reportedly confiscated a series of articles and a number of pages from his new book in October 2008. As of December 2009, still detained at Agüica maximum security prison, where he was allowed visits every six weeks. His skin complaints reportedly worsened in 2009 but despite this he did not receive medical treatment. He reportedly continues to write about prison conditions and human rights violations. **New information:** On 14 June 2010, Maseda was reported to be in good health. **Biographical details:** Maseda is said to be the oldest of the imprisoned writers and journalists in Cuba. An engineer with a degree in nuclear physics, he began working as an independent journalist in 1995 after losing his government job as a result of his political views. He later co-founded the independent news agency Grupo de Trabajo Decoro, which published reports critical of Cuba in the foreign media. He also wrote for the Miami-based news website CubaNet. Maseda reportedly focused on social, economic and historical topics not covered in the official press and wrote investigative pieces, including a series on human right abuses in Cuban prisons published shortly before his arrest in 2003. Once jailed, Maseda continued to write about prison conditions first hand. **Publications:** The first part of his

memoir, *Enterrados Vivos (Buried Alive)* was published in the United States in 2007, after the manuscript was smuggled out of prison one page at a time. The book, which Maseda intends to have three parts, has also reportedly been published in the Caribbean and Western Europe.

Honorary Member: Italian PEN.

Fabio PRIETO LLORENTE: freelance journalist and member of the Asamblea para la Sociedad Civil (Civil Society Assembly). **Year of birth:** 11 March 1963. **Sentence:** 20 years. **Expires:** April 2023. **Prison:** El Guayabo, Isla de la Juventud. **Charge:** Article 91 and Law 88. **Concerns:** During his detention Prieto has reportedly suffered from a variety of medical complaints including hypertension, emphysema (an irreversible lung condition), heart complications, severe back pain, ear infections, allergies and depression. He has reportedly undertaken several hunger strikes in protest at very poor prison conditions, including being kept in solitary confinement for months at a time, being held with dangerous prisoners, overcrowding and dirty drinking water. **New information:** On 1 April 2010, it was reported that Prieto had begun a hunger strike in protest and had been placed in a punishment cell. No further news as of 30 June 2010; PEN is seeking an update. **Honorary Member:** English PEN Centre.

Blas Giraldo REYES RODRÍGUEZ: librarian (20 de Mayo Library, Sancti Spiritus) and member of the steering committee of the pro-democracy Varela Project, Sancti Spiritus. **Date of birth:** 7 August 1955. **Sentence:** 25 years. **Expires:** April 2028. **Prison:** Nieves Morejón, Sancti Spiritus. **Charge:** Law 88. **Concerns:** Reyes is said to suffer from a number of health complaints including arterial hypertension, arthrosis (a degenerative disease of the joints) and gastritis. He was reportedly hospitalized in August 2008 for low blood sugar and sudden weight loss which it was feared may indicate the onset of diabetes. Reyes has denounced prison conditions on several occasions, including flooding and sanitary problems, severe overcrowding and lack of beds. On 9 April 2009, Reyes was reportedly diagnosed with diabetic neuropathy (a complication of diabetes causing damage to the nerves) and was waiting for a second opinion and treatment. According to his wife, Reyes' neurologist has recommended that he should not remain imprisoned and requires better medical treatment than that available within the prison services. **New information:** As of mid July 2010, Reyes was reported to be one of the dissidents awaiting release and exile to Spain. **Honorary Member:** Sydney PEN Centre.

Imprisoned: other main cases (3)

Albert Santiago DU BOUCHET HERNÁNDEZ: director and reporter of the Havana-based independent news agency Habana Press. **Date of arrest:** 18 April 2009. **Sentence:** three years. **Expires:** 17 April 2012. **Prison:** Melena 2, south of Havana. **Charge:** "disrespect for authority". **Details of arrest and trial:** Du Bouchet was arrested on 18 April 2009 while visiting relatives in Artemisa, near Havana. The circumstances of the arrest are unclear but it is understood that he was taken to the local police station after a verbal exchange with a police officer. The police have claimed he was shouting anti-government slogans in the street. He was transferred to Melena 2 prison to the south of Havana on 10 May 2009. On 12 May he was sentenced to three years in prison on charges of "disrespect for authority". There were unconfirmed reports that he was also reportedly charged with "distributing enemy propaganda", but it is not known whether he was convicted of this charge. The trial was said to have been summary and Du Bouchet was reportedly denied access to a lawyer. He has appealed his sentence but it is thought unlikely that the appeal will be successful. His family had reportedly not been allowed to

visit him since his arrest. One source indicated that Du Bouchet was jailed in reprisal for his work, which includes reporting on social issues.

Previous imprisonment: This is the second time Du Bouchet has been imprisoned on "disrespect" charges. In August 2005 he was arrested after attending the congress of the pro-democracy Assembly to Promote Civil Society, summarily tried without access to a lawyer and sentenced to one year in prison. Du Bouchet was released in August 2006, having served the sentence in full. **New information:** On 14 June 2010, it was reported that Du Bouchet had restricted telephone privileges due to alleged ill conduct but was in good spirits. He was reportedly due to be transferred to another prison.

Raymundo PERDIGÓN BRITO: d.o.b. 24 November 1965, founder of independent news agency Yayabo Press, Sancti Spiritus; since his arrest. Perdigón's sister has reportedly taken over as editor. **Date of arrest:** 29 November 2006. **Sentence:** 4 years. **Expires:** 28 November 2010. **Charge:** Article 72 ("social dangerousness"). **Details of arrest and trial:** Perdigón was arrested on charges on being a "pre-criminal danger to society" 29 November 2006 after defying a State Security order to cease his journalistic activities, and was sentenced on 5 December 2006. **Prison:** Nieves Morejón, Guayos, Sancti Spiritus province. On 10 April 2009, Perdigón's sister reported that prison authorities were subjecting her brother to ill treatment, including hitting, threatening and insulting him, cutting off his telephone calls and repeatedly locking him up in a punishment cell. Her comments followed a family visit on 8 April when a prison guard had reportedly threatened Perdigón with violence. No further news as of 30 June 2010; PEN is seeking an update.

Ramón VELÁZQUEZ TORANSO: journalist for the independent news agency Libertad. **Date of trial:** 23 January 2007. **Sentence:** 3 years. **Expires:** 22 January 2010. **Charge:** Article 72 ("social dangerousness"). **Details of arrest and trial:** Velásquez was arrested on 23 January 2007 together with his wife and daughter, both of whom were freed later that day. He was sentenced to three years of supervised parole, before being taken to El Típico provincial prison. **Prison:** Forced-labour camp in Las Tunas province. **Concerns:** Following a hunger strike in 30 January 2007 Velásquez was transferred to a forced-labour camp in Las Tunas province in March that year. **Recent information:** As of 31 December 2009, reportedly still serving his sentence. No further news as of 30 June 2010; PEN is seeking an update.

Brief detention

Yosvany ANZARDO HERNÁNDEZ: editor of the online newspaper *Candonga* and reporter for the website Payolibre, was detained for two weeks in September 2009 before being released without charge. Anzardo was reportedly arrested and beaten along with blogger **Luis Felipe González Rojas** (www.cubaencuentro) in Holguín on 10 September. González was released after four hours but Anzardo was held until 23 September, when he was reportedly released in the absence of evidence against him. It was thought that the trigger for the writers' arrest was probably an interview González gave to the Miami-based Radio Martí. Access to *Candonga* is reportedly blocked in Cuba. **New information:** Anzardo was reportedly arrested at his home in San Germán, Holguín province, on 24 April 2010, and questioned for over six hours about anti-government graffiti found in the city of Holguín.

***Calixto Ramón MARTÍNEZ ARIAS:** reporter for news agency Hablemos Press, was reportedly arrested on 23 April 2010 while covering a commemoration of the late dissident Orlando Zapata Tamayo, who died in prison on 23 February after a prolonged hunger strike. Initially charged with "insulting behaviour," Martínez was later charged

with the more serious offence of assaulting the police officers who arrested him. Witnesses reportedly deny that such an attack took place. On 14 May, after three weeks in detention, Martínez was released from Havana's Valle Grande prison pending trial for of "aggravated assault" against police officers. Martínez claims that the charges are baseless and intended to prevent him from working as a journalist. He was arrested again on 25 May while he was covering a protest by dissidents in Havana and held without charge until 5 June, when he was released and deported to his home province of Camagüey. Another independent journalist, **Carlos Serpa Maceira** was reportedly arrested alongside Martínez on this occasion but was quickly released (see below). **Background:** Martínez has reportedly been arrested many times in the past and has been deported to Camagüey on three occasions in connection with his journalism.

***Juan Carlos REYES OCAÑA:** journalist for the news agency Holguín Press, was reportedly arrested by the National Revolutionary Police (PNR) in Holguín on 29 January 2010, taken to police barracks and charged with "insult", "disobedience" and "illegal economic activity". He was released pending trial the following day. Reyes could reportedly face a prison sentence.

Attacked

***Ángel SANTIESTEBAN:** internet writer, was reportedly attacked by two unknown men on a street in Havana on 16 May 2010. The first man approached Santiesteban, warned him to stop 'acting the counter-revolutionary' and snatched some of his papers, including a post for his blog entitled 'Los hijos que nadie quiso' (The sons that no one wanted). A scuffle ensued and the assailant pulled out a knife. When Santiesteban attempted to defend himself, another man appeared with a piece of piping and began beating the writer, leaving him with a broken arm. Santiesteban was taken to hospital for treatment. **Background:** In March, Santiesteban had reportedly been called to the Ministry of the Interior for questioning. In April, the vice president for international relations of the Cuban Book Institute reportedly accused him of 'mercenary behaviour' on the basis of his blog.

Harassed

***Magaly NORVIS OTERO SUÁREZ:** independent journalist (Hablemos Press news agency and Radio Martí, based in Miami) and blogger. On 27 April 2010, it was reported that Norvis had been given a summons to report to the National Revolutionary Police in Havana for "a conversation" on 29 April. No further information; PEN monitoring. Norvis is reportedly a supporter of the activists group Ladies in White and writes a blog about human rights violations.

***Carlos SERPA MACEIRA:** director of the Unión de Periodistas Libres de Cuba (Free Journalists Union of Cuba), was reportedly arrested by state security agents in Nueva Gerona on 17 January 2010 and detained for eight hours before being released the same day. However, according to Serpa he was then temporarily placed under house arrest. He was briefly arrested again on 25 May alongside **Calixto Ramón Martínez Arias** while he was covering a protest by dissidents in Havana (see above).

Released – exiled (11)

The following 11 writers were released in July 2010 and sent to Spain following a deal brokered by the Catholic Church and the Spanish government (see above for details of release deal; see previous case lists for details of prison conditions and health concerns during detention):

Mijaíl BÁRZAGA LUGO: journalist (Agencia Noticiosa de Cuba); brother of well known human rights activist Belkis Bárzaga Lugo. **Date of birth:** 25 April 1967. Released and arrived in Spain on 15 July 2010. Bárzaga was sentenced to 15 years in prison under Law 88 in 2003. **Honorary Member:** Netherlands PEN.

Julio César GÁLVEZ RODRIGUEZ: freelance journalist from 2001; previously worked for the official media for 24 years. **Year of birth:** 22 August 1944. Released 12 July 2010 and arrived in Spain the next day. Gálvez was sentenced to 15 years in prison under Law 88 in 2003.

José Luis GARCÍA PANEQUE: journalist (Agencia Libertad press agency) and librarian (Carlos J Finlay Library); said to have previously worked as a plastic surgeon. **Date of birth:** 24 July 1965. Released on 12 July 2010 and arrived in Spain the next day. García was sentenced to 24 years in prison under Law 88 and Article 91 in 2003. **Honorary Member:** American and English PEN Centres.

Ricardo Severino GONZÁLEZ ALFONSO: journalist, librarian and poet. **Date of birth:** 19 February 1950. Released on 12 July 2010 and arrived in Spain the next day. González was sentenced to 20 years in prison under Article 91 in 2003.

Léster Luis GONZÁLEZ PENTÓN: independent journalist (Movimiento Democracia) and member of human rights movement ALFA-3. **Year of birth:** 22 February 1977; said to be the youngest of the 75 dissidents arrested in March 2003. Released on 12 July 2010 and arrived in Spain the next day. González was sentenced to 20 years in prison under Article 91 in 2003. **Honorary Member:** American, English and Sydney PEN Centres. **Honorary member:** Finnish PEN and German PEN.

Normando HERNÁNDEZ GONZÁLEZ: director of the news agency Camagüey College of Independent Journalists (Colegio de Periodistas Independientes de Camagüey), journalist (Cubanet). **Date of birth:** 21 October 1969. Released and arrived Spain on 14 July 2010. Hernández was sentenced to 25 years in prison under Article 91 and other provisions of the Criminal Code. **Honorary Member:** American, Canadian and English PEN. Recipient of the 2007 American PEN/Barbara Goldsmith Freedom to Write Award.

Pablo PACHECO ÁVILA: freelance journalist (independent news agencies Agencia Patria and Cooperativa Avileña de Periodistas Independientes). **Date of birth:** 4 April 1970. Released on 12 July 2010 and arrived in Spain the next day. Pacheco was sentenced to 20 years under Law 88 in 2003. **Honorary Member:** Bolivian PEN.

Alfredo Manuel PULIDO LÓPEZ: human rights activist and freelance journalist (director of El Mayor news agency, Camagüey). **Date of birth:** 14 November 1960.

Released from prison and arrived in Spain with his family on 22 July 2010. Pulido was sentenced to 14 years in prison under Article 91 in 2003.

Omar RODRÍGUEZ SALUDES: director of the independent press agency Nueva Prensa Cubana. **Date of birth:** 11 July 1965. Released and arrived Spain on 14 July 2010. Rodríguez was sentenced to 27 years in prison under Article 91 in 2003.

Honorary member: Finnish PEN Centre.

Omar Moisés RUÍZ HERNÁNDEZ: freelance journalist (news agency Grupo de Trabajo Decoro and CubaNet). **Date of birth:** 16 November 1947. Released on 12 July 2010 and arrived in Spain the next day. Ruíz was sentenced to 18 years in prison under Article 91 in 2003. **Honorary Member:** Swedish PEN.

José Ubaldo IZQUIERDO HERNÁNDEZ: freelance journalist (independent news agency Grupo de Trabajo Decoro and CubaNet), librarian

(director of Sebastián Arcos Bergnes library) and pro-democracy activist. **Date of birth:** 6 November 1965.

Released and arrived in Spain on 23 July 2010. Izquierdo reportedly intends to resettle with his family in Chile, which has offered him political asylum. He was sentenced to 16 years in prison under Article 91 in 2003.

Released – on expiry of sentence

Enyor DÍAZ ALLEN: Guantánamo correspondent for the Hablemos Press news agency (Centro de Información Hablemos Press - CIHPRESS), was reportedly detained on 3 May (World Press Freedom Day) 2009 and on 8 May 2009 was sentenced to a year in prison for ‘desacato’ or ‘insulting behaviour’. Reportedly released on 3 May 2010 on completion of his sentence.

Oscar SÁNCHEZ MADAN: Matanzas correspondent for the Miami-based website CubaNet. Following repeated warnings by local authorities to stop working as a journalist, Sánchez was arrested on 13 April 2007 and convicted the same day. He was sentenced to four years in prison on charges of “social dangerousness” under Article 72, reduced to three years on appeal. Sánchez was released on 11 April 2010, having served his sentence in full. While in prison, he complained of maltreatment, including being attacked and threatened by other inmates, restricted communications and inadequate medical attention. Sánchez reportedly continued to write about human rights abuses from prison, despite threats from the prison authorities. On his release, he said that he intended to continue his work as a journalist and human rights defender.

Previous harassment: Sánchez had covered a local corruption scandal in March 2007, along with social problems in Matanzas. Prior to his imprisonment he had been detained twice since 2006, in September 2006 and March 2007, and had been repeatedly warned by local authorities to stop working as a journalist.

Non custodial sentence

***Dania Virgen GARCÍA (f):** opposition journalist who contributes to the opposition websites Primavera Digital and CubaNet and also runs a blog (daniavirgengarcia.blogspot.com) which is reportedly linked to a radical anti-Castro group based in Miami, USA. García (41) was arrested at her home in Havana on 22 April 2010 and the next day was sentenced to one year and eight months in prison on charges of “abuse of authority”, on the grounds that she had allegedly turned her 23-year-old daughter out of her home. García was released pending the outcome of her appeal on 7 May. On 14 May, her sentence was reportedly reduced to a fine of 300 pesos (12 US\$). She condemned her trial as politically motivated.

ECUADOR

Killed: motive unknown

***Jorge SANTANA CARBONELL:** editor of the weekly paper *Tribuna* and presenter for a TV station in Pasaje, southern Ecuador, died on 22 March 2010, after having been in a coma for seven days. Santana was riding his motorbike on 16 March when he was hit by a car and later found unconscious. While he was being taken to the hospital, Santana reportedly said that someone had been following him. At the time his death was reported, the accident had not been satisfactorily explained and it was believed that it may have been a reprisal by criminals who had been affected by Santana’s articles.

On trial

***Peter TAVRA FRANCO:** journalist for the newspaper *Diario Universo*, was sentenced to six months in prison on 15 January 2010 on defamation charges and was also ordered to pay US\$3,000 in damages. The lawsuit stemmed from a February 2009 article in which Tavra described a woman’s escape from a clinic after she was arrested for human trafficking. The woman in question claimed that the article had caused serious damage to her “good name and reputation” and sued. According to Tavra, the article was based on police documents that supported the information. A court of first instance originally dismissed the case. However, a court of second instance declared the journalist guilty on appeal. Tavra filed an appeal against the verdict on 22 January. PEN monitoring.

Released

Milton CHACAGUASAY FLORES: editor and director of the weekly newspaper *La Verdad*, based in Machala, southern Ecuador, served at least 14 months in prison on criminal libel charges in 2008-10 (see previous case list for details). The second, four-month sentence was due to expire on 8 November 2009; however as of 30 March 2010, Chacaguasay was reportedly still imprisoned. He was said to be facing a number of other law suits, including one seeking damages of US\$400,000 on the same charges. No further news as of 30 June 2010; assumed to have been released. [RAN 65/08 and updates]

Case closed

***Emilio PALACIO:** reporter and editor for the Guayaquil-based newspaper *El Universo*, was sentenced to three years on 26 March 2010 for defaming the head of National Finance Corporation (CFN), a government agency that gives loans to small businesses, in an August 2009 opinion piece. Palacio was also ordered to pay US\$10,000 in legal costs. The case was brought in October 2009 following an aggressively-worded piece by Palacio on 27 August which referred to long delays in processing CFN’s small loans and criticized the head of the company. The article was based on an investigative report published in the newspaper a few days before. However, on 7 June, it was reported that the plaintiff withdrew his complaint shortly before Palacio’s appeal hearing, resulting in the case being dropped.

GUATEMALA

Killed: official investigation ongoing

Hugo ARCE BARILLAS: journalist and writer, was found dead in a hotel room in Guatemala City on 23 January 2008. He had reportedly been shot through the heart. The official verdict was suicide, which Arce’s family contested. Arce is said to have written various articles against President Álvaro Colom and his wife in the run-up to the 2007 general elections, and some reports imply that the president had asked the editor of *La Hora* newspaper to stop publishing Arce’s opinion pieces. The president’s wife had reportedly led criminal defamation charges against Arce in December 2007. **Investigation:** In November 2008, Arce’s lawyer and family accused the special prosecutor in charge of the investigation of distorting evidence in order to present Arce’s death as suicide, and requested that the prosecutor be replaced. On 6 March 2009, Arce’s daughters reportedly met the Prosecutor General (Fiscal General) and claimed to have proof that the previous prosecutor had

planted evidence and manipulated the crime scene. As of May 2009, Arce's family was apparently still seeking a reassessment of the cause of his death. No further news as of 30 June 2010; PEN is seeking confirmation that an official investigation is ongoing.

Death threats

***Marvin DEL CID ACEVEDO**: investigative journalist with the daily newspaper *el Periódico*, was reportedly attacked and threatened with death on 24 June 2010 after reporting on corruption and human trafficking. On that day, two unidentified assailants broke into del Cid Acevedo's home in Guatemala City while the journalist was at work, stole two computers and left a message written on a mirror saying: "You will die". Shortly before the break-in, del Cid reportedly had received a number of anonymous phone calls that were insulting and questioned his reporting in an aggressive manner. Security personnel at his newspaper also told him that they saw a suspicious car following him on 28 May. Del Cid reported the incidents to the police and the prosecutor to investigate crimes against the press and union leaders. As of 2 July, the local authorities had not disclosed any possible motive or identified any suspects. Del Cid had recently reported on an official from the Guatemalan Immigration Service who was accused of human trafficking and on alleged influence-peddling involving a congressman. He had also recently been a witness in a trial against local police over its actions in a violent 2003 demonstration organized by supporters of former dictator Efraín Ríos Montt, during which the journalist Héctor Ramírez was killed.

Case closed

Raúl FIGUEROA-SARTI: founder and owner of the independent publishing house F&G Editores, which is known for its titles on the human rights and socio-political situation in Guatemala. On 6 August 2009, a court in Guatemala City sentenced Figueroa to one year in prison and a 50,000 quetzal (approx. US\$6,080) fine for allegedly publishing a photograph on a cover of a novel without the permission of the photographer, Mardo Arturo Escobar. Figueroa denied the charges and the prosecution appeared groundless given that, since filing the case, Escobar had reportedly twice admitted that he did in fact give permission for the photo in question to be used. There were concerns that the case against Figueroa was brought in retaliation for his publication of books on human rights abuses in Guatemala. Figueroa remained under house arrest in Guatemala City pending the appeal and was obliged to ask the authorities for permission each time he left the capital or country. His wife and daughter live in New York and were unable to travel to Guatemala due to threats issued there against his wife in 2007. Figueroa was finally acquitted on appeal on 5 February 2010, releasing him from house arrest. The Public Prosecutor had the right to appeal but as of 30 June had apparently not done so. (For further details, see previous case list). [RAN 34/09]

HONDURAS

Killed: official investigation ongoing

Bernardo RIVERA: journalist for the daily newspaper *Tiempo*, based in San Pedro Sula, and a radio station, as well as a former member of Congress, was kidnapped by armed men belonging to an organized crime group in Concepción, Santa Bárbara, on 14 March 2009. The authorities were unable to locate Rivera's abductors. Reports vary as to whether the

criminals asked his family to ask for a ransom. Rivera's body was found on 8 July, almost four months after his abduction, in a ditch in the Buena Vista Copán department, western Honduras. The motive for his kidnapping and death is unknown. Rivera was reportedly buried in early August 2009, after forensic tests had confirmed his identity. At that time, the investigation into his murder was ongoing. According to his family, the police officers leading the investigation had been changed without explanation. At the end of 2009, the crime remained unsolved. No further news as of 30 June 2010.

Attacked

***José ALEMÁN**: correspondent for the daily newspaper *Tiempo* and a national radio station, based in San Marcos de Ocotepeque, near the border with El Salvador, was reportedly subject to threatening attacks in late March 2010, as a result of which he fled the country. On the morning of 28 March, Alemán reportedly received an anonymous phone call; the caller insulted him and warned him to stop reporting the news. The call came about seconds after Radio América, the station for which Alemán works, broadcast his report on a shooting between Honduran police and alleged criminals in San Marcos de Ocotepeque. Later that day, two unidentified armed men broke into Alemán's home and opened fire. The journalist, who was not home at the time, found out about the attack at the local police station where he had gone after a car tried to obstruct him as he was riding a bicycle. Alemán stayed at the police station until he decided to leave the country late the same evening. As of 1 April, the authorities had reportedly not identified any suspects or disclosed possible motives behind the harassment. Five broadcast journalists were targeted and killed in Honduras in March.

MEXICO

Killed: motive unknown

***Jorge Alberto OCHOA MARTÍNEZ**: editor and publisher of local newspapers, *El Oportuno* based in Chilpancingo and *El Sol de la Costa* based in Ayutla de los Libres, Guerrero state, was shot dead on 29 January 2010. Ochoa (55) was reportedly shot several times in the face after leaving a birthday party for a local politician at a restaurant in Ayutla de los Libres. Ochoa had not reported receiving any threats. According to a colleague, his newspapers did not tend to cover sensitive stories such as drug trafficking or corruption in any depth due to the poor security situation in Guerrero for journalists and in general. However, his family reportedly believe that his murder may be connected to his work. Guerrero has become one of the most dangerous states for journalists as a result of a turf war between two drug cartels and the state and federal forces' attempts to remain in control. **Update**: On 11 March, the Guerrero state Justice Ministry arrested two suspects, Honorario Herrera Villanueva and David Bravo Jerónimo. According to the Ministry, the two men paid a taxi driver to kill Ochoa after he drove the wrong way down a one-way street and refused to reverse in order to let their vehicle pass. On 24 March, it was reported that the Guerrero state attorney general's office had identified Bravo Jerónimo as the mastermind behind the murder; he had reportedly confessed to murdering Ochoa following previous tensions between the two men. Ochoa's widow, María del Carmen Castro, questioned the result of the investigation and said she believed that her husband had been killed for his work after receiving threats, which the state attorney general was aware of but had chosen to ignore, and that Bravo Jerónimo was being used as a scapegoat. [RAN 08/10]

***Evaristo PACHECO SOLÍS:** reporter for the weekly newspaper *Visión Informativa*, was found dead in Guerrero state on 12 March 2010. Pacheco (33) had been shot several times and his body left by the side of a road near the state capital Chilpancingo. It is not yet known whether his murder was related to his journalism. [RAN 27/10]

***Jorge RÁBAGO VALDEZ:** journalist for the daily newspaper *La Prensa* and two radio stations, died in Reynosa, Tamaulipas state, on 2 March 2010. The state prosecutor's office said that Rábago (49) had died of natural causes after suffering an embolism (obstruction of a blood vessel) and falling into a diabetic coma. However, according to some local reporters, Rábago had reportedly been stopped by police and badly beaten prior to being admitted to hospital. The state prosecutor has reportedly denied that the reporter was assaulted. It is not yet known whether Rábago's death was related to his journalism. [RAN 27/10]

***Juan Francisco RODRÍGUEZ RÍOS and María Elvira HERNÁNDEZ GALENA (f):** husband-and-wife journalists, were shot dead in the internet café they owned near their home in Coyuca de Benítez, Guerrero state, on 28 June 2010. Rodríguez (49) and Hernández (36) were reportedly shot at close range by two unidentified gunmen who drove up to the café. The couple are survived by their two children, aged 17 and eight; the younger child witnessed the shooting but was not injured. Rodríguez was the local correspondent for two daily newspapers, *El Sol de Acapulco* and *Diario Objetivo*, while Hernández edited the weekly paper *Semanario Nueva Línea*. Rodríguez had been a journalist in the Costa Grande region, north of Acapulco, for 20 years, and had provided general coverage of the region for *El Sol de Acapulco* for the past five years. He was also secretary general of the local branch of the National Union of Press Reporters (SNRP) in Coyuca de Benítez as well as a member of the technical committee of the Guerrero state Support Fund for Journalists. A few days before the shooting, Rodríguez reportedly took part in an annual convention for Guerrero state journalists in Coyuca de Benítez, during which concern was voiced about growing violence against journalists in Mexico. The Guerrero state prosecutor's office began an investigation on 29 June. To date the motive for the crime is not known. [RAN 39/10]

***Valentín VALDÉS ESPINOSA:** co-founder of and journalist for the daily newspaper *Zócalo de Saltillo*, was abducted on 7 January 2010 and found dead in Saltillo, Coahuila state, the following day. Valdés, who covered local news including crime, reportedly left the newspaper offices with two colleagues late on the night of 7 January. In the centre of Saltillo, their car was intercepted by a group of men who forced Valdés and another, unnamed reporter into a vehicle and drove away. According to the Coahuila state attorney general's office, Valdés was found dead in front of a hotel in Saltillo early on the morning of 8 January. He had reportedly been tortured and shot several times. On his corpse a message was found that read: "*This is going to happen to those who don't understand. The message is for everyone.*" The attorney general's office has stated that the murder was carried out by organized crime. The national news magazine *Proceso* reported that the other journalist who was abducted was later released, but this had not been confirmed by either *Zócalo de Saltillo* or the attorney general's office. According to the newspaper, the third reporter who was with Valdés was not abducted. **Background:** In July 2006, another journalist from the same newspaper chain, **Rafael Ortiz Martínez**, disappeared in Monclova, Coahuila, and has not been seen since. [RAN 03/10]

***Enrique VILLICANA PALOMARES:** columnist for the daily newspaper *La Voz de Michoacán*, as well as a teacher, was kidnapped on 5 April 2010 and found dead in Morelia, Michoacán state, five days later,

on 10 April. His throat had been slit. The motive for the killing is not known. His employers are not sure if the murder was linked to Villicaña's work as a journalist. However they have reportedly said that Villicaña had received threats which he had reported to the Michoacán state justice department in late March but that the authorities had failed to take any action. His death occurred the same week as the disappearance of another Michoacán journalist, **Ramón Ángeles Zalpa** of the newspaper *Cambio de Michoacán* (see below). [RAN 31/10]

Killed: official investigation ongoing

José Bladimir ANTUNA GARCÍA: crime and security affairs reporter for the newspaper *El Tiempo de Durango*, was found dead in Durango, capital of Durango State, on the evening of 2 November 2009, after being abducted while on his way to work earlier that day. He was found to have died of "asphyxia from strangulation", but according to some reports his body also bore bullet wounds to the head and abdomen. A note was found next to his body which reportedly stated: "*This happened to me for giving information to soldiers and for writing too much.*" In the week before his death, Antuna (39) had reportedly broken a story about police corruption in Durango and had also been investigating the unsolved murder of another *El Tiempo de Durango* journalist, **Carlos Ortega Samper**, who was similarly abducted and killed in May 2009 (see entry below). **Previous threats:** Antuna had reportedly been receiving repeated death threats since late 2008 and was the target of an apparent assassination attempt on 28 April 2009. Despite reporting the latter to the Durango State Public Prosecutor's Office (Procuraduría General de Justicia del Estado de Durango), Antuna was not provided with any protection and continued to receive threats. On 26 May - the same day that another Durango-based journalist, **Eliseo Barrón Hernández**, was found dead after having been kidnapped from his home (see entry below) - an anonymous call was reportedly made to the *El Tiempo* offices saying that Antuna would be next. Antuna had reportedly exchanged information about police corruption and organised crime with Barrón on several occasions. He had previously received numerous threats on his mobile phone and on his work telephone warning him not to publish "delicate" information. The caller sometimes identified himself as a member of Los Zetas, a paramilitary group reportedly linked to the Gulf drug cartel. One of the calls was apparently made from inside the Gómez Palacio penitentiary in Durango. On 1 October, Antuna said that he had received a summons at the *El Tiempo* office, ordering him to provide a statement to the Durango State Public Prosecutor's Office on 6 October. No reason was given for the summons. *El Tiempo* published an article about it in an effort to protect Antuna. **Update:** No further news on the investigation as of 30 June 2010; PEN monitoring. [RAN 54/09]

Eliseo BARRÓN HERNÁNDEZ: crime reporter for the Torreón-based daily newspaper *La Opinión* and other local newspapers, in Gómez Palacio, Durango state, was abducted on 25 May 2009 and subsequently murdered. That night, around eight hooded and armed men reportedly entered Barrón's house in Gómez Palacio, beat him in front of his wife and two children, and forced him into a vehicle parked outside. His body was found the next morning in a ditch in the municipality of Tlahualilco, Durango, next to Coahuila state. He had a gunshot wound to his head and according to some reports his body also bore signs of torture. Barrón (35) had covered police and crime for *La Opinión*, based in Torreón in the neighbouring state of Coahuila, for the last 10 years. It is understood that he had recently reported on a corruption scandal in the Torreón police as a result of which 302 police officers were fired and at least 20 others were investigated. **Investigation:** The journalist's family filed a complaint

with the Attorney General's Office (Procuraduría General de la República, PGR). The investigation was reportedly taken over by federal authorities for reasons that were unclear. On 28 May 2009 it was reported that the PGR had offered an award of five million pesos (approx. US\$380,000) for information leading to the arrest of Barrón's killers. On 6 June 2009, five men presumed to be members of the Zetas, a paramilitary group involved in drug trafficking and extortion, were reportedly arrested in connection with Barrón's murder. One of them, Israel Sánchez Jaimes, has allegedly confessed to firing the shot that killed Barrón on the orders of Zetas leader Lucio Fernández, who was reportedly angered by the media's coverage of his activities. On 31 August 2009, a district judge in Saltillo, Coahuila state, ordered the five suspects - Israel Sánchez Jaimes, José Pedro Jáuregui Jiménez, Raúl Francisco Rodríguez Valderrama, Víctor Alfredo López Ramírez and Óscar Cárdenas Castillo - to be put on trial for crimes including kidnapping and premeditated murder. Three of them had reportedly given statements admitting their part in kidnapping Barrón. **Update:** As of the first anniversary of Barrón's death in late May 2010, the investigation into Barrón's murder had reportedly ground to a halt. [RAN 24/09]

Gerardo Israel GARCÍA PIMENTEL: journalist for the daily newspaper *La Opinión*, based in Michoacán state, was shot dead while driving his motorcycle in Uruapan, Michoacán state, on 8 December 2007. Realising that he was being followed, García Pimentel pulled up at the hotel where he was living with his family, but on arrival in the car park he was shot approximately 20 times by unidentified men wearing hoods. The journalist had reported on agricultural issues for several years. The General Prosecutor's Office was in charge of the investigation of the case. On 5 March 2008, the Mexican Senate agreed to ask federal authorities to investigate García Pimentel's murder. On 25 August 2009, the Mexican National Human Rights Commission (Comisión Nacional de los Derechos Humanos, Mexico - CNDH) cited García's case as an example of an investigation into a journalist's murder where the authorities had not followed up on all leads. **New information:** On 16 July 2010, the state authorities reportedly said that García's murder remained unsolved but that the investigation was ongoing. According to the Public Ministry, García's family had refused to cooperate in the last review of the case. **Background:** Another *La Opinión* reporter, **Mauricio Estrada Zamora** went missing on 14 February 2008 (see below).

Miguel Ángel GUTIÉRREZ ÁVILA: anthropologist, linguist, author of a number of books on the indigenous people of Guerrero state and activist for the rights of the Amuzgo people, was killed late on 25 July 2008 or the early hours of 26 July while driving towards the capital of Guerrero. **Circumstances of death:** Gutiérrez's body was found by the side of the Acapulco-Pinotepa highway near La Caridad community in the municipality of San Marcos on the morning of 26 July 2008. He had been driving towards the capital of Guerrero, [Chilpancingo de los Bravos](#). Although initial police reports suggested that Gutiérrez (53) died as the result of a car accident, it is thought that he was beaten to death. He had been working on a documentary on indigenous cultures and traditions but had reportedly also been documenting human rights violations by the authorities. According to his family, the vehicle in which Gutiérrez was travelling was untouched and only his filming equipment had been stolen. A few days before his death, between 23 and 25 July, Gutiérrez had visited the Suljaa' and Cozooyapan communities in Costa Chica, Guerrero, for a documentary film he was making on indigenous cultures and traditions, entitled 'La Danza del Tigre' (The Dance of the Tiger). During his visit, Gutiérrez had also documented alleged human rights violations by the authorities against the staff of the community radio

station Radio Ñomndaa/ La Palabra del Agua (The Word of the Water), including an interview with Ñomndaa founder David Valtierra Arnago, which Gutiérrez reportedly intended to include in his documentary. **Investigation:** According to local press reports, one lead pointed to the involvement of Aceadeth Rocha Ramírez, mayor of Xochistlahuaca municipality in Costa Chica. Rocha is allegedly one of a number of local political leaders opposed to indigenous movements and Radio Ñomndaa. Another lead suggested that Gutiérrez may have angered the authorities by filming members of the Federal Investigations Agency (Agencia Federal de Investigación, AFI) as they raided the radio station. As of 31 December 2009, the crime reportedly remained unsolved. **Update:** No further news; PEN is seeking further information and confirmation that the investigation is ongoing. **Background:** Gutiérrez had researched the indigenous people of southern Guerrero for more than 20 years, particularly in Costa Chica. He had been involved in various cultural projects there, including Radio Ñomndaa and the establishment of the first Amuzgo community library. **Publications:** His publications include: *La tradición oral afromestiza en México* (1985), *Nabor Ojeda Caballero, el batallador del sur* (1991), *La conjura de los negros – cuentos de la tradición oral afromestiza de la costa chica de Guerrero y Oaxaca* (1993), *Danzas y música de origen africano en la Costa Chica de Guerrero* (1993), *Déspotas y caciques – una antropología política de los amuzgos de Guerrero* (2001) and *La historia del estado de Guerrero a través de su cultura – una perspectiva antropológica* (2008). [RAN 42/08; International PEN Day of the Imprisoned Writer 2009 action]

Martín Javier MIRANDA AVILÉS: reporter for the daily newspaper *Panorama* and correspondent for the news agency *Quadrafin*, was found stabbed to death at his home in Zitacuaro, Michoacán state, on 12 July 2009. The motive for the killing is not clear. Miranda Avilés only covered crime very occasionally. His colleagues reportedly stated that he had recently received threats, but also thought it likely that the killing was a 'crime of passion'. However, according to the management of *Panorama*, the murder could have been intended as a reprisal against the newspaper. Two weeks earlier, some news vendors were reportedly attacked while selling an edition of *Panorama* that contained a report on the arrest of a police officer in possession of weapons and drugs. **New information:** On 16 July 2010, the state authorities said that it had identified suspects for Miranda's murder but they had yet to be located. The motive for the crime remained unknown. [RAN 29/09]

Norberto MIRANDA MADRID: editor and columnist for the website of the online radio station Radio Visión and presenter for the same, as well as journalist for a number of newspapers, was shot dead at Radio Visión's offices in Nuevo Casas Grandes, Chihuahua State, on 23 September 2009. According to reports, a number of men forced their way into the premises late that night and shot Miranda repeatedly after he identified himself. The journalist reportedly died at the scene. His brother, who also works for the station, was present at the time but was not injured. Miranda (44), who had 15 years' experience as a journalist, was known for his column 'Cotorreando con El Gallito' (Chatting with the Little Rooster, or the Tough Guy), which often covered social issues including criminal groups and the lack of public safety. His last column, published the day before he was killed, mentioned the murders of 25 people in Nuevo Casas Grandes since the beginning of September, attributed to the Juárez drug trafficking cartel. Miranda's 5 September piece referred to the capture in Nuevo Casas Grandes of some members of the 'La Línea' (The Line), the armed wing of the Juárez cartel, including Rodolfo Escajada, who is on the US Drug Enforcement Administration list. Following this article Miranda was reportedly subject to harassment.

The authorities were said to be reviewing Miranda's recent articles (see <http://www.radiovisioncasasgrandes.com/CotorrandoConElGallito.htm>) in search of a possible motive for the killing. **Update:** No further news on the investigation as of 30 June 2010; PEN monitoring. [RAN 51/09]

Ernesto MONTAÑEZ VALDIVIA: editor for local newspaper *Enfoque del Sol de Chihuahua*, was shot dead on 14 July 2009 while driving his car in Ciudad Juárez, Chihuahua state. His 17-year-old son, who was him at the time, was badly wounded and was taken to hospital. The car bore a sticker saying "Press 2007" as well as his newspaper's name. **Update:** No further news on the investigation as of 30 June 2010; PEN monitoring. [RAN 29/09]

Carlos ORTEGA SAMPER: columnist for the daily Durango City-based newspaper *El Tiempo de Durango*, was shot dead in Santa María El Oro, Durango State, on 3 May 2009. The journalist was known for his criticism of local government corruption and had reportedly been threatened by local officials only days before. Ortega (52) was driving home when he was intercepted by four unidentified men who pulled him from his car and, after a heated argument, shot him three times in the head. He died at the scene. The previous day, Ortega had written an article alleging that town mayor Martín Silvestre Herrera and local official Juan Manuel Calderón Guzmán had threatened him in connection with a 28 April article criticising hygiene conditions in a local abattoir. Ortega also indicated that he was investigating allegations of corruption by local policeman Salvador Flores Triana, and that these three men should be held responsible if anything happened to him. This article was awaiting publication at the time of Ortega's death. The editor of *El Tiempo de Durango* reportedly believes that Ortega was killed in retaliation for his reporting local government corruption. **Investigation:** The state attorney's office is in charge of the investigation. As of November 2009, the murder reportedly remained unsolved. **Update:** No further news on the investigation as of 30 June 2010; PEN monitoring. **Previous attacks:** Ortega previously came under attack in early 2009, when his house was shot at and his car set on fire. He reported the incident to the authorities but no action was taken. He had reportedly had previous clashes with the local authorities. In July 2005, following a formal complaint by Ortega, the State Commission of Human Rights for Durango investigated high ranking members of the local public security forces and concluded that some elements had violated the journalist's human rights. **Background:** Ortega, who was also a lawyer, had worked for *El Tiempo de Durango* for a year and for the five previous years for another regional daily, *El Siglo de Durango*. [RAN 21-09]

José Armando RODRÍGUEZ CARREÓN: crime reporter for local daily *El Diario*, based in Ciudad Juárez, Chihuahua state, was shot at least eight times by an unidentified person as he was about to drive his daughter to school on the morning of 13 November 2008. He died at the scene. His daughter, who was also in the car at the time, was uninjured. An investigation was begun, with Rodríguez' journalism as a possible motive. **Previous threats:** Rodríguez (40), who had more than 10 years of experience of reporting on crime, in particular murders, had been the target of several death threats in the year prior to his death. For example, in January 2008 he reportedly received a telephone call where the caller told him "you are going to die if you keep on talking" and in February 2008 he was sent a text message telling him to "tone it down". At that time he was reportedly covering drug-related violence and organized crime in Ciudad Juárez and Chihuahua state. Following these threats, Rodríguez temporarily left Mexico for the United States. However, he refused to stop covering crime stories. According to local press reports, the journalist had received further death threats in recent months and had

been offered security measures by the state authorities but he had considered them unnecessary. However another version suggests that Rodríguez had asked for protection from the attorney general's office but this request had been turned down. It has also been reported that a few days before his death, Rodríguez had published an article linking the nephew of the attorney general to drug traffickers. **Related attacks:** In the weeks following Rodríguez' murder, death threats were received by other journalists for *El Diario* and other media in Ciudad Juárez and Chihuahua state. On 6 November 2008, a decapitated head had reportedly been left at Journalists' Square in Ciudad Juárez. Rodríguez' wife, also a journalist, reportedly feared for her safety and that of her children.

Investigation: The state prosecutor and the Federal Special Prosecutor on Crimes against Journalists (Fiscalía Especial de Delitos Cometidos contra Periodistas, FEADP) are reportedly in charge of the investigation. On 23 June 2009, it was reported that the state attorney general's office had sent the findings of its investigation to the federal attorney general's office (PGR) in February so that the alleged mastermind and his accomplices, reportedly drug cartel members, could be arrested. Despite this, no arrests had taken place. However, the PGR representative in Chihuahua subsequently denied that the investigation was complete or that the identity or whereabouts of the assassins were known. On 13 November 2009, a year after Rodríguez' murder, it was reported that the local and federal attorney generals continue to follow different lines of enquiry. The culprits had still not been identified and two prosecutors in charge of investigating the case had been assassinated. The Mexican Social Security Institute had reportedly refused to pay a widow's and orphan's pension to Rodríguez' wife and daughter because it claimed that his murder was not related to his work as a journalist. **Update:** According to a 21 July 2010 local news report, following a protest by journalists, the Chihuahua state governor promised that there had been "substantial" progress in the investigation into Rodríguez' killing and that the crime would soon be solved. [RAN 62/08]

José Alberto VELÁZQUEZ LÓPEZ: editor and owner of the daily newspaper *Expresiones de Tulum*, based in Tulum, Quintana Roo state, and a contributor to a local television station, was shot dead in Cancún on 22 December 2009. Velázquez was driving home after a Christmas party for the newspaper staff when he was followed by two men on a motor-bike who shot him in the chest. He was taken to hospital but died late that night. The newspaper staff had reportedly received several anonymous telephone death threats in the previous few months and its printing press was also firebombed in November 2009. Velázquez, who was also a lawyer, had reportedly written a number of articles accusing the mayor of Tulum of corruption, poor administration and a lack of regard for the public but had stopped reporting on local politics after receiving the death threats, which allegedly included a threatening phone call from the mayor. The mayor and Velázquez had reportedly been enemies since April 2009, the month that the newspaper was set up and the mayor came into power. State prosecutors in Quintana Roo have opened an inquiry into the murder. They were reportedly looking at Velázquez' work as a lawyer as a possible motive for the murder, or that it was a crime of passion. His colleagues at *Expresiones de Tulum* have reportedly dismissed the latter, suggesting that the murder is instead likely to have been related to the editor's criticism of the mayor. Police investigations into the November 2009 firebombing of the newspaper premises have yet to yield any results. Velázquez reportedly left behind a heavily pregnant wife and a five-year-old son. According to a 5 January 2010 report by the Committee to Protect Journalists (CPJ), Velázquez was interviewed by journalists before he died from his gunshot wounds and clearly stated

that he had been killed on the orders of the mayor of Tulum. However, the report also said that Velásquez has been accused of extorting money from local businesses in return for not publishing damaging articles, an allegation CPJ was able to substantiate, thus making it more difficult to be sure of the motive behind his killing. **Update:** The murder reportedly remained unsolved as of late May 2010. [RAN 01/10]

Miguel Angel VILLAGÓMEZ VALLE: editor and publisher of a daily regional tabloid newspaper *Noticias de Michoacán*, based in Lázaro Cárdenas, Michoacán state, was abducted and shot dead on 9 October 2008. Villagomez (29) was kidnapped after leaving his newspaper's office in Lázaro Cárdenas, Michoacán state, after 10pm on 9 October. His body was found in a rubbish tip near La Unión, just inside in the neighbouring state of Guerrero, during a routine police patrol in the early hours of 10 October. The editor had been repeatedly shot in the back and neck at around midnight the previous night. Villagómez had reportedly received a threatening phone call from a member of "Los Zetas" (the Zeds), paramilitary criminal gangs linked to drugs traffickers, particularly El Golfo (the Gulf) cartel, about a month before his murder, and had warned his family to be alert. *Noticias de Michoacán* often reports on organised crime, corruption and drug trafficking. **Investigation:** On 13 November 2008, it was reported that the authorities were working on the assumption that an organised crime group was responsible for the murder. The Guerrero state attorney general's office was in charge of the investigation but had not reported any progress. A local press report dated 8 June 2009 indicated that the case had been transferred to the Public Ministry (Ministerio Público) in La Unión municipality in Guerrero, but that there had been no progress in the investigation. **Update:** Investigation reportedly ongoing as of July 2010. [RAN 54/08]

Disappeared: presumed killed

Alfredo JIMÉNEZ MOTA: crime reporter for the Hermosillo daily *El Imparcial* in the north-western state of Sonora, has not been seen since 2 April 2005. That evening he was due to meet a source whom he had earlier described to a colleague as "very nervous". The journalist had recently published articles on local drug traffickers. He had also broken major stories about the alleged links between drug traffickers, police, prosecutors and state officials in Hermosillo, which had reportedly made him a number of enemies. **Details of disappearance:** In the days before his disappearance, Jiménez Mota, a former boxer, reportedly appeared upset and said that he thought he was being followed. On the evening of 2 April 2005, he went to a local restaurant to meet a source, reportedly the deputy director of the local prison, Andres Montoya Garcia. Montoya says that he drove Jimenez to at a local convenience store, dropping him off around 10.30pm. According to *El Imparcial*, Jimenez' mobile phone records showed three phone calls: one to Montoya, another to local deputy prosecutor Raul Fernando Galvan Rojas, and a third person that the newspaper could not trace. Montoya and Galvan were later cleared by federal authorities. Both resigned shortly after Jimenez' disappearance and have disappeared from the public eye. **Investigation:** On 25 April 2005, the Sub Procurator's Ofce Investigation Unit Specialising in Organised Crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO) opened an investigation into the disappearance. A year later, in April 2006, it was reported that the SIEDO's two lines of investigation involved Jiménez' coverage of the families running the drug trade in Sonora, and possible unlawful activities by government officials. Jiménez was now presumed to have been killed. In January 2007, it was reported that a municipal police officer of Novojoa, Sonora state, had given statements to the National Commission

for Human Rights (Comisión Nacional de Derechos Humanos, CNDH) and the Attorney General (Procuraduría General de la República, PGR) implicating local authorities in Jiménez' disappearance. The officer named a former Navojoa Police Chief, two criminal investigation police officers, two local prosecutors and a brother of the governor of Sonora. He then reportedly went into hiding after receiving repeated threats. In April 2007, it was reported that none of the named suspects had been questioned about the case. On 1 April 2008, on the third anniversary of Jiménez' disappearance, the PGR issued a report on the measures that had been taken to investigate the case to date. All had proved inconclusive. The PGR pledged to continue the investigation until the facts have been established. Free expression organisations noted that no advance had been reported regarding the implication of local authorities, despite the leads mentioned above. In June 2008, Sonora governor Eduardo Bours made public a letter that sought to link his government to the Jimenez case. Allegedly written by one of Jimenez' abductors, the letter details the reporter's supposed kidnapping, torture and murder, and implicates several local officials as well as the governor's brother. Bours denied any involvement and called for a new investigation. On 19 March 2009, the Inter American Press Association (IAPA) announced that it had submitted Jimenez's case to the Inter-American Commission on Human Rights (IACHR). On 2 April, the fourth anniversary of Jimenez' disappearance, Jiménez' family said they had not received any information about SIEDO's investigation since the previous year. As of December 2009, the murder remained unsolved but there was reportedly the possibility of a new lead, according to a local media report. **Update:** No further news as of 30 June 2010; PEN monitoring.

Disappeared: motive unknown

***Ramón ÁNGELES ZALPA:** correspondent for the newspaper *Cambio de Michoacán* based in the municipality of Paracho, Michoacán state, reportedly went missing on 6 April 2010. Ángeles was last seen leaving his home in Paracho to drive to the National University of Pedagogy, where he also worked as a teacher; no one has heard from him since. His family has reported him missing to the Michoacán state prosecutor's office. The Special Prosecutor for Crimes against Journalists and the local office of the General Attorney's office in Michoacán began an investigation. Ángeles reported on various topics for *Cambio de Michoacán*, including organized crime, government policy, public safety and agricultural and environmental issues. The newspaper management does not know if he had received any threats. However, it reportedly believes his disappearance may be connected to an article Ángeles wrote on an armed attack on a local indigenous family in late March which he asked to be printed without a byline due to problems within the indigenous community (Ángeles is a member of the Purépecha indigenous group). His family said that they had received several anonymous phone calls on 2 April, the last of which was answered by Ángeles; they did not know whether or not Ángeles had received any message. Local journalists reportedly believe that a local criminal gang is responsible for Ángeles' disappearance. **Background:** Ángeles is the second *Cambio de Michoacán* journalist to go missing in less than six months, following **María Esther Aguilar Cansimbe's** disappearance in November 2009 (see below). [RAN 31/10]

María Esther AGUILAR CANSIMBE (f): reporter for the Zamora-based daily newspaper *El Diario de Zamora* and local correspondent for the regional daily *El Cambio de Michoacán*, was last seen leaving her home in Zamora, Michoacán state, on 11 November 2009 after she received a call on her mobile phone. No one has seen her since; her

family has reported her missing to the Michoacán State Attorney. **Reporting that could have led to disappearance:** Aguilar (32) had not received any threats prior to her disappearance but it is feared that it may be related to a series of articles she had recently written on local corruption and organised crime for *El Cambio de Michoacán*. On 22 October, she covered a military operation near Zamora where at least three individuals, including the son of a local politician, were arrested on suspicion of collaborating with organized crime groups. On 27 October, she reported on local police abuse, after which a high-ranking official was forced to resign. Three days later, she published a story on the arrest of an alleged leader of the drug cartel La Familia Michoacana. It is understood that Aguilar's name did not appear on any of the stories for fear of reprisals. **Investigation:** Michoacán State authorities were reportedly investigating Aguilar's disappearance but no leads have been made public. The Special Federal Attorney's Office for Combating Violence against the Media (FEADP) reportedly took over the investigation on 18 November. On 11 December, one month after Aguilar's disappearance, it was reported that no ransom had been demanded and that there had been no progress in the official investigation. Aguilar's family have reportedly said that no one has contacted them. FEADP was reportedly due to send a team to Michoacán to look into the case. **Update:** A letter to PEN from the Michoacán state attorney general dated 21 April 2010 indicated that there had been no substantial advances in the investigation. **Background:** Aguilar is the mother of two young daughters. She is the fifth print journalist to go missing in Mexico since 2004; two of the others were also from Michoacán, editor **José Antonio García Apac** and crime reporter **Mauricio Estrada Zamora** (see entries below for details) Michoacán is one of the most dangerous states for journalists in Mexico, due to high levels of violent crime related to drug trafficking and organized crime. [RAN 58/09]

***Miguel Ángel DOMÍNGUEZ ZAMORA:** reporter for the daily newspaper *El Mañana*, in Reynosa, Tamaulipas state, has been missing since 1 March 2010. His family has reported the disappearance to the state prosecutor's office. Domínguez' disappearance coincided with the death in disputed circumstances of Reynosa-based journalist **Jorge Rábago Valdez** (see above) and the alleged abduction of seven other journalists in the area. Two broadcast journalists from the Milenio media group assigned to cover a wave of drug-related violence in Reynosa were abducted by gunmen on 3 March and released the next day after being told to leave the area. As of 11 March there were unconfirmed reports that at least four other journalists had been abducted: they have not been named but work, respectively, for the newspapers *El Mañana*, *La Tarde* and *La Prensa* and the news website *MetroNoticias*. *MetroNoticias* has reportedly stated that its reporter is safe but would not provide further details or make the reporter available for comment. [RAN 27/10]

José Antonio GARCÍA APAC: editor of the newspaper *Ecos de la Costa*, from Lázaro Cárdenas, Michoacán state, was last seen on 20 November 2006. That evening he was on his way from Tepalcatepec to Morelia, when he was reportedly intercepted by three people in a pick-up truck, who took him with them. His car was not found. According to his family, García had reported being followed earlier that year. He was covering cases related to drug trafficking in Michoacán at the time. He was also widely known to have compiled a list of allegedly corrupt officials before he disappeared. **Investigation:** On 20 November 2007, García's wife, Rosa Isela Caballero, reported that she had sent a letter to the General Prosecutor's Ofce in July 2007 enquiring about the results of the investigation into her husband's disappearance, but had not yet received a clear response. According to Caballero, three representatives of the prose-

cutor's office had been called to the investigation, and the federal justice ministry had also intervened, but without any results. As of December 2008, Caballero was continuing to publish *Ecos de la Cuenca* in memory of her husband. On 20 November 2009, it was reported that the investigation had stalled. According to a report by Article 19 and CENCOS, the Michoacán Prosecutor General's Office launched an investigation into García's disappearance in December 2006. In April 2007, the case was transferred to the federal authorities, under the jurisdiction of the National Attorney General's Office (PGR). Three months later, the PGR decided that there was insufficient evidence to investigate the disappearance and closed the case. The Federal Public Prosecutor's Office subsequently re-launched an investigation on 24 January 2008 and then again on 13 March 2008, but eventually also closed the case due to a lack of leads. In November 2009, García's family appealed to the authorities to take up the investigation again. **Update:** Crime reportedly unsolved as of 19 April 2010; PEN monitoring.

***Evaristo ORTEGA ZÁRATE:** editor of the local weekly newspaper *Espacio* in Colipa, Veracruz state, has reportedly been missing since 20 April 2010. According to Ortega's sister, she received several SMS messages from him that day saying that he had been arrested by police in the state capital of Xalapa. She called him and he asked her to inform the authorities and media before they got cut off. Nothing has been heard from him since. Ortega, who reportedly intended to run for mayor of Colipa as a candidate of the National Action Party (PAN), was last seen in a PAN branch office 10 minutes before he sent the first of the SMS messages to his sister. Another PAN member who wanted to be the party's mayoral candidate in Colipa, Francisco Mota Uribe, reportedly disappeared around the same time. The local police have reportedly denied any involvement in Ortega's disappearance. According to the Veracruz Commission for the Defence of Journalists, the state attorney general's office took more than 24 hours to open an investigation into his disappearance even though the local authorities were notified immediately. The head of the State Commission for Human Rights has reportedly ruled out any possibility that Ortega's disappearance is linked to his work as a journalist. **Update:** According to the Special Prosecutor for Crimes against Freedom of Expression, the investigation into Ortega's disappearance was ongoing as of 15 July, led by the Veracruz state attorney general, with the collaboration of the federal attorney general. No progress reported. [RAN 34/10]

Rafael ORTIZ MARTÍNEZ: reporter for the daily newspaper *Zócalo*, based in Monclova, Coahuila state, and presenter for a local radio station, was last seen leaving *Zócalo*'s offices in the early hours of 8 July 2006. Ortiz (32) had reportedly been editing material for a radio show. When a *Zócalo* company car came to pick him up a few hours later, he was not home and no one has seen him since. Ortiz had recently written about the prevalence of prostitution in Monclova and the resulting spread of HIV and other sexually transmitted diseases. He had also covered drug trafficking and had reportedly received death threats in the past because of his reporting. Ortiz' father reported the disappearance to the Coahuila state prosecutor, which began an investigation focusing on Ortiz' journalism. On 24 July 2006, it was reported that the Coahuila state governor and judicial authorities had said that Ortiz had probably been kidnapped by drug traffickers. As of August 2009, the investigation had reportedly not advanced and no suspects had been arrested or brought to trial. **Update:** Reportedly still missing as of late May 2010.

Rodolfo RINCÓN TARACENA: journalist for the regional daily *Tabasco Hoy*. Rincón (54) was last seen leaving his newspaper's office in Villahermosa, south-eastern Mexico, on the night of 20 January 2007. He

had reportedly told his colleagues that he would return shortly. It seems highly likely that his disappearance is linked to his reporting on organised crime. The journalist had reportedly just completed an article on a criminal gang preying on cash-machine customers in Villahermosa which specified the locations of the criminals' safe houses. The previous day, *Tabasco Hoy* had run a major story on illicit 'drugstores' (*narcotiendas*) run by traffickers, which named several suspects and showed the location of the stores. Rincón had reportedly received regular threats since 2006. One made about a month before his disappearance had particularly alarmed him. Rincón's family reported the case to the Ofce of the General Prosecutor of the state of Tabasco (Procuraduría General de la Justicia del Estado de Tabasco, PGJE) on 23 January 2007. *Tabasco Hoy* has continued to face harassment. In May 2007, the severed head of a local councillor was left outside the newspaper's offices in Villahermosa. The paper has also received threats from "Los Zetas" (the Zeds), paramilitary criminal gangs linked to drugs traffickers, particularly El Golfo (the Gulf) cartel. Rincón's long term girlfriend, also a journalist, has reportedly stated that she believes that that corrupt officials as well as drug traffickers are behind his disappearance. **Investigation:** As of 20 January 2009, two years after Rincón's disappearance, neither the PGJE nor the federal attorney general's office (Procuraduría General de la República, PGR) had reported any progress in the investigation. The crime reportedly remained unsolved as of November 2009. **Investigation closed:** On 28 February 2010, the PGJE stated that it had closed the investigation into Rincón's disappearance and murder on the grounds that he is now believed to have been kidnapped and killed by members of the Los Zetas criminal gang in reprisal for his reporting on where drugs were being sold. According to the PGJE, five men held in custody on drug charges since 2007 had confessed in April that year to being involved in Rincón's murder and had told the authorities where his remains could be found. A police search of a Tabasco property revealed the charred remains of at least five people, however it was impossible to identify them. *Tabasco Hoy* reacted angrily to the decision to close the investigation, questioning why the authorities waited three years before disclosing the alleged confessions.

Disappeared: motive unknown

Mauricio ESTRADA ZAMORA: reporter for newspapers *La Opinión de Apatzingán* and *La Opinión de Michoacán*, based in Michoacán state, southern México, was reported missing on 14 February 2008. On that day, *La Opinión de Michoacán* stated that the reporter had last been seen on 12 February, when he left the newspaper's premises for home, and that he had not answered calls to his mobile phone. According to the newspaper, on the morning of 13 February the journalist's vehicle was found by a local public safety official, parked with its doors open and the engine running. Estrada's laptop and camera, along with the car's stereo, were missing. **Investigation:** *La Opinión de Michoacán* requested the intervention of the Michoacán state Attorney General's Ofce, which reportedly sent its anti-kidnapping team to the region in order to search for the reporter. The newspaper believed that Estrada's disappearance may have been linked to a problem he had in January 2008 with a Federal Investigations Agency (Agencia Federal de Investigación, AFI) agent in the area. The investigation was being conducted by the local office of the federal attorney general that stated that it could not identify the AFI agent, or make any connection between Estrada's disappearance and a federal agent. They dismissed any links to a criminal group. In December 2008, it was reported that the Special Prosecutor for Crimes against Journalists was of the opinion that Estrada's disappearance has only

tenuous links to his work as a journalist. As of January 2009, the authorities had reportedly not made public any results of the investigation. **Update:** On 16 July 2010, the state authorities stated that they were still investigating Estrada's disappearance. **Background:** Another journalist for *La Opinión de Michoacán*, **Gerardo Israel García Pimentel**, was murdered in December 2007 (see above).

Imprisoned: investigation

Jesús LEMUS BARAJAS: editor/ publisher of *El Tiempo* daily newspaper, based in La Piedad, Michoacán state. **Date of arrest:** 7 May 2008. **Place of arrest:** Cuernavaca, Guanajuato state. **Alleged offence:** involvement in drug trafficking. It is feared that his arrest and imprisonment are related to his legitimate activities as a journalist. **Prison:** Puente Grande high-security federal prison, Jalisco state. **Details of arrest and detention:** Lemus was reportedly investigating drug trafficking in Cuernavaca, Guanajuato state on 7 May 2008 when he was arrested along with two of his sources, and accused of involvement in trade for 'The Family', an offshoot of the powerful El Golfo (Gulf) drug cartel. Lemus was detained incommunicado for 48 hours by Guanajuato state ministerial police, who reportedly beat him. On 9 May the three men were transferred to Puente Grande prison in Guanajuato, where the federal public ministry took over the case. Lemus' preventive custody was confirmed on 15 May, and on 27 May, he was transferred to a high-security federal prison in Puente Grande, in the neighbouring state of Jalisco where he remains as of 31 December 2008. **Reporting that may have led to arrest:** In addition to Lemus' reporting on drug trafficking, in March 2008 he had exposed harassment of the media by the mayor of La Piedad, which led to the detention of two *El Tiempo* reporters on charges of 'incitement to rebellion'. He had also been critical of unfair allocation of official advertising in the municipality and of police intimidation of *El Tiempo* news vendors. **Concerns:** For the first 48 hours after his arrest Lemus was reportedly held incommunicado and beaten by Guanajuato state ministerial police. There are fears that the drug trafficking charges against the journalist are fabricated; it is understood that no physical evidence has been produced. It is thought that his arrest may in fact have been linked to his critical reporting on drug trafficking routes and on local authorities, including harassment of the media by the police and alleged unfair allocation of official advertising in the municipality. There has been high level concern about the case in Mexico, including from the National Human Rights Commission (CNDH) which has reportedly opened an investigation into the detention. Lemus' wife has reportedly suffered harassment since his arrest: on 31 July 2008 their home was searched by soldiers without a warrant, who questioned her about her activities and those of other family members. **Murder of lawyers:** On 31 August 2009, Lemus' lawyers, Vladimir Camacho Guzmán y Rubén Castro López, who both been representing Lemus since the beginning of his case, were reportedly shot dead. The motive for their murder was not known. **Update:** As of July 2010, Lemus was reportedly still detained at the maximum security prison in Puente Grande in Jalisco. His trial for alleged links to organised crime was said to be nearing an end. No further information; PEN is seeking an update. RAN 36-08].

Death threats

***Armando SUÁREZ MARTÍNEZ:** editor of the magazine *Puerto Viejo*, was reportedly attacked, abducted and threatened with death by the mayor and a number of municipal employees from the town hall in Loreto, Baja California Sur state, on 21 January 2010. The mayor reportedly insulted Suárez and threatened to hit him because he did not like

some information published in *Puerto Viejo*; the mayor's secretary and the municipal finance secretary punched Suárez in the face. Suárez was then forced into a vehicle belonging to the Ministry of Public Safety and Transit and driven to a place where an hour later the mayor, his personal secretary, his driver, the finance secretary and a number of other people also arrived. According to Suárez, the mayor's driver fired a pistol at his feet, the mayor threatened him and told his companions to beat him and the finance secretary said that he could have Suárez buried alive. The mayor reportedly warned Suárez that if he publicised the attack he would be killed. The assailants confiscated 300 copies of the magazine before leaving Suárez at a hotel in Loreto. The municipal finance secretary has reportedly denied harassing Suárez and claimed that the journalist had invented the story because he had been prevented from distributing his magazine in the town hall. He also accused the journalist of attempting to blackmail public officials. Suárez filed a complaint against the mayor and municipal employees with the state representative of the Attorney General's Office on 25 January 2010.

Attacked

Miguel BADILLO CRUZ and Ana Lilia PÉREZ MENDOZA (f): editor and reporter respectively for the magazines *Contralínea* and *Fortuna*, have reportedly been the target of legal harassment and death threats since late 2007 in connection with their critical reporting on powerful Mexican companies. According to Badillo, there was a break-in at the offices of *Contralínea* on 12 April 2010: several doors and desk drawers had been forced and information and equipment stolen, including mobile phones and Badillo's computer. He said it was not clear whether this had been an official raid or was a burglary but it was certainly a targeted attack. A press release by *Contralínea* stated that the magazine was currently facing seven law suits, six civil and one criminal, brought by the Zeta Gas, Oceanografía and Blue Marine corporations.

Background: Badillo and Pérez have reportedly suffered harassment following a November 2006 report linking the gas consortium Grupo Zeta to alleged influence peddling to obtain business contracts. Although the allegations were apparently well founded, Grupo Zeta president Jesús Zaragoza López sued the two journalists for damages in August 2007. Since then Zaragoza's lawyers have reportedly been verbally harassing and threatening Badillo and Pérez when they attended legal proceedings, including warning the journalists that they have instructions from Zaragoza to make them "disappear". Badillo and Pérez also report being subjected to death threats and legal harassment as a result of their 2007 report on alleged irregularities in the awarding of contracts to naval company Oceanografía by the state oil company Petróleos Mexicanos (PEMEX). The report reportedly implicated a number of government officials, including current President Calderón (former head of PEMEX) and some of his family members, and led to an official investigation. In November 2007, Oceanografía sued Badillo for damaging its reputation and in August 2008 the company filed defamation complaints against both Badillo and Mendoza, as well as two other journalists. Badillo and Pérez have lodged a complaint with the National Commission for Human Rights (Comisión Nacional de Derechos Humanos, CNDH) and the Special Prosecutor for Crimes against Journalists at the Attorney General's Office (Fiscalía Especializada de Atención a Delitos contra Periodistas de la Procuraduría General de la República). On 16 January 2009, Badillo was briefly detained in Mexico City and charged with 'insult to authority' (*desacato*) by a judge in Jalisco state, allegedly for refusing to receive court summonses that were sent to him. The arrest warrant was requested by a subsidiary of Grupo Zeta. A warrant was

reportedly also issued for Pérez but she avoided arrest by going into hiding for a few days. Badillo's lawyer filed a complaint with the Federal District Human Rights Commission since the journalist believes he was illegally arrested: according to Badillo, he never received the summonses he is said to have ignored. On 11 February 2009, a lawyer for Grupo Zeta tried to enter the *Contralínea* offices with public officials from Guadalajara state and Mexico City, who claimed to have presented a search warrant but in fact reportedly failed to do so. The public officials, who apparently wanted access to the publication's archives, harassed the magazine's staff both physically and verbally for 40 minutes. This was reportedly the second time that judicial authorities had tried to break into the *Contralínea* offices in 2009 as part of the many lawsuits initiated by Grupo Zeta after the magazine published several stories denouncing Grupo Zeta of corruption in its dealings with PEMEX.

***David CILIA and Érika RAMÍREZ (f):** reporters with the national weekly news magazine *Contralínea*, went missing for two days in April 2010 after an ambush in Oaxaca state before being rescued by local police. The journalists were accompanying a convoy of international and local human rights activists carrying supplies and international observers to the Triqui Indian mountain zone of San Juan Copala, Oaxaca, an area that has declared itself autonomous from the state government. The convoy came under gunfire near San Juan Copala on 27 April and two activists, one Mexican and one Finnish, were reportedly killed. Following the attack, Ramírez and Cilia took refuge in the forest. They were found in a forest near the Hierba Santa river on 29 April and taken to a local hospital. Cilia had two gunshot wounds to his left leg and one to his hip; Ramírez was unhurt. Both were diagnosed with dehydration. They were reportedly traveling to the area to investigate the unsolved murders of two Triqui reporters for the community radio station "La Voz que Rompe el Silencio" (The voice that breaks the silence), who were killed in San Juan Copala on 7 April 2008. Another journalist initially reported as missing, **Roger Valle**, Huajuapán correspondent for *Noticias de Oaxaca*, also reportedly survived the ambush.

***Rafael MARTÍNEZ DE ESCOBAR:** editor of the newspaper *Tabasco al Día*. Unidentified assailants reportedly threw three Molotov cocktails at Martínez' home on 4 February 2010, one of which exploded. The bomb was aimed at a billboard located on the rooftop terrace of the house that accused the deputy manager of the gas company Pemex Gas y Petroquímica Básica of using his influence and position at Pemex to conduct business. According to Martínez, a few days before the attack he had been offered contracts and 500,000 pesos (approx. US\$ 38,000) by Pemex in exchange for removing the billboard, which had had been placed there by a third party. When Martínez refused, he was warned that there would be consequences. He filed a complaint about the attack with the Tabasco Attorney General's Office.

Threatened

***Juan APARICIO SEBASTIÁN:** editor of the magazine *El Observador* in Tapachula, Chiapas state, was reportedly threatened by a police commander on 21 January 2010 after the magazine published allegations of police engagement in extortion, theft and kidnapping. According to Aparicio, the police were conducting a raid when the police commander spotted him, approached him and warned him that if he committed a crime he would end up in his hands. Aparicio said he feared for his life and was concerned about his family's safety. He reported the incident to the Office of the Special Prosecutor for Crimes Related to Public Servants (Fiscalía Especializada para la Atención de los Delitos Relacionados con Servidores Públicos). The Attorney General's Office in

Tuxtla Gutiérrez reportedly also notified the Office of the Special Prosecutor for Crimes against Journalists.

Lydia CACHO RIBEIRO (f): author, journalist and social activist. On trial for criminal defamation throughout 2006; acquitted in January 2007. However, continues to be the target of harassment and threats due to her investigative journalism. **Details of arrest and trial:** On 16 December 2005 Cacho was arrested and subsequently charged with criminal defamation. The charges were brought against her by textile businessman José Camel Nacif Borge who is cited in her 2005 book *Los Demonios del Edén: el poder detrás de la pornografía (The Demons of Eden: the power behind pornography)* as having connections with a member of an international child pornography and prostitution network. According to Cacho, she was tortured during her detention. The charges against Cacho were dismissed on 2 January 2007 and the trial was discontinued.

Ongoing legal cases: On 29 November 2007, the Mexican Supreme Court of Justice ruled that there had been no serious violation of Cacho's constitutional rights when she was arrested and transferred from Quintana Roo to Puebla in December 2005. In April 2008, the Attorney General's Office issued arrest warrants for five public servants from Puebla allegedly involved in Cacho's illegal detention in 2005. These were said to include the former attorney general, a minister, a police commander and various criminal justice system officials, who allegedly falsified paperwork in order to facilitate Cacho's arrest. However, they are yet to be detained. In June 2008, a court in Cacho's home state of Quintana Roo ruled that although there was evidence of arbitrary detention and torture it could not accept her case for jurisdictional reasons and recommended that she take the case to Puebla. Cacho's appeal was rejected in January 2009. She alleges that her file had been altered and key information removed by the Attorney General's office, weakening her case. She was preparing to submit her case to the Inter-American Commission on Human Rights (IACHR). On 16 March 2009, Mexico's National Human Rights Commission (CNDH) concluded that Cacho had been tortured and her right to freedom of expression had been violated. It issued a recommendation to the governors of Puebla and Quintana Roo state to conduct an investigation into the police officers who arrested Cacho as well as provide her with compensation for damages suffered. On 10 August 2009, the IACHR granted Cacho, her family and the staff of the centre she founded for abused women cautionary protective measures and asked the Mexican government to take action to protect Cacho. **Harassment and threats:** Cacho has been subjected to death threats since the publication of her book in 2005. For example, in late May 2009, she reported being followed and watched by unknown individuals, some of them armed. She has also been receiving death threats via her blog since February 2009, including one which reportedly said that she would soon appear with her throat slit. Cacho has reported these incidents to the Quintana Roo State police but they reportedly do not consider them to be criminal offences. In early September 2009, Cacho reported receiving further death threats. As of January 2010, the measures recommended by the IACHR had yet to be implemented and the threats had not been investigated.

New information: On 31 May 2010, six armed policemen forced an entry into Cacho's centre for abused women in Cancún and threatened and intimidated its employees. One of the policemen demanded the return of his wife and children, who had taken refuge in the centre as a result of domestic violence. **Awards:** Cacho has won numerous awards, including the 2009 One Humanity Award from Canadian PEN, the 2008 Tucholsky prize from Swedish PEN and the 2007 Oxfam/Novib PEN Award for Free Expression. On 29 April 2010, Cacho was named a

World Press Freedom Hero by the International Press Institute. **Honorary Member:** Scottish PEN. [RAN 54/05 and updates]

***Laura CASTELLANOS (f):** investigative journalist and author, has reportedly been under threat since 2007 due to her reporting on armed groups and radical movements and most recently has been subject to a targeted break-in of her home. Unknown individuals entered Castellano's apartment in Mexico City on 10 May 2010 while she was promoting one of her books abroad and rifled through her belongings, taking a notebook filled with notes for articles. Castellanos reported the break-in to the Special Prosecutor for Crimes against Journalists on 31 May and to the National Commission on Human Rights (CNDH) on 1 June. The writer says she has been subject to surveillance of her home and telephone and email communications since the publication of her 2007 book *México Armado (Armed Mexico)*, an account of the radicalisation process of political groups in the second half of the twentieth century. She published another book in 2008, *Corte de Caja*, which contains an interview with the military leader of the Zapatista Army of National Liberation (EZLN). ***Karla TINOCO SANTILLÁN (f):** reporter with the newspaper *La Opinión Milenio*, based in Durango state, reportedly received several threatening phone calls at the paper's offices on 24 May 2010, shortly after she published an article on how drug-related violence was affecting people and businesses in the town of Vicente Guerrero. The threats were reported to the director of information for the newspaper's parent group, Laguna Multimedia Group, who assigned Tinoco, who usually covers the security and police beats for the group, to cover lower profile issues for her own safety. However, on 31 May Tinoco was reportedly told that her presence was compromising the staff's safety and she was dismissed from her post later that day.

Harassed

***Luz del CARMEN SOSA:** crime reporter for the Ciudad Juárez-based daily newspaper *El Diario*, along with a photojournalist for the same publication, were reportedly harassed by soldiers on 6 May 2010 while covering the disappearance of three public employees in El Porvenir, Chihuahua state. Army officials pointed their guns at the photojournalist, tried to grab his camera, and threatened to arrest both journalists. They filed a complaint with the National Human Rights Commission following the incident.

PANAMA

On trial

Jean Marcel CHÉRY: director of the Panama City-based daily newspaper *El Siglo*, was sentenced to two years in prison and a US\$1,000 fine on trespassing charges on 4 February 2009. The sentence reportedly stems from a series of lawsuits filed by a Supreme Court judge since 2001. In a March 2001 article, Chéry claimed that the judge - then minister of government and justice - had used public funds to build the road for his personal benefit. As a result, the judge sued Chéry for trespassing, criminal defamation and civil insult. According to Chéry, he and two other journalists were given permission by security guards to enter the judge's property to inspect the construction of a nearby road. In 2004, Chéry and a colleague were each sentenced to a year in prison on defamation charges but were pardoned two months later. The civil lawsuit was still pending. Chéry was freed pending appeal. **New information:** Chéry reportedly received threats from the President's public information office in May 2010. No news on the appeal; PEN monitoring.

Released

***Carlos Jerónimo NUÑEZ LÓPEZ:** journalist for the news website Estudio 1 Panama, was arrested on 26 June 2010 to serve a one-year prison sentence for libel for an article on environmental damage. Nuñez (70) reportedly had no knowledge of his conviction at the time of his detention. He was in an internet café near his home in Panama City when he was arrested by the police following a routine identity check and was taken into police custody. The case against Nuñez reportedly stemmed from an article published a number of years ago in the now defunct weekly newspaper *La Crónica*, in which Nuñez alleged that a landowner's activities had damaged a river in Bocas del Toro province. The landowner in question brought a libel suit against Nuñez and in December 2006 he was sentenced to one year in prison. His conviction was upheld on appeal in August 2008 but Nuñez' lawyers reportedly failed to notify him of this. Nuñez was reportedly released on 14 July, after 19 days in detention. The reasons for his release were not clear. [RAN 38/10]

PERU

On trial

Melissa Rocío PATIÑO HINOSTROZA (f): poet and university student, is a member of the 'Círculo del sur' (Southern Circle) poetry group in Lima and runs a poetry programme on radio and cultural activities with young people. Patiño (21) is on trial for terrorism, based on her alleged involvement with a leftwing political organization, Bolivarian Continental Coordinator (Coordinadora Continental Bolivariana – CCB), which the Peruvian authorities claim is linked to terrorist groups. She denies any political affiliations and to date no concrete evidence has been produced to back up the charges. Patiño was detained from 29 February to 8 May 2008, when she was released pending trial. She potentially faces 20 years in prison if convicted. **Arrest and detention:** Patiño was arrested along with six others in Tumbes, on the border with Ecuador, on 29 February 2008. The seven were returning by bus from Quito, where they had attended the second congress of the CCB from 24 to 28 February 2008, which was reportedly held with the knowledge and consent of the Ecuadorian authorities. They were subsequently charged with 'Affiliation and Collaboration with Terrorism', apparently on the basis of their attendance at the CCB meeting. Initially detained in Tumbes and the Counterterrorism Division (División Contra el Terrorismo – DINCOTE), on 15 March 2008 Patiño was transferred to Santa Monica maximum security prison in Chorrillos, Lima, where she was held until 8 May 2008. **Background:** The government alleges that the Peruvian chapter of CCB has links with Peruvian Marxist rebel group Movimiento Revolucionario Túpac Amaru (MRTA) and the FARC guerrilla group in Colombia. It also reportedly accused CCB members of planning to sabotage the 2008 Asia-Pacific Economic Cooperation (APEC) meetings in Peru. Two of the six individuals who were detained along with Patiño are said to be former MRTA members; one has served a prison sentence for belonging to the MRTA and since his release has reportedly been organizing workshops and events at the university where Patiño studies (Universidad Mayor de San Marcos, Lima). However, Patiño's presence in the bus carrying former MRTA members appears to have been circumstantial. She denies that she belongs to or has ever had any involvement in any political groups. She reportedly attended the CCB congress after a colleague at the radio station where she works passed the invitation on to her as he could not himself attend, and her

main motivation for attending was the opportunity to travel to Ecuador. **Charges:** According to Patiño's lawyer, the accusations of terrorism against Patiño have been made on the basis of her alleged membership of the Peruvian chapter of the CCB, her attendance of the CCB congress in Ecuador and her participation in a march at the end of conference. During the march, she is said to have partially covered her face and shouted anti-imperialist and pro-socialism slogans, and to have been linked to graffiti criticizing Alan García, the Peruvian president, according to a 13 March 2008 document issued by the Public Prosecutor. None of these activities can be said to amount to terrorist activities. **Conditional release:** On 8 May 2008, after almost two and a half months' incarceration, Patiño was released on bail of 1,000 Soles (approx. \$240) and allowed to return home. Her release is conditional and she remains on trial. Peru's antiterrorist prosecutor, Julio Galindo, appealed against the decision to release Patiño, but this was rejected on 12 September 2008, meaning that Patiño will remain free on bail for the duration of her trial. **New information:** According to Patiño's lawyer, in December 2009 her file was forwarded to the chief Prosecutor (Fiscal Superior) who would decide whether or not to go ahead with the prosecution. In early May 2010, it was confirmed that the Prosecutor had decided not to pursue the case. As of July, Patiño's lawyer was waiting for a final decision from the Criminal Court (Sala Penal) and thought that it was "highly likely" that the case would be dropped. [RAN 20/08 and updates].

Raúl WIENER: head of the investigative section of the left-wing daily newspaper *La Primera*, was reportedly charged with "crimes against public peace" and "terrorism" in January 2009. The charges followed Wiener's revelation that the same charges had been brought against 13 Peruvian leading leftwing politicians with alleged links to the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia - FARC) guerrilla group. On 11 January 2009, Wiener reportedly received a formal notification that summoned him for questioning on 14 January "as a defendant" in a case in which the charges were a "crime against public peace and terrorism." The notification offered no further details. In November 2008, Wiener had revealed that 13 leading members of the Peruvian left were being investigated for these same charges after their names were found in the laptop of a FARC leader who was killed by the Colombian army in northern Ecuador in March 2008. Wiener also reported that the police had asked the judicial authorities to detain all 13 individuals. He reportedly feared that the authorities wanted him to reveal his sources. As of 31 December 2009, Wiener was reportedly facing another lawsuit for defamation. **New information:** As of 26 May 2010, Wiener was reportedly awaiting trial in connection with his coverage of Lima Airport Partners (LAP). No news on the terrorism charges; PEN monitoring.

Released

***Alejandro CARRASCAL CARRASCO:** director and editor of the regional weekly newspaper *Nor Oriente*, was arrested in Bagua, capital of Utcumbamba province, Amazonas department, on 11 January 2010 and held in police custody overnight. He appeared in court the next day where he was given a one-year prison sentence for allegedly defaming a local official in a series of articles alleging corruption in the Utcumbamba technological institute. The case was brought by a former director of the institute in 2005. Carrascal, who reportedly suffers from high blood pressure, fainted during the hearing and was taken to hospital. However, the judge completed the sentencing in his absence and the editor was transferred the same day from hospital to the San Humberto

prison in Bagua. He appealed the sentence. There were a number of apparent irregularities in the trial. In addition to being sentenced in absentia, Carrascal said he had not received any notification that the court's decision was due. Local journalists and Carrascal's family condemned his conviction as an act of "revenge" and the prison sentence was widely seen as punishment for his editorial line. A court of appeals upheld the decision in early April. However the Supreme Court overturned the ruling on 18 June and ordered Carrascal's release. He had served five months of his one-year sentence. **Background:** *Nor Oriente* is said to be very critical of the authorities and Carrascal has been outspoken in his defence of the indigenous population and the Amazon region. For example, he publically criticized the government over the security forces' treatment of indigenous communities protesting against oil and mining projects in Bagua in June 2009 during which dozens of indigenous people were killed, scores were detained and around 200 injured. [RAN 05/10]

UNITED STATES

Judicial concern

Sami Amin AL-ARIAN: Kuwaiti-born Palestinian academic, formerly a computer science professor at the University of South Florida. In addition to his academic publications, Al-Arian (51) has written and lectured extensively about the plight of Palestinian people in Israel and the Occupied Palestinian Territories (OPT) and has also written poetry while in detention. Al-Arian was imprisoned from February 2003 to September 2008 on international terrorism-related and contempt of court charges. His last prison sentence ended in April 2008, at which point he should have been deported from the USA, according to the conditions of his plea agreement. However he continued to be detained for refusing to testify against other individuals whom the US government alleges have been involved in terrorism. He was finally released on bail in September 2008. He is now under house arrest in the USA and faces a further prison sentence for contempt of court. **Details of arrest and trial:** Al-Arian was arrested by the Federal Bureau of Investigations (FBI) on 20 February 2003 on charges of channelling funds to terrorist groups. He was not brought to trial until June 2005, on the grounds of the complexity of the case. In December 2005, the jury acquitted him on eight charges of 17 charges and remained deadlocked 10-2 in favour of acquittal on the other nine. The prosecution reportedly acknowledged during the trial that there was no evidence linking Al-Arian to any acts of violence in Israel or Palestine. **Plea bargain:** Despite not having been found guilty of any of the many terrorism-related charges against him, in April 2004 Al-Arian pled guilty to a single count of conspiracy to provide non violent services to Palestinian Islamic Jihad, reportedly in order to avoid a lengthy re-trial. He was sentenced to 57 months in prison, 38 of which he had already served. As a part of his plea agreement, Al-Arian agreed to be deported on expiry of his sentence and was promised that he would not be charged with any other crimes. He maintains that there was also a verbal understanding that he would not be called on to testify against any others, apparently evidenced by the US government's omission of the standard cooperation provisions from the plea agreement. **Further charges:** Despite the alleged assurances contained in his plea bargain, Al-Arian was given a further prison sentence for civil contempt of court after refusing to testify against former associates. He was expected to be released on 11 April 2008, and that day was taken into the custody of Immigration and Customs Enforcement (ICE) in preparation for his

deportation. However, Al-Arian was then subpoenaed to testify before another grand jury. As a result of his refusal to comply, he was charged with criminal contempt of court on 30 June 2008. In spite of a 10 July 2008 Federal court ruling that he should be released on bail, Al-Arian remained detained, reportedly on the grounds of his imminent deportation. On 8 August 2008, Al-Arian's trial for criminal contempt was postponed until the Supreme Court addressed the appeal submitted by his defence on the lawfulness of the federal subpoena which led to the contempt charges. **Release:** At the end of August 2008, Al-Arian's lawyer filed a petition for habeas corpus on the grounds of ICE's continued unlawful detention. As a result, on 2 September 2008, Al-Arian was released on bail after five and a half years in detention and placed under house arrest. **Ongoing trial:** On 6 October 2008, the Supreme Court ruled that it would not address Al-Arian's appeal regarding his plea agreement. It was reported that his defence lawyers would then pursue a second avenue to avert the trial, by arguing that the immunity order for the federal grand jury in which Al-Arian did not testify was invalid and the criminal contempt charges should therefore be dropped. On 21 December 2008, it was reported that the criminal contempt case may collapse because the federal prosecutor who brought the charges in Virginia altered the wording of the immunity order without notifying the judge who later signed the document. Al-Arian will remain under house arrest until his trial for contempt begins, or alternatively until the case is dismissed. In late March 2009, Al Arian's lawyers again applied to have the criminal contempt charges against him dismissed. A hearing scheduled for 24 April 2009 was cancelled. The judge said that there was no need for further oral intervention as the issues had already been discussed and that she would issue a written opinion on the motion to dismiss the charges "soon". **Update:** As of February 2010, Al-Arian remained under house arrest. The motion to dismiss the case based on the violation of the 2006 plea agreement was still pending. No further news as of 30 June 2010; PEN monitoring. **PEN position:** PEN has no position on the reasons for Al-Arian's arrest and detention. However it is disturbed that Al-Arian was detained beyond his prison sentence, remains under house arrest and is facing further charges and imprisonment, despite the fact that he has agreed to be deported and that he is clearly unwilling to provide further testimony, and indeed according to his understanding has been exempted from doing so. The continuing prosecution and imprisonment of Al-Arian is giving rise to fears that he is being targeted for his opinions about the Palestinian cause.

Attacked

***Tedros MENGHISTU WONDEFRAH:** Eritrean publisher and editor of *Selam*, a Tigrinyan-language, monthly newsletter printed in Houston, was reportedly attacked by supporters of Eritrean President Isaias Afwerki when he tried to attend a public event in eastern Texas on 9 May 2010. A flier for the event called for Eritreans to attend the seminar to affirm their opposition to sanctions imposed by the United Nations Security Council in December 2009 over accusations that Eritrea has been backing Islamist insurgents in Somalia. Before the event began, the organizers reportedly spotted Menghistu, who is well-known for his critical reporting on the Eritrean government, and urged the crowd to force him to leave the room. According to Menghistu, up to a dozen assailants punched and scratched him, breaking his spectacles and stealing his notebook and tape recorder. He required hospital treatment for cuts to his face and head and injuries to his neck, and almost three weeks later was still in need of treatment for his neck injury. As of 27 May, the police were investigating the incident but no arrests had been made.

VENEZUELA

Killed: official investigation ongoing

Orel ZAMBRANO: editor of the political weekly *ABC de la Semana* and columnist for the regional daily *Notiatarde*, in Valencia, Carabobo state, was shot dead on 16 January 2009. The motive of the crime was not known, although it was thought that Zambrano may have been targeted for a recent article on drugs trafficking. Zambrano (62), who was also vice-president of a radio station as well as a university professor and lawyer, was walking from his car to a film rental store in Valencia when he was approached by two men on a motorbike, one of whom shot him three times at close range. The assailants then fled. Zambrano died at the scene of a bullet wound to the head. He had reportedly covered several drug trafficking cases in recent weeks. One story in particular was on an influential business family in the region, the Makleds, three members of which were arrested in possession of 400 kilos of cocaine on 14 November 2008 and are now the subject of an investigation by the national prosecutor's office. The Public Ministry (Ministerio Público) said that the judicial police had opened an investigation into Zambrano's murder. The circumstances of his death have given rise to speculation that a paid assassin was responsible. **Investigation:** On 16 February 2009, former policeman Rafael Segundo Pérez Martínez was detained in Carabobo on suspicion of having ordered Zambrano's murder. On 21 February 2009, an arrest warrant was issued for two men who were accused of carrying out the crime, serving policeman David Yáñez Inciarte and another man, Arístides José Carvajal Salgado. The suspects reportedly belong to a gang known as "Los Piloneros", who were responsible for killing witnesses and others who assisted the ongoing investigation into the Makled family's connection to drug trafficking. Zambrano had criticised both the Makleds and the gang in his reports prior to his death. On 12 March 2009, the Public Prosecutor's Office reportedly asked INTERPOL to capture Walid Makled, whom the Department of Scientific, Penal and Criminal Investigations has accused of being the mastermind behind Zambrano's murder, along with Pérez Martínez. Another suspect, José Manuel Duque Daboín, was reportedly detained on 18 July 2009. **New information:** On 19 May 2010, former policeman Rafael Segundo Pérez was found guilty of conspiracy charges related to Zambrano's murder and sentenced to 25 years in prison. The court found that Pérez had monitored Zambrano's daily routine and provided the information to the killers. Pérez was also convicted of participating in the 2009 killing of a local veterinarian. The authorities allege that Walid Makled planned the crime, while David Antonio Yáñez Inciarte, Arístides José Carvajal Salgado and another member of Los Piloneros, Víctor Reales Hoyo, carried out the killing. Yáñez was reportedly arrested during a police drug raid in Morón, Carabobo state, on 21 February 2010; Reales and Makled remain at large. Carvajal reportedly died in a shooting involving the Venezuelan investigative police, it was reported in March 2010.

On trial

Leocenis GARCÍA: editor of *Sexto Poder* magazine and journalist for the daily newspaper *Reporte Diario de la Economía*, is on trial for allegedly causing damage to property, carrying a gun without a permit and resisting arrest. He was imprisoned for more than two years, from 3 May 2008 to 6 July 2010. It is feared that the case may be linked to his legitimate activities as a journalist. **Details of arrest:** On 3 May 2008, García was arrested along with his assistant and his driver after being

accused of causing damage to property at the offices of another newspaper, *El Periódico*, carrying a gun without a permit and resisting arrest. According to his lawyer, García had gone to *El Periódico*'s offices in order to collect payment for an advertisement for an airline (reportedly linked to one of *El Periódico*'s shareholders) that had been published in *Sexto Poder*, and to interview the vice-president of *El Periódico* about one of the newspaper's owner's alleged links to drug trafficking. Initially held at the Intelligence and Prevention Services headquarters (Dirección General de los Servicios de Inteligencia y Prevención, DISIP) in Valencia, Carabobo, García was transferred to Tocuyito prison in Carabobo at the end of May 2008. **Concerns:** García was reportedly beaten and given electric shocks while in the custody of the Carabobo police. There are fears that the case against him may in fact stem from his critical reporting. It is understood that over the year prior to his arrest, García had been investigating alleged corruption at the state-owned petroleum company *Petróleos de Venezuela (PDVSA)*, and was being sued for defamation by an influential businessman who is close to PDVSA and whom García had denounced as having links to drugs trafficking. García denies ever possessing a gun and has stated that he believes his case is political and is being used to send a warning to Venezuelan journalists. His lawyer has alleged a series of irregularities in the legal case against García, including inconsistencies in police statements on how his arrest came about. **New information:** On 20 May 2010, García's detention was extended by one year, following a request by the Public Prosecutor's Office. His preliminary hearing had been suspended more than 70 times. García began a hunger strike on 30 June to call for the presiding judge to withdraw from his case. On 6 July 2010, the court ordered García's release after 26 months' detention without trial. According to García's lawyer, the release came as a result of an injunction. The tribunal set 19 July as the date when García's preliminary hearing was to commence. García was reportedly transferred to a health centre on his release from prison as he had spent seven days on hunger strike, during which time he had reportedly not received any medical attention.

Threatened

***Tarquino GONZÁLES CONCHO:** journalist for the newspaper *La Prensa*, reportedly received a threatening SMS message on 4 June 2010. The message, which originated from a number outside Venezuela, stated that González was being "watched by anti-imperialist factions, from both within and outside the country." He was warned not to meddle with journalists who are considered "illegal". At that time González was a candidate for the position of secretary general of the National Journalists' Association (CNP) in Barinas and received the message after referring to his plans to tackle illegal journalism if he is elected.

***Carmen MARÍN DE FINOL (f):** journalist for the regional newspaper *La Mañana*, along with a photographer for the same publication, was reportedly threatened by political leaders with links to the government in Falcón state on 8 June 2010. The threats following the newspaper's publication that day of a story alleging that food products produced under the government's brand name *Venezuela Socialista* and distributed by social programmes were being wasted. A former governor of Falcón state and a councillor in the Falcón State Legislative Council (CLEF), made statements on radio and TV programmes denying the reporter's allegations. They also claimed that the images used in the story were fabricated in collaboration with the opposition in order to destabilise the government, and threatened to sue the two journalists. The photographer has reportedly received phone calls accusing him of having "sold out",

being “revolting” and wanting to “overthrow the government.” The newspaper’s lawyer reportedly intended to report the threats to the offices of the Public Prosecutor and Ombudsman.

***Estela TAMI:** editor-in-chief of the newspaper *La Prensa*, was reportedly threatened by public officials and groups related to the ruling party in Barinas state in April 2010. At a public meeting called by the Regional Information Office of the Ministry of Communication and Information on 21 April, the vice-president of the Regional Legislative Council reportedly called *La Prensa* “swine” and “sensationalist” and accused the newspaper of “distorting information” and “lying”. This was prompted by an 18 April piece in *La Prensa* about “communication guerrillas”, groups allegedly set up by President Hugo Chávez to counteract information disseminated by media outlets which are critical of the government. The official was also unhappy about another article on the possibility that a former Secretary of State may not run for office as a representative in the National Assembly; the governor of Barinas demanded that Tami reveal her sources for the story. On 22 April, Tami reportedly requested police protection for the paper’s staff after a source inside the “guerrillas” warned her that some of its members intended to “teach the paper a lesson”. Journalists from another newspaper, *De Frente*, received the same information, and also alerted Tami.

Harassed

***Mawampy BONILLO (f):** journalist for the newspaper *Panorama* and a photojournalist from another paper, were reportedly detained by the police in Mérida state on 13 May 2010. Bonillo was outside the cemetery with other journalists covering an exhumation of the body of a well known boxer when police officers demanded that she, the photojournalist and another bystander who was watching the proceedings accompany them to the police station. They were accused of “violating the confidentiality of the investigation” and were detained for four hours. They were also forced to delete the photos taken during the disinterment.

Non custodial sentence

***Gustavo AZÓCAR:** correspondent for the national daily newspaper *El Universal* based in San Cristóbal, author of the blog *Gustavoazocar* (<http://www.gustavoazocar.com/>) and host of a political talk show on a local television station. Azócar was detained for almost nine months pending trial for alleged corruption and fraud. In March 2010, he was sentenced to two and a half years in prison, but was released on parole. Azócar was detained on 29 July 2009 after posting information on his blog about a long-running legal case against him for alleged corruption and fraud in the assignment of a 2000 radio and TV advertising contract. He was arrested in March 2006 for allegedly failing to appear before a local court but was released 10 days later on the condition that he did not leave the country or speak publicly about the legal proceedings against him. On 29 July 2009, an arrest warrant was issued against Azócar on the grounds that he had breached these conditions by republishing news reports about the case on his blog. Comments on the case were also posted on the blog, although these were reportedly written by users rather than Azócar. According to Azócar’s lawyer, he had turned up for all his court appearances prior to his imprisonment and did not pose a flight risk. After numerous procedural delays, Azócar was sentenced to two and a half years in prison on an ‘administrative corruption’ charge on 26 March 2010, but was released on parole. He was acquitted on the charges of embezzling public funds and fraud. Azócar was ordered to report to a judge each week and is banned from changing his address and from running for public office. Reportedly an outspoken critic of President

Hugo Chávez, Azócar has been active in Venezuela’s opposition movement and had reportedly expressed an interest in running for the National Assembly in September 2010. The journalist said he would appeal.

Francisco “Pancho” PÉREZ: columnist with the daily newspaper *El Carabobeño*, was on 9 July 2010 found guilty of defaming the mayor of Valencia, Carabobo state, and was sentenced to three years and nine months in prison. The case stemmed from two columns published in October and November 2009 in which Pérez accused the mayor of appointing members of his family to key positions in Valencia. Pérez was reportedly allowed to serve his sentence at home since the jail term is shorter than five years. However, he was also banned from working in journalism for the length of the sentence, and fined 94,000 Venezuelan Bolivars (US\$21,000). Pérez intends to appeal the decision.

ASIA

AFGHANISTAN

Killed

***Sultan MUNADI:** Journalist, was shot dead in a British-lead military operation in Afghanistan on 9 September 2009. Munadi, aged 34, was working as an interpreter with *The New York Times* with British journalist Stephen Farrell when both were taken captive by a Taliban group near Chandara district, Kunduz Province, northern Afghanistan, on 5 September 2009. Mudani and Farrell were in the area covering a previous NATO air strike that had killed many civilians and Taliban militants. Farrell was rescued alive from captivity, but Mudani was killed on the site. From 2001 to 2005 Minadi was a member of the Kabul bureau staff of *The New York Times*. He worked as a production manager and interpreter, and as a reporter for an Afghan state radio station.

Kidnapped

***Ghaith ABDUL-AHAD:** Iraqi correspondent for the London-based *Guardian* newspaper. Reportedly kidnapped with two Afghan colleagues on 11 December 2009. The journalists were captured in the north-eastern province of Kunar, close to the Pakistani border, where they were due to interview militia. The names of the Afghan journalists have not been published for their safety. On 15 December the three journalists were released unharmed.

Imprisoned: Main cases

Ahmed Ghous ZALMAI and Mohammad Ateef NOORI

Profession: Journalist and publisher respectively. **Date of arrest:** October 2007 and 18 November 2007 respectively. **Expires:** October 2027 and 17 November 2012 respectively. **Details of arrest:** Arrested for publishing a vernacular translation of the Koran. Zalmai claims that a copy of the translation was brought to the Tamim-e-Ansar Mosque, Kabul, by an unknown individual in September 2007, and was very well received by those present at the gathering. He was asked to use his posi-

tion as a well-known journalist and head of the publication department of the Attorney General's office to find a way to publish more copies of the translation. After obtaining the approval of Mullah Qari Mushtaq, leader of the Tamim-e-Ansar Mosque, he found a publisher. However, following the publication of the translation, fundamentalist groups, parliamentarians and clerics demanded an 'exemplary punishment' for those involved in the publication. Zalmai was arrested in October 2007 as he was trying to flee the country. His publisher Mohammad Ateef Noori was detained on 18 November 2007, and Mullah Mushtaq on 10 June 2008. **Details of trial:** Ahmed Ghous Zalmai was sentenced to twenty years in prison alongside Mullah Qari Mushtaq by a court in Kabul on 11 September 2008 under Article 130 of the Afghan Constitution for 'publishing the Koran in a Dari translation'. Publisher Mohammad Ateef Noori was reportedly handed down a five-year sentence. Dari is a Farsi dialect spoken in Afghanistan, and Article 130 renders Sharia law applicable to the case. It is said that the case stemmed from the failure to print the Arabic original of the Koran alongside the translation, as reportedly required by Islamic law in Afghanistan, and for alleged errors and misunderstandings in the translation. The translation in question was carried out by an Iranian living in the United States, and is publically available on the Internet: <http://www.quran-farsi.net/Quran/FarsiMenu01.htm> The men have publically apologised for the publication, and assert that they did not know they were doing anything wrong. The sentence was upheld on appeal by the Supreme Court. **Place of detention:** Dr Zalmai and Mullah Mushtaq are held at Policharkhi prison. Noori is thought to be held at a detention centre in Kabul. **Professional details:** Ahmed Ghous Zalmai has previously worked as TV and radio journalist, and headed the Afghanistan National Journalist Association. Mullah Qari Mushtaq is leader of Tamim-e-Ansar Mosque and said to be a well-respected religious figure.

Released

Sayed Parwez KAMBAKSH: Student at Balkh university and reporter for the local daily *Jahan-e-Naw* (*The New World*). Arrested on 27 October 2007 and handed down the death sentence, commuted to twenty years in prison, for blasphemy for distributing allegedly anti-Islamic literature. He was detained after allegedly downloading and giving to friends an article claiming that the Prophet Mohammed ignored women's rights. He was not the author of the article. He was also reportedly accused of possessing anti-Islamic books and starting un-Islamic debates in his classes. On 7 September 2009 the Afghan Ministry of Justice confirmed that Kambakhsh had been released two weeks earlier under a Presidential pardon. RAN 2/08 – 24 January 2008; Update #1 – 4 June 2008; Update #2 – 24 June 2008, Update #3 – 22 October 2008).

BANGLADESH

On trial, free on bail

Salah Uddin Shoaib CHOUDHURY: Editor of the tabloid weekly *Blitz*. Arrested on 29 November 2003 by security personnel at Zia International Airport in Dhaka. He was reportedly on his way to Israel to participate in a conference with the Hebrew Writers Association when he was arrested. Choudhury is believed to have been going to address a writers' symposium in Tel Aviv entitled *Bridges Through Culture*, and was scheduled to speak about the role of the media in establishing peace. Choudhury is known for his attempts to improve relations between Muslim countries and Israel, and has written articles against anti-Israeli

attitudes in Muslim countries and about the rise of al-Qaeda in Bangladesh, which had reportedly sparked debate in the Bangladeshi press and government prior to his arrest. Choudhury was accused of spying for Israel, and was repeatedly denied a bail hearing. He was released on bail on 2 May 2005 following appeals by PEN USA. His trial started on 5 April 2006, and is ongoing as of 31 December 2009. Choudhury continues as editor of *Blitz* and remains under pressure from the government and extremist groups for his critical writings. Most recently he was attacked in his newspaper offices on 22 February 2009. In October 2009 *Blitz* published a book written by Choudhury, on the rise of Jihadists in Islamic education schools. **Honorary member of:** USA PEN and English PEN. (Update #4 to RAN 23/04 - 26 March 07).

Brief detention

***F. M. MASUM:** Journalist for the English-language daily *New Age*. Reportedly detained on 22 October 2009 by the Rapid Action Battalion (RAB), a specialist counter-terrorist force, and held for around 10 hours during which time he was interrogated and tortured. The newspaper has recently carried articles linking the RAB to extra-judicial executions and drugs cases.

CAMBODIA

Imprisoned: Main case

HANG Chakra

Profession: Publisher and editor-in-chief of the Khmer opposition newspaper *Khmer Machas Srok*. **Date of arrest:** 26 June 2009 **Sentence:** One year in prison **Expires:** 25 June 2010 **Details of trial:** Charged with 'publishing false information' and defamation on 12 June 2009 for a series of articles published in his newspaper in early 2009 accusing a senior government minister of corruption. He was prosecuted under Article 62 of the UNTAC criminal code rather than the more liberal 1995 Press Law. Neither he nor his lawyer were present at the trial on 26 June 2009, in which he was sentenced to one year in prison. He was arrested after the trial and is appealing the sentence. **Place of detention:** Prey Sar prison, near Phnom Penh. **New information:** In late November 2009 it was reported that the King of Cambodia had expressed his interest in granting amnesty to Chakra.

CHINA

Imprisoned: Main cases

CHEN Daojun

D.o.b.: 22 December 1968 **Profession:** Dissident writer and journalist. **Date of arrest:** 9 May 2008 **Sentence:** Three-year prison sentence. **Expiry:** 8 May 2011. **Details of arrest:** Arrested near Chengdu City, Sichuan province for suspicion of inciting subversion of State power. Among a number of people detained whilst protesting the building of a chemical plant in the town of Pengzhou, 39 km outside Chengdu. He was initially charged in 13 June 2008 with 'inciting splittism', apparently for an article he published following the Tibetan democracy protests in March 2008 which condemned the Chinese government's violent crackdown on protesters that month. He has also written articles critical of the government and the politics of the Beijing Olympics. **Details of the trial:** Chen was handed down a three-year imprisonment sentence and three years' deprivation of political rights on 11 November 2008 by the

Intermediate People's Court of Chengdu.

At his trial, which took place on 5 November 2008 and lasted two and a half hours, no verdict was reached. However, on 11 November 2008 it was announced that he had been convicted of 'inciting subversion' in three of his articles published in overseas Chinese websites and a Hong Kong-based magazine. **Place of detention:** Detention Centre of the Public Security Bureau of Jintang County. **Honorary member:** Independent Chinese PEN. (RAN 27/08 – 21 May 2008; Update #1 to RAN 27/08 - 17 June 2008; Update #2 – 25 November 2008)

CHEN Shuqing:

D.o.b.: 26 September 1964. **Profession:** Dissident writer and leading member of Zhejiang Branch of the banned Chinese Democratic Party (CDP). **Date of arrest:** 14 September 2006. **Sentence:** 4 years in prison. **Expires:** 13 September 2010. **Details of arrest:** He went voluntarily to the Dagan Police Station, Hangzhou City, Zhejiang Province, after being summoned the previous day. On 17 October 2006 he was formally charged with inciting subversion for his critical articles published on various overseas Chinese websites such as Boxun, Minzhu Luntan, Dajiyuan, Yi Bao, Guancha, and Xin Shiji. **Details of trial:** Sentenced to four years in prison on charges of 'inciting subversion of state power' on 14 August 2007 by the Intermediate People's Court of Hangzhou City. The conviction is reportedly based on sentences quoted from various articles published and posted on the banned magazine of the Chinese Democratic Party, and overseas Chinese websites including *Boxun*, *Epoch Times*, *China Affairs Forum*, *China E Weekly* and *Duowei News*. His appeal was rejected by the Zhejiang High People's Court on 29 October 2007. **Place of detention:** Qiaosi Prison, Hangzhou City, Zhejiang Province. **Previous political imprisonment/problems:** Previously detained in 1999 for 4 months for setting up the banned Chinese Democratic Party. After his release, he trained to become a lawyer, but in 2005, after passing his exams, he was refused a lawyer's licence by the Justice Bureau of Zhejiang Province, who alleged his articles published online had violated China's Constitution. Chen challenged this ruling in court, but lost the case in both the lower and the appeal courts. He has since been subject to police harassment. **Honorary member:** Independent Chinese PEN

DU Daobin

D.o.b.: 1965 **Profession:** Dissident writer and member of the Independent Chinese PEN Centre. **Date of arrest:** 21 July 2008 **Sentence:** Two years and four months **Expires:** 20 November 2010 **Details of arrest:** Arrested at his workplace in Yingcheng City, Hubei Province, by National Security police who also searched Du's home and confiscated two computers and some letters. Du Daobin was on probation for "inciting subversion of state power", and was re-arrested for allegedly violating the terms of his probation. Police alleged that, while on probation, Du published more than a hundred essays on overseas websites, failed to report to the police regularly and did not notify the police when he travelled outside of his hometown and when he hosted guests at home. He is now required to serve the remaining two years and four months of his sentence. **Place of detention:** Hanxi Prison, Wuhan City, Hubei Province **Previous political imprisonment/problems:** On June 11, 2004, Du was convicted of "inciting subversion of state power" and sentenced to three years' imprisonment commuted to four years' probation and two years' deprivation of political rights. He was released after serving nearly eight months in prison. According to the court verdict, between July 2002 and October 2003, Du posted twenty-six

allegedly subversive and slanderous articles on internet websites such as Dajiyuan and New Century in China and abroad. He was a main case of International PEN. (RAN 37/08 – 23 July 2008)

GUO Qizhen

D.O.B.: 10 May 1958. **Profession:** Internet writer. **Date of arrest:** 12 May 2006 **Sentence:** 4 years in prison **Expires:** 11 May 2010 **Details of arrest:** Reportedly arrested at his home on 12 May 2006 and charged with 'inciting subversion of state power' on 6 June 2006. His arrest appears to be linked to his participation in a rotating hunger strike, which has been held by pro-democracy activists since 4 February 2006 to protest against human rights violations in China. The charges are based on his 34 articles attacking at the leadership of the Chinese Communist Party and government that were published on overseas websites. **Details of trial:** Sentenced to 4 years imprisonment, and three years' deprivation of political rights, for 'inciting subversion' on 17 October 2006. **Place of detention:** No.4 Prison in Shijiazhuang, the capital City of Hebei Province, Northern China. **Treatment in prison:** Denied full access to family visits, and said to be ill-treated. **Health concerns:** There are reports that he is in poor health and is in a fragile psychological state as a result of ill-treatment in prison. His health has reportedly deteriorated in prison due to the lack of adequate health care. In late March 2009 Guo's wife reported that she is allowed to visit him once every two or three months, and brings him medication for a form of gangrene, as prison authorities reportedly refuse to provide it. Guo is dependant on crutches and there are fears that he could lose the use of his leg. **Honorary member:** Independent Chinese PEN

GUO Quan

D.O.B.: 8 May 1968. **Profession:** Internet writer and activist. **Date of arrest:** 13 November 2008. **Sentence:** 10 years in prison. **Expires:** 12 November 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 'subverting the State power' on 19 December 2008. On 16 October 2009 a court in Jiangsu province sentenced Guo Quan to ten 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). **Previous political imprisonment/problems:** 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. (RAN 63/08 – 2 December 2008; Update #1 – 2 November 2009).

HADA

D.O.B.: 13 February 1955 **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 **Sentence:** 15 years in prison **Expires:** 9 December 2010 **Details of Arrest:** Arrested for founding the Southern Mongolian Democracy Alliance and publishing the underground journal, *The Voice of Southern Mongolia*.

Details of trial: Sentenced to 15 years in prison and 4 years deprivation of political rights on charges of “inciting separatism and espionage” on 6 December 1996. **Place of Detention:** No.4 Prison, Chi Feng City, Inner Mongolia. **Treatment in Prison:** Reportedly subject to ill treatment in detention. **Health Concerns:** Said to be suffering from a stomach ulcer and coronary heart disease, and his health is said to have deteriorated significantly in prison. **Honorary member:** PEN Canada, Independent Chinese PEN.

HU Jia

D.O.B: 25 July 1973. **Profession:** Leading activist and dissident writer **Date of arrest:** 27 December 2007. **Sentence:** Three and a half years in prison. **Expires:** 26 June 2011 **Details of arrest:** Reportedly arrested from his home by the Beijing Municipal Public Security Bureau on 27 December 2007 on “suspicion of incitement to subvert state power” for his critical writings and activism. **Place of detention:** Beijing Prison, Huangcun Town, Daxing District, Beijing, P.R China. **Details of trial:** On 3 April 2008, Hu Jia was convicted of ‘inciting subversion of state power’ for his critical online writings and dissident activities, after being tried on 18 March 2008 at the Beijing Municipal No. 1 Intermediate People’s Court. According to his lawyer, evidence presented against him in court included five articles published on banned overseas Chinese websites and two interviews given to the foreign media. He is also believed to be targeted for an open letter he signed, “The Real China Before the Olympics,” which demanded an end to human rights abuses in the run-up to the Olympic Games to be held in Beijing in August 2008. **Health concerns:** Hu Jia suffers from long-term health problems including cirrhosis of the liver, and there are serious concerns that his health is deteriorating in prison. On 22 December 2009 his wife reported that Hu’s health continued to be poor because he is not receiving adequate medical treatment for Hepatitis B. **Treatment in prison:** According to his wife, she visits Hu Jia once a month, for half an hour each time. After her visit on 21 July 2009, she reported that he had lost weight but that his morale is high. **Other information:** Hu Jia’s family have also been subjected to harassment and severe restrictions of movement since his arrest, and there are serious concerns for his wife **Zeng Jingyan**, who had a one-month-old baby at the time of Hu’s arrest and is herself under effective house arrest. Hu’s arrest appears to have been part of a crackdown on dissidents in the run-up to the Beijing Olympics. On 10 October 2008 it was announced that Hu Jia had won the Sakharov Prize for Freedom of Thought awarded by the European Parliament. **Previous political imprisonment/problems:** Hu and his wife Zeng Jinyan were placed under residential surveillance on 18 May 2007, as they were about to set off on a tour of Europe to promote their documentary film “Prisoners of Freedom City”. Hu is known for his activities on environmental and AIDS issues, and had been briefly detained in February 2006. **Honorary member:** Independent Chinese PEN. (RAN 1/08 – 9 January 2008; Update #1 – 7 April 2008; Updated #2 – 15 May 2008)

HE Depu

D.o.b: 28 October 1956 **Profession:** Dissident activist/writer. **Date of arrest:** 4 November 2002 **Sentence:** Eight years in prison. **Expires:** 24 January 2011 **Details of arrest:** Taken from his home by the police for questioning and held incommunicado in a form of ‘residence under surveillance’ until formally detained on 27 January 2003. He was a signatory of an open letter of 20 November 2002 calling for political reform. **Details of trial:** Tried on 14 October 2003 in a two-hour trial on

charges of “inciting subversion” for collaborating with the banned Chinese Democratic Party (CDP) and publishing essays on the Internet. Sentenced on 6 November 2003 to eight years in prison and two-year deprivation of political rights. On 20 December 2003 Beijing’s Court No.1 dismissed He Depu’s application for an appeal. **Health concerns:** Said to be in very poor health, to have lost a great deal of weight, a number of teeth, and to be suffering from a liver complaint. In need of vitamins and medication. **Treatment in prison:** Ill-treated in prison and denied access to family visits. In a letter to the President of the International Olympic Committee (IOC) dated 26 April 2008 and smuggled out of prison, he reports that prison conditions were worsening, particularly for political prisoners. **Professional details:** Took part in the Democracy Wall Movement in 1979 and founded the magazine *Beijing Youth* which was subsequently banned. Helped launch the now-banned China Democracy Party (CDP). **Previous political imprisonment/problems:** Lost his job with the Social Sciences Academy after standing as a candidate in the local election in 1990. Briefly detained several times for his political activities. **Honorary member of:** Suisse Romande, Independent Chinese PEN.

HUANG Jinqiu (aka Qingshui Jun)

D.o.b.: 3 September 1974 **Profession:** Internet essayist, writer and journalist. **Date of arrest:** 13 September 2003 **Sentence:** 12 years in prison, reduced by one year and ten months in November 2007, and again by 23 months in November 2009. **Expires:** 12 December 2011 **Details of arrest:** Arrested on 13 September 2003 after returning to China in August 2003 following three years overseas on a scholarship studying journalism at the Central Academy of Art in Malaysia. Well known in the overseas Chinese internet community for his essays published on the Chinese-language news website ‘Boxun.com’ under the pen-name Qing Shuijun (Mr Clear Water). In early September 2003, Huang Jinqiu visited his parents in Shandong Province; his last article was published on 10 September 2003, entitled ‘Me and My Public Security Friends’. **Details of trial:** Huang’s trial began on 22 June 2004 at the Changzhou Intermediate People’s Court. It is reported that the court was unable to reach a verdict initially because of lack of evidence, but after the case was referred back to the prosecution further evidence was submitted and he was convicted on 27 September 2004 of ‘organising, planning and performing subversion of state power by publishing a large number of reactionary articles on the Internet in his capacity as member of the preparatory committee of the China Patriotic Democratic Party’. He was sentenced to a twelve-year in prison and four-year deprivation of political rights. His sentence was upheld on appeal on 9 December 2004. **Professional details:** Huang Jinqiu trained at the Lu Xun Literature Institute, a leading writing school. His writings have been well-recognised from an early age, and at the age of twenty he published his first book. He has worked as a journalist and editor of several newspapers and magazines since the age of eighteen, including the Guanzhou daily *Yangcheng Wanbao*. His essays have been collected into two publications, one that is non-political and published under his real name, and one collection of political commentaries published for security reasons under his pen-name Qing Shuijun. According to his articles, which he continued to post on Boxun.com throughout his journey across China, he began to be followed by the secret police on 15 August 2003, first in Yunnan Province, then in Sichuan and through to Shanghai. **Place of detention:** Pukou Prison, Nanjing City, Jiangsu Province. **Treatment in prison:** In late June 2007 it was reported that Huang has not been required to carry out hard labour by the prison administration, and that

his health is good. **Previous political imprisonment/problems:** In early 2001, whilst he was overseas, his articles began to attract the attention of the Chinese authorities, which reportedly visited his parents and warned them of their concerns about him. He attracted further attention in January 2003 by announcing on Boxun.com his intention to found a political party, the China Patriot Democracy Party (CPDP). Although his announcement is said to have attracted a lot of interest, it is not thought that the CPDP was ever organised in practice. **Honorary member:** German, American, English and Independent Chinese PEN. (RAN 46/04, 6 October 2004).

HUANG Qi

D.o.b.: 7 April 1963 **Profession:** Internet writer, and director and co-founder of the Tianwang Human Rights Centre in Chengdu. **Date of arrest:** 10 June 2008. **Sentence:** Three years in prison. **Expires:** 9 June 2011 **Details of arrest:** Reportedly arrested after criticising the Chinese government's handling of the 12 May 2008 earthquake in Sichuan province. There were reports that he was last seen being forced into a car by alleged plainclothes police and was held incommunicado for a few months. On 18 July 2008, he was formally charged for illegally holding state secrets. His case has twice been handed back to the police by the prosecution for further investigation, and was re-submitted to the prosecution for the third time in mid-December 2008. **Details of trial:** The trial was scheduled to start on 2 February 2009, but the hearing was postponed for undisclosed reasons. In August 2009 the trial was finally conducted, and in a ten-minute hearing at Wuhou Court, Sichuan province, on 23 November 2009, Huang Qi was sentenced to a three-year imprisonment term for 'illegal possession of state secrets'. Reports say that no details of the trial were released, presumably because the trial dealt with 'state secrets'. According to the Committee to Protect Journalists (CPJ), the information that Huang posted on his website regarding governmental regulations on how complaints should function, was of public access on government websites. On 29 November 2009, Huang's appeal to the verdict was rejected. **Place of detention:** Detention Centre of Chengdu City, Sichuan Province. **Health concerns:** Huang Qi is reported to be seriously ill and his health is deteriorating rapidly in prison because he is not receiving the medical assistance he requires. He is said to have two tumors on his chest and stomach, and to be suffering from headaches and heart problems. Requests for medical parole from Huang's lawyers have not received any response. **Previous political imprisonment/problems:** Previously imprisoned on subversion charges from 2003 to 2005 for setting up a web site that investigated corruption, advocated democracy, and called for the release of those imprisoned in the wake of the Tiananmen protests. (RAN 32/08 – 16 June 2008).

KONG Youping and Ning Xianhua

D.o.b.: 1952 (Kong Youping) **Profession:** Internet writers and factory workers. **Date of arrest:** 13 December 2003 **Sentence:** 10 and 8 years in prison respectively. **Expires:** 12 December 2013 and 13 December 2011 respectively. **Details of arrest:** Kong Youping was reportedly arrested after posting five articles and seven poems on an overseas website challenging the official version of the "Beijing Spring" and alleging official corruption. The pair was also accused of posting online essays supporting the establishment of trade unions and the China Democratic Party (CDP). It is thought that the heavy sentences against the pair are related to growing workers' unrest in Northeast China where many factory workers for failing state enterprises are being laid off and an

organised labour movement is struggling to emerge. **Details of trial:** On 16 September 2004 the Shenyang Intermediate People's Court, Liaoning province, north-eastern China, sentenced both on charges of 'subverting state power' to 15 and 12 years in prison respectively. On appeal, their sentences were reduced to 10 and 8 years, respectively. **Place of detention:** Kong Youping is held at Lingyuan City prison, west Liaoning Province. Ning Xianhua is held at Shenyang prison, the capital city of Liaoning Province. **Health concerns:** Kong Youping is said to be suffering from high blood pressure and deteriorating eyesight. **Other information:** Kong Youping is said to be detained far from his home, and his wife is unable to afford to visit him. **Honorary member:** Independent Chinese PEN.

LU Gengsong

D.o.b.: 7 January 1956. **Profession:** Writer and human rights activist. **Date of arrest:** 24 August 2007 **Sentence:** 4 years in prison **Expires:** 23 August 2011 **Details of arrest:** Reportedly arrested in Hangzhou City, Zhejiang Province, on 24 August 2007, following the on-line publication of articles critical of the authorities. His home was searched and his computer and personal files were reportedly confiscated. Lu Gengsong was formally charged on 29 September 2007 with 'inciting subversion of state power', a charge which is often used to silence dissidents. The initial charge of 'illegal possession of state secrets' has been dropped. **Details of trial:** On 5 February 2008 Lu Gengsong was sentenced to four years in prison for 'inciting subversion of state power'. The appeal presented by Lu's defence was rejected on 7 April 2008. **Place of detention:** Xijiao Prison, Hangzhou City, Zhejiang Province, P.R. China. **Treatment in prison:** Reportedly held incommunicado, although his wife has been permitted to visit him. His wife reports that since mid-December 2009 Lu's main job has been to keep watch over prison bathrooms at night, leading to a deterioration in his health because he is forced to walk on waste-water soaked floors in the harsh winter cold wearing only thin cloth shoes. Lu also reports that prison guards have attempted to force him to sign a confession, but he has refused. **Health concerns:** On 10 December 2009 his wife visited him in prison and reported that he is suffering from infected and inflamed feet as a result of poor sanitation and ill-treatment in prison. **Professional details:** Lu Gengsong, a history graduate from Zhejiang University, taught at the Zhejiang Higher Professional School of Public Security before being expelled in 1993 because of his pro-democracy activities. He went on to become a freelance writer, and has published several books on political reform, including *A History of Chinese Community Party Corrupt Officials* in 2000. Lu is known for his reporting on human rights violations and his political commentaries published on the Internet. He is also an active member of the banned China Democracy Party (CDP). **Honorary Member:** Independent Chinese PEN Centre. [RAN 37/07 - 3 October 2007; Update #1 to RAN 37/07 - 6 February 2008].

LU Jianhua

D.o.b.: 03/07/1960. **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 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'. Convicted on 18 December 2006 to 20 years in prison for leaking state secrets to a Hong Kong reporter (Ching Cheong, see above) who was sentenced to five years for spying. 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).

LIU Xiaobo

D.o.b.: 28 December 1955. **Profession:** Prominent dissident writer, former President and current Board member of the Independent Chinese PEN Centre. **Date of arrest:** 8 December 2008 **Sentence:** Eleven years in prison. **Expiry:** 7 December 2019. **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 the trial:** On 25 December 2009 Liu was sentenced to eleven years in prison and two years deprivation of political rights on charges of ‘incitement to subversion of state power. On 29 December 2009 Liu Xiaobo’s lawyers announced that he would appeal against his conviction, and the appeal hearing is expected within the next six weeks. **Place of detention:** Public Security Bureau (PSB) Detention Centre in Douge Zhuang, Beijing. **Treatment in prison:** Since being transferred to a detention centre he reports “an improvement” in his conditions, as he now has regular outdoor time and five detainees in his cell with whom he can talk. During his six-month pre-trial detention he was held incommunicado in a windowless room without any outdoor time and with only two family visits. **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 of 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 has now been signed by more than 8000 scholars, journalists, freelance writers and activists. Recipient of American PEN 2009 Freedom to Write award. **Previous political imprisonment/problems:** 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:** Independent Chinese PEN Centre (ICPC) and Portuguese PEN Centre.

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 by Court No.1 in Chongqing, western China, on 19 February 2004 to ten years in prison each for writing and publishing respectively 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.

Abdulghani MEMETEMIN

D.o.b.: 1964 **Profession:** Writer, teacher and translator from the Xinjiang Uighur Autonomous Region (XUAR). **Date of arrest:** 26 July 2002 **Sentence:** 9 years’ imprisonment. **Expires:** 25 July 2011 **Details of arrest:** Reported in August 2004 to have been detained since July 2002 on charges of “sending secret state information out of the country”. Reportedly arrested in Kashgar on 26 July 2002. Since 1999 Memetemin had provided information on a voluntary basis to the East Turkistan Information Centre (ETIC), a Uighur rights and pro-independence group run by exiled Uighurs in Germany and described by China as a terrorist group although the group is not known to have advocated violence. **Details of trial:** Convicted in June 2003 by the Kashgar Intermediate People’s Court of “violating state secrets and sending them outside the country”. Sentenced to nine years in prison. Charges against him are believed to have included translating state news articles into Chinese from Uighur, forwarding official speeches to the ETIC, which is banned in China, and conducting reporting for the ETIC. Also accused of recruiting other reporters for the ETIC. Said to have been denied legal representation at his trial and to have been denied access to his wife and children since his arrest. Reportedly tortured in detention. **Honorary member of:** German and Independent Chinese PEN Centre (ICPC).

***LUO YONGQUAN**

D.o.b.: 24/06/72 **Profession:** Poet and dissident. **Date of arrest:** 20 May 2009 **Sentence:** Two years’ Re-education Through Labour (RTL). **Expires:** 19 May 2011 **Details of arrest:** Arrested by PSB officials from his home in Shaoguan City, Guangdong Province, after two of his poems were broadcast by New Tang Dynasty Television (NTDTV). **Details of trial:** Administratively sentenced in June 2009 for publishing ‘Anti-Government and Party’ poems. **Place of detention:** Sanshui RTL camp, Foshan City, Guangdong province. **Treatment in detention:** Said to be forced to do 12-13 hours a day of hard labour without sufficient food. Due to financial difficulties and his mother’s poor health, Luo is unable to pay for basic necessities in prison such as shoes and food. In October 2009 he issued an appeal for help. **Other information:** He is a member of the China Democratic Party (CDP) and a signatory of Charter 08. **Previous political imprisonment/problems:** In 2001 he was sentenced to three years’ RTL for his membership of the CDP.

Qi Chonghui

D.o.b.: 7 February 1965. **Profession:** Journalist. **Date of arrest:** 25 June 2007 **Sentence:** Four years in prison. **Expires:** 24 June 2011. **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. He was arrested and tried with freelance reporter He Yanjie, see ‘released’ below. A photographer, Ma Shiping, was also detained for publishing photos in the article. 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. **Place of detention:** Tengzhou Prison, Tenzhou City, Shandong Province. Reportedly transferred to Zaozhuang prison on 16 June 2009, unclear whether this was a temporary transfer. **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 ten hours a day in a coal mine, without adequate food, water or rest, and his health has seriously deteriorated. **Health concerns:** 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. For much of 2009 he has been denied access to his family, leading to heightened concerns for his well-being. Qi was allowed to call his wife on 19 October 2009, who reported that he feared for his life. **Professional details:** Qi Chonghui has been a journalist for 13 years before his arrest. From 2004-6, 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 Shangdong province. He is said to have been repeatedly warned by the authorities to cease such reporting prior to his arrest. **Honorary member of:** Independent Chinese PEN Centre

SHI Tao

D.o.b.: 25 July 1968 **Profession:** Journalist and poet. Member of Independent Chinese PEN Centre (ICPC). **Date of Arrest:** 24 November 2004. **Sentence:** 10 years' imprisonment. **Expires:** 25 November 2014 **Details of Arrest:** Arrested at his home in Taiyuan, Shanxi Province, northwest China, by police from Changsha National Security Bureau, southern China. They also confiscated his writings, computer and other personal belongings. According to Xinhua, the government run news agency, he had been found guilty of 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:** Shi Tao was sentenced on 30 April 2005 to ten 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. He was not allowed to attend the appeal hearing, and his mother has applied for a review of the appeal on procedural grounds. **Professional Details:** Shi Tao has worked as a freelance journalist for several newspapers including the Changsha-based daily *Dangdai Shang Bao (Contemporary Trade News)*, which he left in May 2004 in order to return to his home city of Taiyuan. He has also written a number of articles, including political commentaries, for online forums, in particular the overseas Chinese web site *Min Zhu Lun Tan (Democracy Forum)*. He has published several books of poetry. Recipient of the Committee to Protect Journalists (CPJ) International Press Freedom Award 2005. **Place**

of Detention: Deshan Prison, Postbox: 56-4, 415001 Changde City, Hunan Province. **Health concerns:** Since his transfer to Deshan Prison in June 2007, his living conditions and health have reportedly improved, and he is no longer required to do hard physical labour. **Other information:** Recipient of CPJ's 2005 International Press Freedom Award, PEN America's 2006 Freedom to Write Award, WAN's 2007 Golden Pen of Freedom. **Honorary member of:** Sydney, German, Canada, New Zealand, Swiss Italian, Swiss German, American, English, San Miguel, Independent Chinese PEN Centre, Scottish and USA PEN.

WANG Rongqing:

D.o.b.: 9 December 1943 **Profession:** Magazine editor and dissident. **Date of arrest:** 25 June 2008 **Sentence:** Six years in prison. **Expires:** 9 May 2014 **Details of arrest:** Reportedly taken from home in June 2008, but not formally charged until 31 July 2008. Thought to be charged for his membership of the banned China Democracy Party (CDP), for editing a publication called *Opposition Party* and posting articles on the Internet. **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'. **Place of detention:** Held at Jianggan District Detention Centre in Hangzhou city. **Treatment in prison:** Said to have been denied family visits since his arrest. **Health concerns:** 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. **Previous political imprisonment/problems:** 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 on six months' medical parole on 12 January 2010, due to return to prison on 11 July 2010.]

WANG Xiaoning

D.o.b.: 7 January 1950 **Profession:** Internet writer and dissident. **Date of arrest:** 1 September 2002 **Sentence:** 10 years in prison. **Expires:** 31 August 2012 **Details of arrest:** Arrested on 1 September 2002 and charged on 30 September 2002 with subversion for articles published online between 2000 and 2002. **Details of trial:** Sentenced to ten years in prison and two-year deprivation of political rights on 25 July 2003 by the Beijing Municipal First Intermediary People's Court. Thought to be specifically charged for articles published in the on-line journals *Democratic Reform Free Forum* and *Current Political Commentary* between 2000 and 2002. The journals reportedly included articles written by Wang under his real name and pen name advocating democratic reform and criticising the authorities. The journals were reportedly distributed by email through Yahoo! groups that Wang established anonymously in mainland China and Hong Kong. Wang published his articles on a number of web sites in China and overseas. Wang was also accused of advocating the establishment of the 'China Third Road Party' and communicating by email with the leader of the China Social Democratic Party, which is banned in China. **Place of detention:** Beijing No 2 Prison, Chaoyang District, Beijing City **Treatment in prison:** Reportedly tortured. **Honorary member:** Independent Chinese PEN Centres.

WEI Zhenling

D.o.b.: 31 October 1968 **Profession:** Freelance reporter for the *Zhejiang Qingnian Bao* (Zhejiang Youth Newspaper) and activist from Hangzhou City, Zhejiang Province. **Date of arrest:** 25 July 2008 **Sentence:** 1 year and 9 months of 'Re-Education Through Labour' (RTL). **Expires:** 24 March 2010. **Details of arrest:** Reportedly detained on 25 July 2008 on suspicion of 'inciting subversion of state power' for his online critical reports and activism. **Details of trial:** Administratively sentenced in late August 2008 for allegedly 'gambling and frequenting prostitutes' several years ago. It is believed that he is detained for his dissident activities and writings, but that there was insufficient evidence to support the subversion charge on which he was first arrested. **Previous political imprisonment/problems:** Has reportedly been summoned and warned by police for his online reports and activities several times before. [Released on 15 January 2010 after his sentence was reduced by three months.]

WU Yilong

D.o.b.: 1 May 1964 **Profession:** Internet writer and China Democratic Party (CDP) activist. **Date of arrest:** June 1999 **Sentence:** 11 years' imprisonment. **Expires:** 14 September 2010 **Details of arrest:** Arrested for circulating pro-democracy articles on the Internet and for his work with the magazine *Zai Yedang* (*Opposition Party*). The CDP, founded in 1998, is an underground opposition party. **Details of trial:** Sentenced by the Hangzhou Intermediate Court in Zhejiang Province, eastern China, on charges of subversion on 9 November 1999. His sentence was upheld on appeal on 13 December 2006. **Place of detention:** Zhejiang No. 1 Prison and No. 4 Prison, Hangzhou City, Zhejiang Province, respectively. **Honorary member:** Independent Chinese PEN Centre (ICPC).

XU Wei and JIN Haike:

Profession: Reporter for *Xiaofei Ribao* (*Consumer Daily*), and geologist and writer respectively. **Date of arrest:** 13 March 2001 **Sentence:** Ten years in prison. **Expires:** 12 March 2011. **Details of arrest:** Arrested on 13 March 2001 and charged with 'subversion' for their participation in the 'Xin Qingnian Xuehui' (New Youth Study Group), an informal gathering of individuals concerned with political and economic inequalities who used the internet to circulate relevant articles. **Details of trial:** On 28 September 2001, the Beijing Intermediate Court initiated legal proceedings against Xu Wei, Jin Haike, Yang Zili and Zhang Honghai (see 'released' below), focusing on two essays circulated on the internet entitled 'Be a new citizen, reform China' and 'What's to be done', which allegedly demonstrated the groups' intention to "overthrow the Chinese Communist Party's leadership and the socialist system and subvert the regime of the people's democratic dictatorship". No verdict was announced at the time, and proceedings against the four writers recommenced on 21 April 2003. Lawyers for the four men argue that the failure to issue a verdict in the case violates China's Criminal Procedure Law, which stipulates that a court must pronounce judgement within six weeks of accepting a case. On 28 May 2003 Xu Wei and Jin Haike were sentenced to ten years in prison, and Yang Zili and Zhang Honghai to eight years. Their appeal was reportedly heard on 3 November 2003, and apparently turned down. **Health concerns:** It was reported in February 2008 that both men were suffering from acute medical problems, some of which do not appear to have been properly diagnosed, and for which they are not receiving appropriate medical attention. Jin Haike, who received abdominal surgery in November 2007, is reportedly in acute pain. Xu Wei was reportedly subjected to ill-treatment in prison. In March 2009 Xu Wei was reported to have been transferred to a peniten-

tiary in Yanqing, northwest of Beijing, after developing a mental illness whilst imprisoned. **Other information:** Xu Wei was awarded the 2003 Canadian Journalists for Free Expression (CJFE) International Press Freedom Award. **Place of detention:** Jin Haike remains held in Beijing Prison No. 2. **Honorary member of:** Ghanaian and Independent Chinese PEN. (Update #1 to RAN 29/03 - 26 February 2008; Update #2 - 18 March 2009)

XU Zerong

D.o.b.: 14 January 1954 **Profession:** Research professor at Zhongshan University, Guangzhou. **Date of arrest:** 24 June 2000 **Sentence:** 13 years' imprisonment, reduced twice by 19 months in total in 2006 and 2008. **Expires:** 23 November 2011 **Details of arrest:** Arrested in the city of Guangzhou, south China, and formally charged on 29 July 2000 in connection with "the illegal publication of books and periodicals...since 1993". According to official sources, Xu had confessed to his crimes. **Details of trial:** Sentenced on 20 December 2001 by Shenzhen Intermediate Court to ten years' imprisonment for leaking state secrets and five years' imprisonment for illegal business activities, combined as 13 years in prison. It appears that the first set of charges relate to his use of documents concerning Chinese military operations in the Korean War (1950-53), gathered in the course of his research; the second set of charges are thought to relate to the allegedly illegal publication of books and periodicals and the sale of book authorisation numbers since 1993. The Guangdong Province Higher People's Court upheld Xu's conviction on appeal in late December 2002. His sentence has been reduced twice in 2006 and 2008 by a total of 18 months. **Place of detention:** Moved to Rican Prison, Guangzhou City, Guangdong Province. Said to be held in the section of the prison reserved for elderly and sick prisoners. **Treatment in prison:** International attention is said to have resulted in better treatment by prison authorities, including the transfer to a prison with more modern facilities. In October 2008 his daughter expressed thanks to International PEN on behalf of Xu and his family for support to Xu in prison. **Health concerns:** Believed to suffer from high blood pressure and other serious health conditions although no further details have been disclosed. His family is applying for medical parole. **Professional details:** Xu's research specialised in Chinese Communist Party history, military history and China's relations with Southeast Asia. He received his doctorate from St. Anthony's College, Oxford University, in 1999. His doctoral thesis covered Chinese military intervention into the Korean War. In the 1980's, Xu moved to Hong Kong where he gained permanent residency. Whilst there he reportedly set up a publishing house and was active in publishing the journal *Chinese Social Sciences Quarterly*. He was also reportedly an assistant researcher for the official Xinhua News Agency. At the time of his arrest, Xu held the positions of Associate Research Professor at the Institute of Southeast Asian Studies (Zhongshan University, Guangzhou) and Affiliated Professor of the Provincial Guangzhou Academy of Social Sciences. **Other information:** Recipient of Independent Chinese PEN's 2009 Writer in Prison award. **Honorary member of:** Ghanaian and Independent Chinese PEN Centre (ICPC).

YANG Maodong (aka Guo Feixiong)

D.o.b.: 2 August 1966. **Profession:** Dissident writer, independent publisher and civil rights activist. **Date of arrest:** 14 September 2006. **Sentence:** 5 years in prison. **Expires:** 13 September 2011 **Details of arrest:** Reportedly detained on 14 September 2006 when according to his wife, police officers searched their home in Guangzhou City, Guangdong Province, Southern China, and took away Yang's computers,

cell phone, books, manuscripts and other documents. The following day Yang was reportedly charged with illegal business practices for allegedly publishing and selling 20,000 books using false ISBNs (international standard book number). **Details of trial:** Convicted of 'illegal business activity' and sentenced to five years in prison by the Tianhe District Court in the southern city of Guangzhou on 14 November 2007. He has decided not to appeal his sentence. **Place of detention:** Meizhou Prison, Meizhou City, Guangdong Province, southern China. **Treatment in detention:** There are reports that he is being ill treated in detention. **Health concerns:** Said to be in poor health as a result of ill-treatment in prison. **Previous political imprisonment/problems:** Yang Maodong is known for his critical writings and civil rights activism. He was previously detained on 12 September 2005 and held without charge until December 2005 for his involvement in and reporting of an anti-corruption campaign by villagers in Taishi Village, Guangdong Province. Yang has since been subject to repeated harassment by the authorities. **Professional details:** Yang Maodong is a writer and independent publisher, and his writings include two novels and one collection of short stories. He has also published many essays, poems and articles. **Honorary member of:** Independent Chinese PEN Centre

YANG Tongyan (aka Yang Tianshui)

D.o.b.: 12 April 1961 **Profession:** Dissident writer and member of Independent Chinese PEN Centre (ICPC). **Date of arrest:** 23 December 2005 **Sentence:** 12 years in prison **Expires:** 22 December 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, organizing branches of the (outlawed) China Democracy Party and accepting illegal funds from overseas. Sentenced by the Zhenjiang intermediate court in eastern China's Jiangsu province at a three-hour trial on 16 May 2006. Yang Tongyan is known for his critical writings published on dissident news websites such as Boxun.com and Epoch Times. **Health concerns:** Yang suffers from a number of illnesses including intestinal tuberculosis, diabetes, kidney inflammation and high blood pressure. His health is reportedly worsening in prison due to lack of medical care, and he has been reportedly hospitalised since mid-September 2009. His family are appealing for medical parole. **Place of detention:** Nanjing Prison, Ningshuang Road 9, Box 1215-12, Nanjing City, Jiangsu Province. **Previous political imprisonment/problems:** 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. **Other information:** 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.

Nurehamet YASIN

D.o.b.: 6 March 1974. **Profession:** Freelance Uighur writer. **Date of arrest:** 29 November 2004. **Sentence:** 10 years in prison. **Expires:** 30 November 2014. **Details of arrest:** Nurmehamet 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 literary 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 Maralbish Country 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 Urumchi No. 1 Jail, where he remains detained. **Place of detention:** Urumchi No.1 Jail. **Treatment in prison:** Yasin has been permitted no visitors since his arrest and there are serious concerns for his well-being. **Professional details:** Nurmuhammet 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 said to be a mature writer with an established literary credential among Uighur readers. He is married with two young sons. **Honorary member of:** American, English and Independent Chinese PEN Centre (ICPC). **Other information:** Yasin was sentenced together with Korash HUSEYIN, editor of the Uighur-language *Kashgar Literary Journal*, who was released February 2008 (See 'Released' below).

***YUAN Xianchen**

D.o.b.: 2 November 1964 **Profession:** Human rights activist and dissident writer. **Date of arrest:** 29 May 2008 **Sentence:** Four years in prison. **Details of arrest:** Arrested by the Public Security Bureau of Jixi City, Heilongjiang Province, reportedly for writing and distributing dissident articles, and giving interviews with overseas media. **Details of trial:** Sentenced on 4 March 2009 by the Intermediate People's Court of Jixi City, to four years in prison and five years of deprivation of political rights, for 'Inciting subversion of State power' under Article 105(2) of the Chinese Criminal Code. Reports say that there were four counts against him: distribution of the article 'Save China, Implement Constitutional Democracy' to attendants at the National People's Congress in Beijing in 2005; giving interviews to the *Epoch Times* and other media; drafting over twenty articles against socialism; and receiving funds from local and overseas organisations. There are allegations that Yuan was ill-treated while in police custody and that a confession obtained in this manner was used at the trial. **Place of detention:** 1st Detention Centre of Jixi City, Heilongjiang Province. **Honorary member of:** Independent Chinese PEN Centre (ICPC).

ZHANG Jianhong (aka Li Hong)

D.o.b.: 2 June 1958. **Profession:** Prominent writer and member of Independent Chinese PEN. **Date of arrest:** 6 September 2006. **Sentence:** 6 years in prison. **Expires:** 5 September 2012 **Details of arrest:** According to his wife, more than 20 police officers raided his home in Ningbo City, Zhejiang Province, Eastern China. His computers were seized and his wife interrogated. On 12 October 2006 Zhang was formally charged with 'incitement to subversion of state power' for his critical articles published online on overseas websites. **Details of trial:** Sentenced on 19 March 2007 to six years in prison for writing articles criticising the government. The High People's Court of Zhejiang Province upheld the sentence on 21 May 2007. **Place of detention:** Transferred on 20 September 2007 to Qiaosi prison, in the eastern province of Zhejiang. **Health concerns:** Zhang was diagnosed in May

2007 with a form of muscular dystrophy, but did not receive any treatment until October 2007, when he was transferred from Qiaosi Prison to the Zhejiang Prison General Hospital. His condition is said to have worsened considerably as a result of prolonged lack of medical care. In mid-March 2009 it was reported that his illness is such that he can no longer write, however, prison authorities have repeatedly denied his requests for medical parole. **Previous political imprisonment/ problems:** He was imprisoned from 1989-1991 for his pro-democracy activities. In August 2005 he founded the literary website Aiqinhai.org (<http://www.aiqinhai.org/>), of which he was editor-in-chief, which was banned by the authorities in March 2006. **Professional details:** Zhang Jianhong is a leading writer in the region and is known for his dissident activities and prolific writings. He is also a regular contributor to the overseas Chinese sites *Boxun* (<http://www.boxun.com>) and *The Epoch Times* (<http://www.dajiyuan.com>). **Honorary member of:** Melbourne PEN.

ZHANG QI

D.o.b.: 30/03/1983 **Profession:** Internet writer and activist. **Date of arrest:** 26 June 2008 **Sentence:** 4 years in prison **Expires:** 25 June 2012 **Details of arrest:** Arrested on suspicion of 'inciting subversion of State power' whilst travelling in the area affected by the earthquake in Sichuan province which struck on 12 May 2008. He was formally charged on 20 June 2008 on suspicion of 'illegally obtaining state secrets', apparently for taking a photograph of an abandoned tank, but this charge was later dropped and he was tried on the more serious charge of 'inciting subversion' for his critical online writings and activism. **Details of trial:** Zhang was tried in a one-hour closed trial by the Intermediate People's Court of Chongqing City on 15 June 2009 and convicted of 'inciting subversion of state power' for his online dissident writings. He was sentenced to 4 years in prison on 8 July for eight articles published online. **Place of detention:** Detention Centre of Qixian County, Chongqing. **Treatment in prison:** Held incommunicado **Other information:** Zhang Qi is the Chongqing co-ordinator of the online political group Pan-Blue Alliance, which reportedly supports the government in Taiwan. **Honorary member of:** Independent Chinese PEN Centre.

ZHENG Yichun

D.o.b.: 27 January 1959 **Profession:** Poet, professor and freelance journalist **Date of arrest:** 3 December 2004 **Sentence:** 7 years in prison **Expires:** 19 December 2011 **Details of arrest:** Zheng Yichun was detained on 3 December 2004 and on 20 December 2004 arrested on a charge in connection with sixty-three articles he had written for foreign-based publications and websites. **Details of trial:** The Yingkou Intermediate People's Court, Liaonin Province, northeast China convicted Zheng Yichun, on 21 July 2005 of 'incitement to subversion of state power' for his critical writings, many of which were posted on-line on overseas web-sites. He was sentenced on 20 September 2005 to 7 years imprisonment and 3 years deprivation of political rights, and his appeal was rejected on 22 December 2005. **Place of detention:** Jinzhou Prison, Jinzhou City, Liaoning Province. **Health concerns:** Zheng Yichun is a diabetic. It was reported that on 26 May 2008 Yichun suffered cerebral thrombosis, which caused paralysis in part of his face and difficulty in moving his right arm. Zheng was sent to a hospital outside the prison, but was returned after doctors decided that his condition was not serious. Medical facilities in the prison are not able to treat his condition and his relatives are therefore said to be requesting his release on medical parole. **Professional details:** A member of the

Korean minority. Has published eight collections of poetry and nearly 200 essays and political articles. Publications to have recently carried his articles include *Da Ji Yuan* (*Epoch Times*) and websites such as *Boxun* and *Min Zhu Lun Tan* (*Democracy Forum*), all of them based abroad. Before his arrest, Zheng was also an English professor at the University of Liaoning. **Honorary member of:** PEN Canada, PEN Flanders and Independent Chinese PEN.

Imprisoned: Investigation

Ablikim ABDIRIYIM: Political activist. Sentenced to nine years in prison on 17 April 2007, on charges of 'posting secessionist articles online'. Abdiryim is the son of a renowned activist and belongs to the Uighur ethnic minority group. He was reportedly charged with trying to post two articles online, that he had downloaded on the Internet. According to the verdict, 'these articles distorted China' human rights and ethnic policies'. He was arrested in June 2006 and he is being held incommunicado. Chinese official sources name the articles concerned as 'Issues to be aware of and prohibited in Jihad' and 'Struggle toward independence'. Abdiryim's family reported that during his trial, he was denied legal representation. International PEN is seeking information that would clarify his position on the use of violence to achieve change. (AI considers him to be a prisoner of conscience).

Mehbube ABLESH (f): Uighur journalist and poet. Reportedly arrested in August 2008 after posting two critical articles online. According to PEN's information, journalist and poet Mehbube Ablesh, aged twenty-nine, worked for the Xinjiang People's Radio Station, a government-run station based in the provincial capital Urumqi, until she was dismissed from her post in early August 2008 and arrested. It is thought that she is held for being critical of Chinese government policy and the provincial leadership in Xinjiang Autonomous Region. She is believed to be held in Urumqi as of 30 June 2009, and no details of any charges have been made public. WiPC seeking confirmation that she remains detained and if so, further details of the charges against her. **Honorary member of:** Independent Chinese PEN.

***Dilixiati PAERHATI:** Editor of the Uighur website *Diyarim.com*, has reportedly disappeared since 7 August 2009. Reports say that he was taken from his home in Urumqi, in the Xinjiang Uighur Autonomous Region (XUAR), by unidentified men. His whereabouts remain unknown as of 31 December 2009. Paerhati was arrested on 24 July and interrogated for eight days about the 5 July 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. WiPC seeking further details.

FAN Yanqiong (f): Human rights defender and internet writer. Reportedly arrested on 26 June 2009 in Fuzhou City, Fujian Province, after posting articles online alleging official misconduct and corruption. Fan's husband reported that on 31 July 2009 she was charged with 'false accusation'. On 11 November 2009 Fan was tried at People's Court of Mawei District, Fuzhou City, Fujian Province. Fan is said to be in very poor health condition, but her request to be released on bail for medical treatment has been denied. She is been held at No. 2 Detention Centre of Fuzhou City. No verdict has yet being announced as of 31 December 2009. **Honorary member of:** Independent Chinese PEN.

GAO Zhisheng: Human rights lawyer. Reportedly arrested by security forces on 19 January 2009, and held in an undisclosed location since then. Gao has been under surveillance since December 2006, when he was given a three-year prison sentence, suspended for five years, for ‘inciting subversion’ for his critical postings online. In late November 2009, Gao’s family made a public plea to the Chinese authorities for information about his whereabouts. They claim to have received no information about Gao since his arrest, and to have been refused meetings with the authorities, leading to fears that he may have died in custody. WiPC seeking further information.

GUAN Jian: Reporter for the weekly *Wanglou Bao* (*Network News*), based in Beijing. Reportedly arrested on 1 December 2008 and held incommunicado since then. It is said that he had been investigating a case of alleged corruption in a land transaction in Taiyuan city, capital of the Shanxi province. Guan, aged 49, was detained at a hotel by police from the bordering province of Hebei. According to Beijing News, a source from the Public Security Department said that Guan had been charged with corruption, but no official statement has been given. WiPC seeking confirmation that he remains detained and of any charges against him.

***Hailaite NIYAZI:** Freelance journalist and former editor of the website Uighur Online (www.uighurbiz.net) 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. Niyazi’s family report that he is accused of ‘endangering national security’. Niyazi is currently detained in Tianshan Detention Centre, Urumqi, XUAR. Hailaite Niyazi, aged 50, 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 member of Uighur PEN Iham Tohti (see for more on ‘released’). RAN 56/09 – 19 November 2009 **Honorary member of:** Independent Chinese PEN.

TAN Zuoren: D.o.b.: 15 May 1954 Literary editor and environmentalist, was reportedly detained by police in Chengdu City, province of Sichuan, on suspicion of subversion, on 28 March 2009. He is being held at the Wenjuang Detention Centre, Chengdu City, Sichuan Province. On the day of his arrest, Tan’s home was raided by the authorities and his books and writings were seized. Tan is believed to be held for his investigation into the deaths of school children when school buildings collapsed after the Sichuan earthquake in May 2008. He had reportedly planned to publish his findings 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. Reports say that he was tried for ‘Suspicion of inciting subversion of State power’ on 11 August 2009, but that no verdict has been issued yet.

YANG Chunlin: Human rights defender, was reportedly detained in July 2007, and sentenced to five years in prison on 24 March 2008. Reports say that he had published articles on human rights and lands rights, and that in 2007 he helped gather signatures for the petition entitled ‘We want human rights, not the Olympics’. He said to have been a supporter of local farmers in Heilongjiang, whose land was confiscated without fair compensation. Yang was tried by the Jiamusi City Intermediate People’s Court, in Heilongjiang Province, on charge of ‘inciting subversion of state power’. He pleaded not guilty. There are reports that he was ill-treated while in police custody. WiPC seeking further details about his writings.

Brief detention

***ZHANG Lin:** Dissident writer, pro-democracy advocate and member of Independent Chinese PEN Centre (ICPC). Arrested on 3 December 2009 and sentenced to ten days’ administrative detention for ‘violating the provisions of supervision and management’ of his non-custodial sentence. Zhang Lin had recently served a five-year prison sentence for subversion, and was released on 12 August 2009 (see ‘released’ below). He is now serving four years’ deprivation of political rights. It is believed the ten-day sentence was for four telephone interviews he gave to overseas media appealing for medical parole for other imprisoned writers.

Attacked

***Liu MANYUAN:** Journalist for the newspaper *Guangzhou Daily*, was reportedly beaten by municipal security guards in the city of Dongguan, on 31 August 2009. The journalist was to cover a story of a murder, and went to the crime scene when two guards intercepted him. Manyuan was hospitalised following the assault. According to a local official, the attack was a consequence of lack of training of the guards, who after the incident were fired and fined.

Released

LI Zhi: Internet writer and financial official in the Dazhou municipal government, Sichuan Province. Arrested on 11 August 2003 for posting essays on an overseas website accusing Sichuan officials of corruption and joining the Chinese Democracy Party (CDP) through the Internet. Officially charged with ‘subverting state power’ on 3 September 2003. Sentenced to eight years in prison and four-years’ deprivation of political rights on 10 December 2003. In November 2008 it was reported that his sentence had been reduced by one year, and he was released on 10 November 2009 after a further reduction of nine months.

TAO Haidong: Internet writer and editor. Arrested on 9 July 2002 and sentenced to seven years in prison for “inciting subversion of state power” in his critical online articles. Released on 8 July 2009 on completion of his sentence.

YAN Zhengxue: Dissident writer and painter and member of Independent Chinese PEN. Arrested on 18 October 2006 and convicted of ‘inciting subversion of state power’ on 13 April 2007 for his critical writings published on overseas websites. Sentenced to 3 years in prison. Yan Zhengxue was released on 17 July 2009 due to a reduction of his sentence as a result of his ill health. Restrictions to his liberty remain as he has one year of deprivation of political rights, and during that time he must stay at his home in Taizhou city, Zhejiang province.

***Iham TOHTI:** Writer, academic and member of the Uyghur PEN Centre. Arrested on 6 July 2009 in Beijing after an online report in which he criticised Nur Bekri, Chairman of the Xinjiang Uyghur Autonomous Regional People’s Government for his perceived support of Han Chinese following the 5 July 2009 ethnic unrest in Urumqi in which hundreds died. On 22 August 2009 Tohti was released without charge, but remains under close restriction.

ZENG Hongling(f) (pen name: Shanshan): Retired worker at the Southwest China University of Science and Technology in Mianyang, Sichuan province, and internet writer. Arrested on 9 June 2008 by officers from the Public Security Bureau of Mianyang under suspicion of ‘illegally providing information overseas’. Charges are believed to relate to a series of online articles about her personal experience of the 12 May earthquake, entitled “The Accounts of My Personal Experiences of the Earthquake”. Her status remained unclear until late 2009, when it was

reported that she had been released without charge on 8 September 2008. **ZHANG Lin:** Dissident writer, pro-democracy advocate and member of Independent Chinese PEN Centre (ICPC). Arrested on 27 January 2005 for a number of 'subversive' articles he had written and subsequently posted on the Internet between August 2003 and January 2005. Zhang Lin was convicted of 'incitement to subversion' by the Anhui Intermediate People's Court on 28 July 2005 and sentenced to five years in prison and four-year deprivation of political rights. Zhang Lin was released on 12 August 2009, six months early.

Case closed

JING Jianfeng: Journalist for the *Democracy and Legal Times*, based in Guangdong province. Reportedly arrested and charged in October 2008 with 'obstructing official business', 'possessing stolen goods', and 'accepting bribes' between 24 April and 11 May 2008. It is said that he amassed over 7 million yuan by illegal means, although some reports said the charges could be trumped up and that he may be targeted for his reporting on official corruption. His trial was due to start on 24 October 2008 in Linxian Court, Luliang City. In late October 2009, PEN obtained information that Jing Jianfeng had spent one year in prison, and that he has been released. Case closed.

TIBET AUTONOMOUS REGION (TAR)

Imprisoned: Main cases

Kunchok Tsephel GOPEY TSANG

D.o.b.: 1970 **Profession:** Internet writer and editor of the Tibetan language website *Chomei* <http://www.tibetcm.com> **Date of arrest:** 26 February 2009 **Sentence:** Fifteen years in prison **Expires:** 25 February 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:** On 12 November 2009 he was sentenced 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. **Professional details:** *Chomei* website, which promotes Tibetan culture and literature, was created by Gopey Tsang and Tibetan poet Kyab-chen De-drol in 2005 and since then has been closely monitored by the authorities. It is said that the site was shut down several times during 2007 and 2008. Gopey Tsang also worked as an environmental officer for the Chinese government. **Health concerns:** There are fears for his health. **Previous political imprisonment/problems:** 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).

Dawa GYALTSEN

D.o.b.: 1969. **Profession:** Studied banking and accountancy, and worked for a bank. **Date of arrest:** November 1995 **Sentence:** 18 years imprisonment. **Expires:** November 2013 **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. **Details of trial:** In May 1996, Nagchu Prefecture Intermediate People's Court sentenced Gyalsten to eighteen years' imprisonment on charges of carrying out "counter-revolutionary propaganda". His brother Nyima Gyaltsen was sentenced to thirteen years' imprisonment for leading the protest. Three other monks co-accused with the Gyaltsen brothers were sentenced to lesser terms ranging from two-six years for their participation in the protest, and have now been freed on expiry of their sentences. **Place of detention:** Tibet Autonomous Region Prison (formerly Drapchi Prison), Lhasa. **Treatment in prison:** Said to have been severely tortured whilst under interrogation. **Honorary member:** PEN America.

Dolma KYAB

Profession: Writer and teacher. **Date of arrest:** 9 March 2005. **Sentence:** Ten and a half years in prison. **Expires:** 8 October 2015. **Details of arrest:** Dolma Kyab was reportedly arrested in the city of Lhasa for allegedly endangering state security in his book. 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. 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. **Details of trial:** Dolma Kyab was charged with 'espionage' and 'illegal border crossing'. His trial was conducted in secrecy. **Place of Detention:** Reportedly transferred to Xi'ning Prison, Qinghai Province, north-western China on 19 July 2007. **Health concerns:** Said to be in very poor health and has to do hard labour. **Honorary member of:** English, American and German PEN.

Paljor NORBU (aka Panjue Ruobu)

D.o.b.: 1927 **Profession:** Printer. **Date of arrest:** 31 October 2008 **Sentence:** 7 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, aged 81, 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'urang)**

Profession: Writer and editor **Date of arrest:** 27 July 2009 **Details of arrest:** It is thought he may be held for his articles on the suppression of the March 2008 protests in Lhasa and surrounding regions. He has been under surveillance for some time, and there are fears for his safety. **Place of detention:** He is being held without charge at a prison in Ruogai, Sichuan province, western China **Professional details:** He is the editor

of a banned literary magazine *Shar Dugri* (*Eastern Snow Mountain*) and author of a new collection of political articles entitled *Written in Blood*. Tashi Rabten is also a student at the Northwest Minorities University in Lanzhou. (RAN 33/09 – 11 August 2009)

Kunga TSEYANG (aka Gangnyi 'Snow Sun')

D.o.b.: c.1989 **Profession:** Tibetan writer and environmentalist. **Date of arrest:** 17 March 2009 **Sentence:** Five years in prison **Expires:** 16 March 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. **Professional details:** Tseyang studied at Labdrang Tashi Kyil monastery and the Institute for Higher Buddhist Studies. He has written many articles about Buddhism and Tibetan art and culture, including the widely-read, "China must apologize to His Holiness the Dalai Lama" Tseyang is also an environmental activist and a regular contributor to the Yutse Environment Department as a photographer. Tseyang lives in the Lungkar monastery in Golok county (eastern Tibet).

Imprisoned: Investigation

Drokrü TSULTRIM: Tibetan magazine editor of *Khawai Tsesok* (Soul of the Snow). Reportedly arrested in early April 2009 by the Chinese authorities from his room in Ngaba Gomang monastery, eastern Tibet. There are reports that he was arrested for his alleged anti-government articles in support of 'separatist forces' of the Dalai Lama. It is said that the authorities have suspended the publication of Tsultrim's magazine. There is no information on his whereabouts as of 31 December 2009.

Ludrup PHUNTSOK: Monk at Achog Tsenyi monastery. Reportedly sentenced on 28 October 2008 to 13 years in prison for helping to edit the book *Mahseng Zhedra*. WiPC seeking further information.

Case closed

Rangjung: Tibetan writer, singer and television presenter, was reportedly arrested at his home in Amdo Golok, eastern Tibet, on 11 September 2008, apparently for views expressed on his web blog: <http://www.tibetabc.cn/user1/lcjk/index.html> Rangjung (who like many Tibetans is known by one name only) is known for his outspoken pro-Tibetan views, and has published two books on Tibetan culture and history, *Dhung shen kharpo* (*Pure Loyalty*) and *Himalaya Reboed* (*Himalaya Call for Hope*). It was recently reported that Rangjun was released on 9 November 2008. (RAN 53/08 – 15 October 2008)

Ven.Richen SANGPO: Tibetan monk and writer. Reportedly subject to harassment and ill treatment by the authorities since August 2006, when he was released from one month's detention without charge. He was first arrested on or around 19 July 2006 and held without charge for a month, apparently for his critical writings. Although no charges have been brought against Ven.Richen Sangpo, it is thought he is targeted for his critical writings, most recently two unpublished works entitled *The Story of Blood* and *The Story of Lhasa*. He has since been subject to movement restrictions and repeated harassment by the authorities. He was reportedly arrested again on 4 April 2007 in Amdo Golak while on his way to a religious festival, and held for five days in various police stations and beaten by officers. He also claims to have been tortured whilst in police custody. He has since been living in hiding in rural Tibet. No further information as of 31 December 2009, case closed.

EAST TIMOR

Case closed

Jose Antonio BELO: Editor-in-chief of the *Tempo Semanal*, faced charges of criminal defamation under articles 310, 311 and 312 of the Indonesian Penal Code after publishing an article on alleged corruption and nepotism at the Ministry of Justice on 12 October 2008. On 13 November 2009 Belo received a letter of notification dated 15 June 2009 of the General Prosecutor's decision to close the criminal case against him because the New Criminal Code decriminalised defamation. On 8 September 2009 the East Timor President awarded Jose Antonio Belo and *Tempo Semanal* with a medal for their courage in journalism. Case closed, no longer under threat.

FIJI ISLANDS

Sentenced: non-custodial

Rex GARDENER and Netani RIKA: Publisher and editor-in-chief of the *Fiji Times*, received a suspended sentence on 22 January 2009 over the publication of a letter that criticised the validation of the military coup of 2006. Rika was sentenced to three months in prison, suspended for two years; while Gardener was discharged on condition of good behaviour for one year. The *Fiji Times* published admission of content admitting guilt; however, it was fined FJD\$100,000 (approx. US\$54,000) by the High Court.

INDIA

On trial

***Laxman CHOUDHURY:** Journalist for the newspaper *Sambad* and correspondent for the *Oriya* daily, based in Gajapaty, western state of Orissa, was arrested on 20 September 2009. Reports say that he was charged with 'sedition' for alleged possession of Maoist leaflets. However, it is believed that Choudhury's arrest might be retribution for his reports on alleged police corruption. Choudhury's colleagues said that various journalists receive Maoist leaflets by mail on a regular basis, and therefore this cannot be seen as having links to this movement. On 3 December 2009 Choudhury was released on bail. The trial continues.

***A. S. MANY:** Editor of the Tamil weekly *Naveena Netrikkan*, is on trial on charges of criminal defamation, filed by a businessman in October 2009. Many was detained on 25 October 2009 without an arrest order and held at Chennai prison before being released on 27 November 2009. The charges allegedly respond to a piece published in the weekly, two days before Many's arrest, alleging corrupt that the businessman was involved with political corruption.

***Murzban SHROFF:** Mumbai-based writer. Facing charges for his debut book *Breathless in Bombay*, which is a collection of short stories published in February 2008 by St. Martin's Press U.S. and Picador India. **Details of charges:** According to PEN's information, Shroff was charged in February 2009 under Section 153 (b) of the Indian Penal Code for allegedly making statements prejudicial to national integration in the book *Breathless in Bombay*. The charge carries a maximum penalty of three years in prison. The complaint was brought by an activist who objected to certain dialogues including the word 'ghati' (a derogatory term for a person of maharashtrian descent) in 'This House of Mine', one

of fourteen stories in the collection. The term is used by one of the characters in the story, which the complainant alleges “lowers the reputation and image of Maharashtrians.” Shroff maintains that the book explores the issues of class divide and class biases, and that the views of the fictional character who uses the word are not representative of those of the author. The complaint was brought a year after the book was published, and there has been no evidence of unrest although Shroff and his family was provided with police protection in April 09, following fears that publicity surrounding the case could lead to a politically-motivated attack. On 23 September 2009 the police submitted a report to the Metropolitan Court stating that their investigation of the case found that the story had a unifying and not a divisive message, and recommending that the charges be dropped. The court hearing scheduled for 2 December to hear this case was postponed because the complainant and his lawyer were absent, and is now scheduled for 30 January 2010. **Second complaint:** lodged against Shroff in Kodaikanal, South India, on 21 November 2009 under articles 292 and 293 of the Indian Penal Code for another story, ‘Traffic’, in the same book, which the complainant alleged to be ‘obscene.’ Again, statements have been taken out of context and selectively presented to depict the work as obscene. The next hearing of this case is 30 December 2009. **Other information:** The book has been favorably reviewed by forums such as *Publishers Weekly*, *Kirkus Review*, *Booklist*, and the BBC Asian Network. It was shortlisted for the 2009 Commonwealth Writers’ Prize in the best first book category from Europe and South Asia.

Brief detention

***B. LENIN:** News editor of the Tamil newspaper *Dinamala*, was reportedly arrested at the newspaper’s headquarters in Chennai, in Tamil Nadu Province, on 7 October 2009. Lenin’s arrest stemmed from a report in which an actress referred to allegations of prostitution in the film industry. The editor was sentenced in a summary trial to fifteen days in judicial custody. On 9 October 2009 Lenin was granted conditional bail.

Case closed

Lenin KUMAR ROY: Writer and editor of the quarterly magazine *Nishan*. Reportedly arrested on 8 December 2008 for his book allegedly condemning Hindu extremists for supporting a campaign causing inter-communal violence. Kumar Roy was reportedly been charged under Articles 153-A and 295-A of the Indian Penal Code for publishing ‘provocative literature likely to disturb peace and communal harmony’. On 17 December 2008 Kumar Roy and his assistants were released on bail. Case closed for lack of further information.

Ravindra KUMAR and Anand SINHA: Editor and publisher respectively of the Indian newspaper *The Statesman*. Reportedly charged with ‘offending religious feelings’ under Section 295 A of the Indian Penal Code on 11 February 2009. It was reported that the charges were linked to the publication of an article entitled “Why should I respect these oppressive religions?” written by British journalist and writer Johann Hari, which provoked public demonstrations, mainly by some Muslim groups. Kumar and Sinha appeared in a Court in Calcutta and were granted bail. Kumar has reportedly made a public apology for publishing the piece. Case closed for lack of further information.

B. V. SEETARAM: Editor-in-chief of *Chitra Publications*, reportedly arrested in early January 2009 on defamation charges filed against him two years earlier. Chitra’s principal publication is said to be the evening newspaper *Karavali Ale*, which allegedly has been facing difficulties with its distribution due to political intervention. According to press

reports, on 3 February 2009 the Karnata High Court declared that B. V. Seetaram’s arrest was illegal and imposed costs of Rs 10,000 on the State. The decision was a result of the Habeas Corpus petition filed by Seetaram’s wife, and the editor was released immediately. Case closed, no longer under threat.

INDONESIA

Sentenced

***Khoe Seng SENG and Kwee Meng LUAN (f):** Kiosk owners, were given a suspended sentence by the East Jakarta District Court on 15 July 2009, for their letters of complaint published in the *Kompas* daily’s letters-to-the-editor section. Both kiosk owners received a six-month suspended sentence for defaming the developer of the shopping centre where their kiosks are based. The kiosks had been purchased over twelve years ago, in the understanding that they were part of the shopping centre, however, recently Seng and Luan discovered that their kiosks had been built in land that belongs to the local administration.

MALAYSIA

Case closed

Raja Petra KAMARUDIN: Internet writer and editor of the website *Malaysia-today*. Reportedly arrested and charged with seditious on 6 May 2008 for an article he published on 25 April 2008 entitled “Let’s send the Altantuya murderers to hell”, available on http://www.malaysia-today.net/2008/index2.php?option=com_content&do_pdf=1&id=6604. The article allegedly contained seditious wording including allegations that the Prime Minister might be covering evidence of a murder that occurred in 2006. He pleaded not guilty to the charges, and was sent to prison then released on bail on 9 May 2008. The trial started on 6 October 2008. On 11 November 2009 it was reported that a court in Malaysia had temporarily dropped the trial of Raja Petra Kamarudin because his whereabouts are unknown. It is believed that earlier in the year he had gone into hiding outside Malaysia. Case closed.

MALDIVES

Case closed

Hammed Abdul KAREEM: Former editor of *Manas* magazine, was reportedly charged with criminal defamation by the general prosecutor and proceedings started in early June 2009. It is believed that the case is linked to an article Kareem wrote for *Manas* in 2007, in which he made comments about the former head of the judiciary and his loyalty to the former president. On 23 November 2009 the Maldives passed legislation abolishing five articles of the Criminal Code that provided for criminal defamation. Charges presumed to have been dropped, case closed.

MYANMAR (BURMA)

Imprisoned: Main cases

AUNG SAN Suu Kyi (f)

Profession: Leader of the National League for Democracy (NLD) and writer. **Date of arrest:** 30 May 2003 **Details of arrest:** Taken into

'protective custody' following violent clashes between opposition and pro-government supporters on 30 May 2003. The military government reported that four people were killed in the clashes, though eyewitnesses estimate the numbers killed to be over sixty. Many were also injured, including Aung San Suu Kyi. Held under successive house arrest orders in 'protective custody' at her home in Yangon until 14 May 2009, when she was taken to the notorious Insein Prison in Yangon. Suu Kyi and two members of her house staff are detained under Section 22 of the State Protection Law for "subversion", following an incident in which a US citizen reportedly swam across the lake to her home and in doing so violated the ban on her meeting with anyone without prior permission.

Details of the trial: Her trial began on 18 May 2009, and on 11 August 2009 she was handed down a three-year prison sentence by a criminal court inside Insein prison. The verdict was reduced to eighteen months to be served under house arrest, and so she was returned to her home soon after the trial ended. **Appeal:** On 2 October 2009 the Rangoon Divisional Court rejected Suu Kyi's appeal against her house arrest. Her defense filed another appeal to the High Court, which is said will take a decision on 18 January 2010. **Place of detention:** Aung San Suu Kyi is currently being held under house arrest at her home on Inya Lake. **Previous political imprisonment/problems:** Daw Aung San Suu Kyi was held under de facto house arrest for six years from July 1989-July 1995, and again from September 2000 until May 2002, when she was released as part of UN-brokered confidential talks between the State Peace and Development Council (SPDC) and the NLD which began in October 2000. **Professional details:** Daw Aung San Suu Kyi was awarded the Nobel Peace Prize in October 1991. She is the author of many books, including *Freedom From Fear* (1991), *Letters from Burma* (1997), *The Voice of Hope* (1997). **Honorary member of:** Canadian and English PEN.

AUNG Than, Zeya AUNG, MAUNG Maung Oo and SEIN Hliang

Profession: Student activist and NLD member, student, publisher and distributor respectively. **Date of arrest:** 29 March 2006 **Sentence:** 19 years in prison (Aung Than and Zeya Aung), 14 years in prison (Maung Maung Oo) and seven years in prison (Sein Hliang). **Expires:** 28 March 2025 (Aung Than and Zeya Aung), 28 March 2020 (Maung Maung Oo) and 28 March 2013 (Sein Hliang). **Details of arrest:** Reportedly arrested with 6 others near the Thai-Burmese border town of Myawaddy 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. Six others also detained in connection with the publishing of the book were freed after a brief detention. Also charged with associating with outlawed organisations and illegally crossing an international boundary. **Details of trial:** Convicted by a criminal court in Pegu, north of Rangoon, on 9 June 2006 under the Printers and Publishers Registration Act. The appeals filed by Aung Than and Zeya Aung against their 19 year prison sentences were rejected by the Rangoon high court the same day it was presented, in late November 2006. **Place of detention:** All transferred to Insein jail, Rangoon except Sein Hliang, who is still held in Pegu jail. **Health concerns:** In November 2008 it was reported that detained poet **Aung Than** may be suffering from HIV Aids after being allegedly forcibly injected in Insein prison hospital in 2006. Several months later, he reportedly became ill with symptoms typical of HIV AIDS, although this cannot be confirmed as his request to be tested for the disease has been refused. He strongly asserts that he was not suffering from the disease prior to his imprisonment. Sources close to the poet say that he is now in a critical condition. **Honorary member of:** American PEN.

Ko AUNG Tun

D.o.b.: 1967. **Profession:** Student activist and writer. **Date of arrest:** February 1998 **Sentence:** 13 years in prison. **Expires:** February 2011 **Details of arrest:** At a 1 March 1998 press conference the SPDC claimed Ko Aung Tun had been arrested for 'collaborating with terrorist groups'. Opposition sources, however, state the real reason for his arrest as being a book he had written on the history of the student movement in Myanmar. **Details of trial:** According to an official statement, Ko Aung Tun was sentenced to 3 years' imprisonment under the 1962 Printers and Publishers Registration Act, 7 years under the Unlawful Association Act, and 7 years under the Emergency Provisions Act. Sentence thought to be combined as 13 years. **Place of detention:** Insein Prison. **Treatment in prison:** Reportedly held incommunicado in solitary confinement and has reportedly been ill-treated, including threats and severe beatings. **Health concerns:** Said to be in very poor health as a result of ill treatment in prison. Ko Aung Tun is reportedly vomiting blood as a result of his beatings, and is also said to be suffering from severe asthma and tuberculosis. There is serious concern for his safety. **Previous political imprisonment/problems:** Ko Aung Tun was active in the student-led 1988 pro-democracy movement, and was reportedly previously imprisoned from 1990-94. **Other information:** Aung Tun is a recipient of the 1999 Hellman/Hammett Award. **Honorary members of:** Norwegian, Canberra and Canadian PEN Centres.

U AYE Kyu (aka 'Monywa' Aung Shin)

Profession: Former newspaper editor and poet. Senior official of the National League for Democracy (NLD). **Date of arrest:** September 2000. **Sentence:** 21 years in prison. **Expires:** September 2021 **Details of arrest:** Among five senior NLD officials to be arrested in September 2000. They were detained for writing a statement that was to be sent to the authorities protesting the September 2000 house arrest of Aung San Suu Kyi (see above) and calling for the release of other NLD members and the re-opening of NLD party offices. All five men were detained two days after the statement was broadcast on a US-based radio station. **Details of trial:** Sentenced on 14 September 2000 to 14 years under the press law and 7 years under security legislation. **Place of detention:** Insein Prison **Health concerns:** U Aye Kyu is said to suffer acute asthma. **Professional details:** Aye Kyu started to publish poetry in 1962 and was banned from publication in 1988. Also former editor of a banned literary journal. **Previous political imprisonment/problems:** Aye Kyu was previously detained from 1967-1970, and served four months in 1990 for his opposition activities.

MAUNG Thura (aka 'Zargana')

D.o.b.: 27 January 1961 **Profession:** Leading comedian, poet and opposition activist. **Date of arrest:** 4 June 2008. **Sentence:** 59 years in prison, reduced to 35 years. **Expires:** 3 June 2043 **Details of arrest:** Arrested for leading a private relief effort to deliver aid to victims of Cyclone Nargis which struck on 2 May 2008. The Asian Human Rights Commission reported that Zargana had given interviews to overseas radio stations and other media about his work and the needs of the people, and that he had ridiculed state media reports about the effect of the cyclone. **Details of trial:** On 14 August 2008 Zargana and journalist Zaw Thet Htwe (see below) appeared at a hearing held at the Rangoon West District Court within the Insein prison precincts, where both were charged. Zargana was charged with seven offences, including under sections 505(b) and 295 of the Criminal Code, section 17(2) of the Unlawful Associations Act, sections 32(b)/36 of the Video Act and sections 33(a)/38 of the Electronic

Act. On 21 November 2008 Zargana was handed down a forty-five year prison sentence for violating the Electronics Act. Days later, on 27 November, he was given a further fourteen-year prison sentence for offences under four sections on the criminal code 17/2, 32(b), 295(a), for his peaceful opposition activities. Zargana was to serve a total of 59-year prison term, but on 13 February 2009 the Rangoon Division Court reduced this term by 24 years to 35 years. His family will appeal against the conviction. **Place of detention:** Zargana was initially detained in Insein Prison, but on 4 December 2008 he was transferred to the remote Myitkyina prison, in the northern state of Kachin. **Previous political imprisonment/problems:** Zargana is Burma's leading comedian, popular for his political satires. He spent several years in prison in the early 1990s for his opposition activities. During that time he was taken up as a main case by the Writers in Prison Committee of International PEN. Zargana, whose pseudonym means 'tweezers' and refers to his years spent training as a dentist, was first arrested in October 1988 after making fun of the government, but freed six months later. However, on 19 May 1990, he impersonated General Saw Maung, former head of the military government, to a crowd of thousands at the Yankin Teacher's Training College Stadium in Rangoon. He was arrested shortly afterwards, and sentenced to five years in prison. He was held in solitary confinement in a tiny cell in Rangoon's Insein Prison, where he began writing poetry. One of his prison poems was published in the International PEN anthology *This Prison Where I Live*. After his release from prison in March 1994, Zargana was banned from performing in public, but continued to make tapes and videos which were strictly censored by the authorities. In May 1996, after speaking out against censorship to a foreign journalist, he was banned from performing his work altogether, and stripped of his freedom to write and publish. On 25 September 2007 he was arrested for his support to the monks demonstrating in the capital, Rangoon. He was released on 18 October 2007. **Health concerns:** In late April 2009 it was reported that Zargana had collapsed at Myitkyina prison. He is said to be suffering from heart problems, jaundice and a stomach ulcer which pre-date his current imprisonment. Zargana was taken to Myitkyina Hospital where he underwent some tests, although the specialist medical care he requires is reportedly not available at this hospital. However he has since been receiving some medication and in early May 2009 was returned to prison. **Treatment in prison:** Zargana has been denied full family visiting rights. **Other information:** On 22 October 2008 PEN Canada presented the '2008 One Humanity Award' to Zargana in absentia. He was also awarded the 'Imprisoned Artist Prize', as part of Artventure's Freedom to Create Prize, on 26 November 2008. Recipient of the 2009 PEN/Pinter Prize by English PEN. **Honorary member of:** English, German, Canadian, Swiss-Italian, Sydney, American and Danish PEN. (RAN 31/08 – 9 June 2008; Update #1 – 20 August 2008; Update #2 – 21 November 2008; Update #3 – 28 November 2008; Update #4 – 18 February 2009; Update #5 – 28 April 2009)

Saw WEI

Profession: Poet. **Date of arrest:** 22 January 2008. **Sentence:** Two years in prison. **Expires:** 21 January 2010 **Details of arrest:** Arrested for publishing a love poem which cryptically criticized General Than Shwe, the head of Burma's ruling military junta. The poem, entitled 'February the Fourteenth' was published in that week's issue of the Rangoon-based weekly magazine *Love Journal*, and is an eight-line verse about Valentine's Day. However, when the first letters of each line of the poem are put together, they read "General Than Shwe is crazy with power" in Burmese. The weekly magazine quickly sold out as word spread of the

coded message. Dissident writers in Burma have used similar techniques before to get their messages past government censors. **Details of trial:** Charged under section 505(b) of the Criminal Code, which refers to 'intent to cause harm to any section of the public to commit an offence against the State...'. He appeared in court three times, without legal representation. On 10 November 2008 it was reported that Saw Wei had been sentenced to two years imprisonment. **Place of detention:** Transferred to Mandalay prison after the trial. **Professional details:** Saw Wei is well known for his romantic poems and is also a performance artist. Until the time of his recent arrest, he headed the 'White Rainbow' poetry recital group, a group of artists and writers working to raise money for AIDS orphans. In 1988, he was dismissed from his job at the government communication office for taking part in the 1988 Uprising. (RAN 04/08 - 30 January 2008; Update #1 – 11 November 2008). **Honorary member of:** American PEN.

WIN Maw

D.o.b.: 1962 **Profession:** Musician **Date of arrest:** 27 November 2007 **Sentence:** 6 years in prison **Expires:** 26 November 2013 **Details of arrest:** According to PEN's information, Win Maw was arrested on 27 November 2007 in a Rangoon teashop and charged under article 5 (j) of the penal code with 'threatening national security' after sending news reports and video footage to the Norway-based Democratic Voice of Burma radio station during the protests in August and September 2007. **Details of trial:** On 11 November 2008 it was reported that Win Maw had been sentenced to six years imprisonment for 'sending false news abroad'. Tried at a special court held inside Insein jail. **Place of detention:** Following the trial he was transferred to Mandalay prison. **Health concerns:** It was reported on 7 May 2008 that Win Maw had been transferred to the prison hospital after a series of interrogation sessions carried out by officials of the Military Security Affairs. He is said to have suffered suspected collapsed lungs as a result of 'water torture', and to have now contracted pneumonia. His family have been denied access to him for over three weeks, and there are grave concerns for his welfare. **Professional details:** Win Maw is lead guitarist in the music group Shwe Thansin, which was one of the top bands in Burma in the 1990's. He was previously imprisoned from 1997-2003 for writing songs in support of Aung San Suu Kyi, leader of the opposition National League for Democracy (NLD). (RAN 26/08 – 15 May 2008).

Zaw Thet HTWE

Profession: Journalist. **Date of arrest:** 13 June 2008. **Sentence:** 19 years. **Expires:** 12 June 2027 **Details of arrest:** Arrested whilst visiting his sick mother in the town of Minbu, central Burma, and transferred to an interrogation centre in Yangon. His computer, mobile phone, and personal documents were also confiscated. No details were given to his family about the reason for his arrest or his place of detention. Zaw Thet Htwe had been working with comedian Zargana (see above) and other leading Burmese figures to deliver aid and support to the victims of Cyclone Nargis which struck on 2 May 2008. **Details of trial:** On 14 August 2008 journalist Zaw Thet Htwe and comedian Zargana appeared at a hearing held at the Rangoon West District Court within the Insein prison precincts, where both were charged. Zaw Thet Htwe was charged with two offences, under section 505(b) of the Criminal Code, sections 33(a)/38 of the Video Act and section 17(2) of the Unlawful Associations Act. Days later, on 27 November, Zaw Thet Htwe was given a further four-year prison sentence, making a total of nineteen-year prison term. **Professional details:** Zaw Thet Htwe formerly worked as editor of *First Eleven Sports Journal*, a

popular sports journal in Myanmar. **Previous political imprisonment/problems:** He was previously arrested in July 2003 on charges of treason following the publication of critical articles in the magazine. He was sentenced to death on 28 November 2003 by a military court in Insein Jail, but on 12 May 2004 the Supreme Court reduced his sentence to three years in prison and he was released in 2005. He also spent several years in detention in the 1990's for his work with the banned political organisation 'Democratic Party for a New Society' which is now operating in exile. (RAN 34/08 – 25 June 2008; Update #1 – 20 August 2008; Update #2 – 25 November 2008) **Honorary member of:** American PEN.

Imprisoned: investigation

***MIN Ko Naing (aka Paw Oo Htun)**

D.o.b.: 17 October 1963 **Profession:** Poet and leading political activist. **Date of arrest:** 21 August 2007 **Sentence:** Sixty-five years in prison **Expires:** 20 August 2058 **Details of arrest:** Arrested at midnight on 21 August 2007 with thirteen other leading political activists for organising peaceful protests against food prices in mid-August 2007. These protests led to widespread peaceful anti-government protests led by Buddhist monks which began on 18 September 2007 known as the 'Saffron Revolution', and were violently suppressed by the military authorities on 26 September 2007. **Details of trial:** Sentenced with twenty others on 11 November 2008 to sixty-five years in prison for his role in organizing the August 2007 demonstrations. **Place of detention:** Kengtung prison, Shan State. **Treatment in prison:** Held in solitary confinement. **Health concerns:** Said to be in poor health as a result of torture and ill-treatment suffered during his previous imprisonment. **Previous political imprisonment/problems:** Previously arrested in March 1989 and sentenced to twenty years in prison under section 5 (j) of the 1950 Emergency Provisions Act on charges of allegedly instigating 'disturbances to the detriment of law and order, peace and tranquility'. Charged for his role in organizing the All Burma Federation of Student Unions (ABFSU), a nationwide student union which opposed military rule and led to the 1988 uprising. Released under amnesty on 19 November 2004 after fifteen years in prison. Re-arrested in late September 2006 with four other student leaders for activities allegedly threatening 'internal commotion, instability and terrorism' and held until 11 January 2007 when he was released without charge. **Other information:** As a student at the Rangoon Arts and Science University he began writing poetry and was a member of a performance troupe called 'Goat-Mouth and Spirit Eye' which performed satirical plays and comic political sketches. This case was not initially taken up by PEN as he was not known to be a writer, PEN seeking further information about his poetry.

Zaw TUN: Former chief reporter of the journal *The News Watch*. Reportedly sentenced to two years in prison by the Bahan Township Court on 19 June 2009. Reports say that the charges were for obstructing a public servant in the discharging of his duty. The case dates from September 2008, when Tun was found by a security officer near Aung San Suu Kyi's compound (see 'main case' above), and after being questioned he was arrested. According to the security officer, Tun had responded impolitely to the police questions on the reasons for being near Aung San Suu Kyi's house. Subsequently, Tun was released on bail, until he learned of the sentence in the court hearing. Unclear whether detained, no further information as of 31 December 2009.

Brief detention

***Khant Min HTET:** Poet and graphic designer for the *Ahlinkar Wutyee Journal*, was reportedly arrested by the police on 22 October 2009. Htet

was taken from his home in the city of Thaketa by a special unit of the police, and his computer and other belongings were seized from the publication's headquarters. He was released by the police on 1 November 2009.

***Pai Soe OO (aka: Jay Pai) and Than Zin SOE:** Freelance reporter and editor/translator of the Foreign Affairs Journal respectively, were reportedly arrested in Dagon Seikkan, Rangoon Division, on 28 October 2009. Oo and Soe are also volunteers for a group that supports victims of the Cyclone Nargis. They were released on 1 November 2009, together with other fifteen volunteers of this group. Reports say that both journalists were questioned about the source of the funds for their relief work.

***U WIN Tin:** Senior leader of the opposition National League for Democracy (NLD) and veteran journalist. Reportedly briefly detained for several hours on 12 September 2009. Said to have been questioned about a critical article he had published on 9 September 2009 in *The Washington Post* about the ruling junta's planned elections in 2010 entitled 'An election Burma's people don't need', calling for the release of NLD leader Aung San Suu Kyi (see 'main case' above) and urging dialogue between the ruling military regime and the opposition party. Win Tin previously spent nineteen years in prison for his pro-democracy activities, during which time he was a PEN main case. He was released in November 2008.

NEPAL

Imprisoned – Investigation

***Bimal BISTA:** Correspondent for the newspaper *Nepal Samachar*, and member of the Federation of Nepali Journalists (FNJ), was reportedly detained by the police, on 23 August 2009. Reports say that the journalist was gathering information on clashes between residents in Doti and the police, when he was arrested and badly beaten by police officers. WiPC seeking an update.

Death threat

***Labadev DHUNGANA and Kumar OJHA:** Former district president of the Federation of Nepali Journalists (FNJ) in Panchthar and member of FNJ respectively, have been reportedly receiving death threats since early June 2009. The threats are said to be linked to the articles published in the daily newspaper *Kantipur*. Dhungana and Ojha reported filing a complaint with the local police in Panchthar, but they did not receive the protection they anticipated. As a consequence, on 4 July both journalists left Panchthar, and went to the Ilam district.

Attacked

***Tika BISTA (f):** Journalist for the daily *Rajdhani*, based in Kathmandu was reportedly attacked nearby her home in Garayala, Rukum District, on 8 December 2009. She was found by the police while still unconscious, and was airlifted to hospital. Prior to the attack, Bista had been reporting on issues of violence against women. She had received threats on her mobile phone, allegedly linked to a piece she wrote criticising the Maoist Party. The authorities were informed of the threats, and are currently investigating the attack.

Threatened

***Shiva OLI:** journalist for the newspaper *Doteli Awaj*, was reportedly threatened on 25 July 2009, and went into hiding for three days. Reports say that after publishing a story regarding financial irregularities in a

drinking water project, published on 16 July, the journalist was visited at his home by three individuals who allegedly intimidated him and urged him to withdraw the story. On 28 July 2009, Oli contacted the police.

PAKISTAN

Imprisoned: Investigation

Abdur Rahim MUSLIM DOST: Afghan national, poet and magazine editor. Dost spent almost three years in US detention at Guantanamo Bay after being arrested with his younger brother in November 2001 by the Peshawar authorities then handed over to the US in February 2002. He was eventually released without charge on 20 April 2005 and returned to Pakistan. On 29 September 2006 he was again arrested in Peshawar by officers of the police Crime Investigation Department and an intelligence agency. Dost filed a habeas corpus petition on 5 October 2006 in the Peshawar High Court and the court subsequently requested information on his whereabouts from the federal and provincial authorities. He has reportedly still not been charged with a criminal offence and has not been brought before a magistrate. It is thought his arrest may be linked to a book he had written about his experiences as a detainee in Guantanamo Bay. Reported to remain detained in Peshawar Central Jail, WiPC seeking an update.

***Rab Nawaz JOYA:** Journalist for the Urdu-language newspaper *Akhbar Al-Mahriq*, reportedly arrested and taken to a police station in Okara district, in Punjab, on 10 November 2009. The journalist was charged with theft and fraud; however, it is believed that his arrest is linked to his work helping international media to gather information on the nationality of one of those who carried out bomb attacks in Mumbai in November 2008. A TV journalist has been arrested and is being held under the same charges.

***Rehmatullah SHAHEEN:** Correspondent for the Baloch nationalist daily *Tawar* and secretary of the Shaheed Khalil Samalaini Press Club, reportedly went missing on 8 December 2009. Shaheen was travelling from his office to Mach Grid station, where he was also employed. The authorities initially denied knowledge of his arrest, but after protests by his family and fellow journalists, on 14 December the police admitted that Shaheen was under their custody. They claim that Shaheen is being held under the Explosives Act because a grenade was found at his home.

Attacked

***Muhammad Hussain KHAN:** Correspondent for the English-language daily *Dawn*, was reportedly attacked by two members of the Sindh National Front (SNF) in Hyderabad, on 31 December 2009. Reports say that the attack against Khan was linked to his handling of a statement made by the SNF chief in a recent press conference regarding the National Finance Commission Award. The police are investigating the attack.

***Peshawar Press Club:** On 22 December 2009 a suicide bomber blew himself up at the entrance of the Peshawar Press Club. Reports say that the bomber had intended to enter the building but was stopped by a police officer at the gate. Four people are said to have died, including an accountant and a police officer, and many were injured. Peshawar, located close to the border with Afghanistan, has suffered several attacks in recent months since Pakistan started to collaborate with the coalition forces in combating the Taliban.

***Kamran SHAFI:** Columnist for the English-language newspaper *Dawn*. His home in Rawalpindi was reportedly attacked on the evening of 27 November 2009. Reports say that unidentified gunmen fired at Shafi's house with a high power firearm. The columnist and his family were not

injured. However, the next day Shafi reports receiving a threatening phone call warning him to be careful about his writings. The police are investigating the attack.

On trial

Rehmat Shah AFRIDI

Profession: Editor-in-chief of the Peshawar-based English language daily *The Frontier Post* and its Urdu sister-paper *Maidan*. **Date of arrest:** 2 April 1999 **Sentence:** Death, commuted to life imprisonment. **Details of arrest:** Reportedly arrested on drugs charges, after Anti-Narcotics Force (ANF) officers allegedly found 21 kilograms of hashish in his car. He denies the charges and his colleagues believe his arrest to be politically motivated. Shortly before his arrest, Afridi had reportedly published two articles accusing officers of involvement in drug smuggling. Afridi claims he is the victim of an ANF set-up. **Details of trial:** On 27 June 2001 Special Judge Syed Kazim Shamsi of the Anti Narcotics Court ruled in favour of a death sentence and a 1,000,000 Rs fine against him. The prosecution reportedly failed to produce any compelling evidence against him. On 3 June 2004 the death sentence was commuted on appeal by the Lahore High Court and Afridi was instead sentenced to life imprisonment. His sentence was upheld by the Supreme Court on 6 April 2006. On 24 May 2008 Afridi was freed on parole by order of the Punjab's Interior Ministry for good conduct in prison. **Other information:** Father of Mahmood Afridi, managing editor of *The Frontier Post* charged in January 2001 with blasphemy.

PHILIPPINES

On trial

***Joaquin BRIONES:** Editor of the weekly newspaper *Masbate Tribune*, based in Masbate province, has reportedly been on trial for libel since early August 2009. Briones had previously served five years in prison on a defamation charge, and was released on parole in 2005. Reports say there are five new libel suits against him, two of them filed by the vice-governor of the local community, and the other three filed by the Electric Cooperative. The journalist believes that the trials are linked to his critical pieces regarding a coal-fired power plant. In all the trials, the legal advisor of the plaintiffs is the same person. Briones has demanded for the law suits to be declared inadmissible, otherwise he could be sent back to prison for violating his parole.

***Isagani YAMBOT, Letty JIMENEZ-MAGSANOC (f), Christine AVENDANO (f), Doris DURLAO (f) and Dxim LUCAS:** Publisher, editor-in-chief and reporters respectively for the Manila-based *Philippine Daily Inquirer*. Reportedly charged with criminal libel on 17 September 2009 in a case brought by deposed president Joseph 'Erap' Estrada over an article published in the newspaper on 16 September 2009 alleging his coercion of a businessman in 1998. WiPC seeking an update.

Attacked

***Steve BARRIERO:** Columnist for the community weekly *Ilocos Times*, was reportedly attacked on 31 July 2009, when arriving at his home based in Laoag city, 402 kilometres approx from Manila. Barriero reported that he was about to enter his home when a grenade exploded in an earthen jar. He was unhurt. The columnist believes that the attacked was linked to his article 'The fugitive?', published in the 25-31 May 2009 issue of the weekly, in which he made public allegations against the Dingras town mayor.

Death threat

***Stella ESTREMER** (f) and **Virginia AGTAY** (f): Editor-in-chief of the *Sun Star Davao*, and news editor of the same newspaper, reportedly received death threats on 20 August 2009. The messages were sent to Agtay's mobile phone warning the journalists to stop publishing pro-government articles or they would both be shot. The authorities are investigating the threats.

SOUTH KOREA

Case closed

SONG Du-Yol: Scholar. Professor of Philosophy at Muenster University, Germany. Has published several academic books. Arrested on 22 October 2003 on arrival at Seoul airport after returning to the Republic of Korea after 37 years living in exile in Germany. Charged on 19 November 2003 under Articles 3,5, and 8 of the National Security Law for membership of the North Korean Workers Party. Reportedly sentenced on 30 April 2004 to 7 years in prison under the National Security Law by Seoul District Court. His academic articles and books allegedly 'praising North Korea' were reportedly raised in court by the prosecution as evidence against him. PEN recently learned that on 21 July 2004 Song Du-Yol was released from prison on appeal. He left the country soon afterwards, and went back to Germany. Case closed.

SRI LANKA

Imprisoned: main case

Jayaprakash Sittampalam (J. S.) TISSAINAYAGAM

D.o.b.: C. 1964 **Profession**: Tamil journalist for the *Sunday Times* newspaper and editor of *Outreach Sri Lanka* <http://outreachsl.com/en/>. **Date of arrest**: 7 March 2008 **Sentence**: Twenty years in prison **Expiry**: 6 March 2028 **Details of arrest**: J. S. Tissainayagam was arrested by the Terrorist Investigation Division (TID) in Colombo, following a visit he made to the offices of the TID requesting information about the detention of his colleague Vetrivel Jasikaran (see below 'Released'). There were no detention orders for their arrests. Initial reports suggested that both journalists were accused of receiving money from the Liberation Tigers of Tamil Elam (LTTE) rebel group; however it is widely believed that the two men were targeted for their reporting and analysis on the conflict between government forces and the LTTE in the northern part of the country. **Details of trial**: On 25 August 2008 J.S. Tissainayagam was charged as follows: 1) offences under the Prevention of Terrorism Act (PTA) in respect to printing, publishing, and distribution of the magazine *North Eastern Monthly*, between 1 June 2006 to 1 June 2007; 2) offences under the PTA in respect of bringing the government into disrepute by the publication of articles in said magazine; and 3) the violation of Emergency Regulations by aiding and abetting terrorist organisations through the raising of money for said magazine. The *North Eastern Magazine* was an English-language publication that closed down in 2007. **Sentence**: On 31 August 2009 a High Court in Sri Lanka sentenced J. S. Tissainayagam to twenty years imprisonment with hard labour under the Prevention of Terrorism Act (PTA), for "causing communal disharmony" in his articles published in 2006 by the magazine *North-Eastern Monthly*. In addition, he was found guilty of raising funds to publish the magazine. A confession made by Tissainayagam

while in police custody and allegedly forced under torture was used as evidence to convict him. **Place of detention**: Magazine prison in Colombo **Treatment in prison**: Since J. S. Tissainayagam's arrest there have been serious concerns about his treatment in prison, including allegations of torture, denial of medical treatment and restrictions of family visits. **Health concerns**: His health is said to have deteriorated and he has reportedly contracted tuberculosis and acute infected scabies while in detention. **Awards**: In 2009 J. S. Tissainayagam was awarded the International Press Freedom Award by the Committee to Protect Journalists (CPJ). Also in 2009 the Global Media Forum and the US branch of Reporters Without Borders awarded Tissainayagam the Peter Mackler Mackler Award for Courageous and Ethical Journalism. RAN 45/08 – 10 September 2008; Update #1 – 12 March 2009; Update #2 – 3 September 2009; Update #3 – 17 November 2009)[Released in January 2010].

Imprisoned – Investigation

***Shalike WIMALASENA** and **Daya NETHTHASINGHE**: Member of the *Lanka Irida* editorial board, and journalist for the same newspaper, were reportedly arrested in the Deniyaya region on 2 September 2009. The journalists and a press photographer, went to Deniyaya to gather information for a story on the elections for the Southern Provincial Council. They were reportedly taken under the custody of the Terrorist Investigation Division (TID) under the Prevention of Terrorism Act (PTA). The official news agency reportedly said that they had been arrested because they entered private property of close relatives of the Sri Lankan president. WiPC seeking an update.

Brief detention

***Chandana SIRIMALWATTA**: Editor of the newspaper *Lanka Irida*, was reportedly detained by the police on 17 October 2009. He was questioned by the Criminal Investigation Department (CID), on his sources for the article in which the editor referred to the alleged tension between the Sri Lankan President and the head of the armed forces. Sirimalwatta was released after being questioned.

Threatened

***Dilesha ABEYSUNDERA** (f): Journalist for the Sinhalese-language weekly *Irudina*, reported that on the night of 28 September 2009 unidentified men tried to force entry into her home in Colombo. There are fears that this incident could have been a kidnapping attempt in response to her participation in the campaign against the authorities' plan to reinstate a press council. The incident has been reported to the police.

***Frederica JANSZ** (f) and **Munza MUSHTAQ**: Editor-in-chief of the *Sunday Leader* newspaper and journalist for the *Leader Publications* media group, respectively, have reported receiving threatening letters on 22 October 2009. The threats are thought to stem from the *Sunday Leader's* coverage of a video in which unarmed men were allegedly executed by soldiers. According to Jansz, the threats were similar to the ones received by editor Lasantha Wickramatunga before he was killed in January 2009.

Released

Vetrivel JASIKARAN (JASIHARAN): Tamil journalist, owner of the *E-Kwality* printing works and reporter for the news website *Outreach Sri Lanka* (<http://outreachsl.com/en/>), was arrested with his wife by the Terrorist Investigation Division (TID) in Colombo, on 6 March 2008. The following day Jasikaran's colleague J. S. Tissainayagam visited the

TID offices requesting information on the arrest of the couple, and was himself detained (see above 'Main case'). Initial reports suggested that both journalists were accused of receiving money from the Liberation Tigers of Tamil Elam (LTTE) rebel group; however it is widely believed that the two men were targeted for their reporting and analysis on the conflict between government forces and the LTTE in the northern part of the country. On 26 October 2009 Vetrivel Jasikaran and his wife were released after the State Prosecutor announced that there was no evidence to support the charge that the couple had links with terrorist acts or organisations. (RAN 45/08 – Update # 3)

THAILAND

Imprisoned: investigation

***Thassaporn RATTAWONGSA (f):** Doctor and internet writer, was reportedly arrested by the Central Investigation Bureau on 18 November 2009. Rattawongsa is said to be accused of posting 'inaccurate information that threatened national security', when she wrote in her web blog about the king, suggesting that his poor health could have caused a recent fall of the stock market in Bangkok.

On trial

Chiranuch PREMCHAIPOORN (f): Editor of the independent website *Prachatai*. Reportedly arrested on 6 March 2009, and charged with violations of the Computer Crimes Act, allegedly because the content of the website endangered national security. The website is said to publish issues that Thai newspapers refuse to report. The charges carry a maximum sentence of five years in prison. It is said that in the last few months there have been requests from the authorities, mainly the military, to remove from the website comments regarding the monarchy and the military. Days after her arrest, Premchaiporn was freed on bail. On 7 April 2009, the journalist was summoned by the Royal Thai Police headquarters for further investigation. On the basis of the information she gave to the authorities, the police reportedly laid nine new charges against her under the Computer Crimes Law, and could face up to fifty-years in prison if found guilty. The initial hearing for her prosecution was set for 26 June 2009. The trial is ongoing.

Case closed

Giles Ji UNGPAKORN: Professor of political science at Chulalongkorn University and contributor to the *New Statesman* and the *Asia Sentinel* news website, was due to present himself to police in Bangkok, on charges of 'lèse-majesté' (insulting the monarchy) for eight paragraphs of a book Ungpakorn wrote on the 2006 military coup, which allegedly insulted King Bhumibol. Fearing he would not receive a fair trial, and could face a fifteen-year prison sentence, Ungpakorn left Thailand for the United Kingdom on 9 February 2009. Case closed.

VIETNAM

Imprisoned: Main cases

DANG Phuc Tue (religious name: Thich Quang Do)

D.o.b.: 1928 **Profession:** Buddhist monk, writer, scholar. Secretary General of the outlawed Institute for the Propagation of the Dharma, United Buddhist Church of Vietnam (UBCV). **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 (see Thich Huyen Quang above). The delegation had left Binh Dinh at 5.00 a.m. on 8 October 2003 en route for Ho Chi Minh City (Saigon) 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. **Previous political imprisonment/problems:** On 27 June 2003 he was released from a twenty-seven month detention order. Has spent most of the last twenty years in detention or under residential surveillance because of his campaign for religious freedom and free expression. **Other information:** The UN Working Group on Arbitrary Detention declared his imprisonment as 'arbitrary' in May 2005.

LE Cong Dinh:

Profession: Lawyer and dissident writer. Date of arrest: 13 June 2009. Details of arrest: Reportedly arrested by the security police in Saigon and was charged with 'spreading propaganda against the state' under Article 88 of the Penal Code. His home and his office were searched and his documents seized. Official reports state that Le Cong Dinh was arrested for allegedly reporting 'distorted' facts to foreign media and offending the country's Prime Minister. Other information: Le Cong Dinh has been working as a lawyer defending journalists, human rights activists and internet writers prosecuted in Vietnam for their reporting, including lawyers and dissident writers Le Thi Cong Nhan and Nguyen Van Dai and the renowned blogger Dieu Cay (see below). Le Cong Dinh has also written for various international media outlets, including the British Broadcasting Corporation (BBC) and Radio Free Asia (RFA), and banned overseas Vietnamese websites such as the "Vietnam Democracy Movement", "Vietnam Reform", "New Horizon", "Thorough Discussion", and "Democratic Freedom", which Vietnamese authorities view as "subversive". According to Reporters Without Borders, sources said that Le Cong Dinh's arrest might be related to a libel case brought by several lawyers against the Vietnamese Prime Minister Nguyen Tan Dung. Reportedly denied access to family visits since his arrest. (RAN 25/09 – 16 June 2009) [Sentenced to five years in prison on 20 January 2010.]

LE Thi Cong Nhan (f) and NGUYEN Van Dai:

Profession: Lawyer and cyber dissident, and journalist respectively. **Date of arrest:** 6 March 2007. **Sentence:** 4 years and five years in prison respectively, reduced by one year each on appeal. **Expires:** March 2010 and March 2011 respectively. **Details of arrest:** Nguyen Van Dai and Le Thi Cong Nhan (f) were arrested at their homes on the morning of the 6 March 2007. They were accused of 'hostile propaganda against the Socialist Republic of Vietnam' for their dissident activities with the pro-democracy movement "Bloc 8406", including the recent signing of a petition under their real names. **Details of trial:** Le Thi Cong Nhan and Nguyen Van Dai were sentenced to four years and five years in prison respectively by the Hanoi People's Court on 11 May 2007. Their convictions were upheld on appeal on 27 November 2007. **Place of detention:** Le Thi Cong Nhan was transferred on 3 January 2008 to Trai Giam detention camp #5, Cao Thinh village, Ngoc Lac District, Thanh Hoa Province, south Vietnam. Nguyen Van Dai was transferred on 3 January 2008 to K1 Detention Camp, Ba Sao Village, Kim Bang District, Ha Nam Province, 80km south of Ha Noi. **Treatment in prison:** Conditions

are very harsh in both camps. Le Thi Cong Nhan's new detention camp is 200km from her family in Hanoi. Both she and Van Dai are allowed one family visit a month, and can receive two 5kg packages of food, clothes and personal items. Banned from receiving books. **Health concerns:** Nguyen Van Dai is reported to be suffering from Hepatitis B and to have to do forced labour. Le Thi Cong Nhan is reportedly suffering from hypotension and inflammation of the trachea. **Background to arrest and previous political problems:** Nguyen Van Dai is one of the leaders of the democracy movement 'Bloc 8406' and regularly posts pro-democracy essays on foreign websites. He started a blog on the Reporters Sans Frontiers web-site platform shortly before his arrest (<http://nguyenvandai.rsfblog.org>). He and fellow lawyer Le Thi Cong Nhan (f) have been under heavy surveillance for some time for their dissident activities, and were briefly detained on 3 February 2007 and held for 48 hours. Nguyen Van Dai was reportedly subjected to criticism by a 'popular court' on 8 February 2007, in which 200 residents from a district of Hanoi were mobilised by the authorities to insult and denounce him for being a 'traitor'. **Award:** In July 2008 Le Thi Cong Nhan received the Human Rights Watch administered Hellmann/Hammett award in recognition of her journalism in the face of persecution. **Other information:** Both were reportedly immediately struck off the Hanoi bar list following their arrests. (RAN 12/07, Update #1 – 7 March 2007, Update #2- 15 May 2007). **Honorary member of:** Suisse-Romand PEN.

NGÔ Quanh:

D.o.b.: c. 1984 **Profession:** Student and dissident writer, author of online dissenting articles, including 'Viet Nam needs to compile a new History-book' and 'Journey to Lang Son's Dairy', published on overseas websites. **Date of arrest:** 10 September 2008 **Sentence:** 3 years in prison and 3 years' probationary detention. **Expires:** 9 September 2011 **Details of arrest:** Arrested as part of a crackdown on dissent in the autumn of 2008. **Details of trial:** Convicted under Article 88 of the criminal code of 'conducting propaganda against the Socialist Republic of Vietnam' in October 2009. **Place of detention:** B14 labour camp, in Ha Dong province, south of Hanoi. (RAN 47/08 - 23 September 2008, update 1 – 9 April 2009). [Sentence upheld on appeal on 21 January 2010.]

NGUYEN Hoang Hai (aka Dieu Cay):

Profession: Independent journalist and blogger **Date of arrest:** 19 April 2008. **Details of arrest:** Reportedly arrested for 'tax fraud' in Dalat city, south of the country, after he participated in protests against the police in Ho Chi Minh City, earlier in 2008. There are reports that he had been closely watched by the police and threatened with death prior to his arrest. **Sentence:** Two and a half years in prison. **Expires:** 18 October 2010 **Details of trial:** Sentenced on 10 September 2008 to two and a half years-imprisonment by the Vietnamese People's Court at Ho Chi Minh city for alleged tax fraud, although he is widely believed to be targeted for his criticism of Vietnamese government policy. He is known for his internet postings calling for greater democracy and human rights in Vietnam and his participation in protests against Chinese foreign policy. Dieu Cay was one of the founding members of the Club of Free Journalists (Cau Lac Bo Nha Bao Tu Do) in 2006. **Place of detention:** On 1 April 2009, Nguyen Hoang Hai's family were told that he had been transferred to Cai Tau prison, in U Minh, which is nine hours from where the family lives and where it is difficult to obtain a visitor's permit. There are reports that Cai Tau prison is notorious for the brutal treatment of prisoners and alleged corruption. The family believes that Nguyen Hoang Hai was transferred there to limit the frequency of their visits, and

is very concerned for his well-being. **New information:** In late September 2009 it was reported that Nguyen Hoang Hai's family had been denied their right to visit him on two occasions, and expressed their concern on his safety and health. (RAN 47/08 Update #1 – 9 April 2009)

NGUYEN Kim Nhan

D.o.b.: c.1950 **Profession:** Human rights defender and dissident writer, known for his writings on lands rights and official corruption published in the underground review *To Quoc (The Nation)*. **Date of arrest:** September 2008 **Sentence:** 2 years in prison and 2 years' probationary detention. **Expires:** September 2010 **Details of arrest:** Arrested in September 2008 and released in January 2009, but re-arrested on 8 May 2009. Amongst dozens of activists to have been arrested since September 2008 as part of an ongoing crackdown on peaceful dissent. **Details of trial:** Tried and convicted by the Hanoi People's Court under Article 88 of the criminal code on 9 October 2009. **Place of detention:** B14 labour camp, in Ha Dong province, south of Hanoi.

***NGUYEN Manh Son**

D.o.b.: c. 1944 **Profession:** Dissident writer and retired government cadre. **Date of arrest:** 8 May 2009 **Sentence:** 3 years and six months in prison and 3 years' probationary detention. **Expires:** 7 November 2012 **Details of arrest:** Arrested for poems and articles published since 1995, in particular the underground anthology of poetry *Truth is Error* circulated on the internet and published on overseas websites. Amongst dozens of activists to have been arrested since September 2008 as part of an ongoing crackdown on peaceful dissent. **Details of trial:** Tried and convicted by the Hanoi People's Court on 9 October 2009 under Article 88 of the Penal Code for 'Conducting propaganda against the Socialist Republic of Vietnam'. **Place of detention:** B14 labour camp, in Ha Dong province, south of Hanoi. [Sentence upheld on appeal on 21 January 2010.]

NGUYEN Van Hai:

Profession: Reporter for the Vietnamese language newspaper *Tuoi Tre*. **Date of arrest:** 13 May 2008 **Sentence:** Handed down a two-year non-custodial sentence. **Expires:** 12 May 2010 **Details of arrest:** Reportedly arrested on 13 May 2008 and accused of 'misuse of power'. Arrested with fellow journalist and poet Nguyen Viet Chien, since freed (see 'released' below). Their detention was linked to their reports on high-level corruption in the so-called "PMU-18" scandal in 2006. It is said that the scandal provoked the resignation of some senior officials, who were allegedly linked to stolen development funds which were used to gamble on European football, rather than to build roads and bridges. **Details of trial:** On 15 October 2008 the Hanoi People's Court sentenced Nguyen Van Hai under Article 258 of the Vietnamese Penal Code, for 'abusing democratic freedoms to infringe upon the interest of the State, the legitimate rights and interests of organizations and/or citizens'. Nguyen Van Hai was handed down a non-custodial two-year re-education sentence, after pleading guilty.

NGUYEN Van Ly:

D.o.b.: 1946. **Profession:** Priest, scholar, essayist and co-editor of the underground online magazine *Tu Do Ngôn luận (Free Speech)*. **Date of arrest:** 19 February 2007. **Sentence:** eight years in prison and five years of probationary detention. **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 Ngôn luận*, 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 Vietnam) sentenced Father Nguyen Van Ly to eight years in prison and five years of probationary detention for 'conducting propaganda against the Socialist Republic of Vietnam' (Article 88). A video footage of his sentencing is available on the Internet:

<http://www.youtube.com/watch?v=bUSJeAakoXI>. **Place of detention:** Trai Giam Detention Camp, K1 Ba Sao, Kim Bang District, Municipality of Phu Ly, Ha Nam Province, Viet Nam. **Previous political imprisonment/problems:** 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 Vietnam, and was a main case of International PEN. The sentence was commuted several times and he was released under amnesty in February 2005. **Award:** In July 2008 Nguyen Van Ly received for the second time the Human Rights Watch administered Hellmann/Hammett award in recognition of his work in the face of persecution. He was also awarded the Shkarov Prize for Freedom of Thought 2009. **Honorary member of:** Sydney PEN.(RAN 12/07 - 28 February 2007; update #1 - 7 March 2007; updates #2 - 3 April 2007).

NGUYEN Van Tinh

D.o.b: 1943 **Profession:** Co-editor of the underground review *To Quoc (The Nation)*. **Date of arrest:** September 2008 **Sentence:** 3 years and six months in prison and 3 years' probationary detention. **Expires:** December 2011 **Details of arrest:** Arrested for online articles and essays published between November 2006 and September 2008. Released in January 2009 but re-arrested on 8 May 2009. Sentenced on 9 October 2009 by the Hanoi People's Court under Article 88 of the Penal Code for 'Conducting propaganda against the Socialist Republic of Vietnam'. Amongst dozens of activists to have been arrested since September 2008 as part of an ongoing crackdown on peaceful dissent. **Place of detention:** B14 labour camp, in Ha Dong province, south of Hanoi. [Sentence upheld on appeal on 21 January 2010.]

NGUYEN Van Tuc

D.o.b.: C. 1964 **Profession:** Farmer, poet and human rights defender, known for his numerous writings on social injustice and satirical poems published on overseas websites. **Date of arrest:** 10 September 2008 **Sentence:** Four years in prison **Expires:** 9 September 2012 **Details of arrest:** Amongst dozens of activists to have been arrested since September 2008 as part of an ongoing crackdown on peaceful dissent. **Details of trial:** Charged under Article 88 of the Penal Code for 'Conducting propaganda against the Socialist Republic of Vietnam'. Tried and convicted by the Hanoi People's Court on 9 October 2009. **Place of detention:** B14 labour camp, in Ha Dong province, south of Hanoi. (RAN 47/08 - 23 September 2008, update 1 - 9 April 2009) [Sentence upheld on appeal on 21 January 2010.]

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, a recipient of the 2008 Hellman Hammet Award for Free Expression. **Date of arrest:** 11 September 2008 **Sentence:** Six years in

prison. **Expires:** 10 September 2014 **Details of arrest:** According to PEN's information, dissident writer Nguyen Xuan Nghia was arrested and charged with conducting anti-government propaganda under article 88 of Vietnam's penal 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 (see also Nguyen Van Tinh, Nguyen Kim Nhan, Nguyen Van Tuc, Ngo Quynh, and Nguyen Manh Son). The indictment dated 3 July 2009 cited fifty-seven 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 Vietnam, 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 ongoing crackdown on peaceful dissent. **Details of trial:** Tried and convicted by the Hanoi People's Court on 9 October 2009. **Place of detention:** Held at the B14 labour camp in Ha Dong province, south of Hanoi. (RAN 47/08 - 23 September 2008, update 1 - 9 April 2009) [Sentence upheld on appeal on 21 January 2010.]

PHAM Van Troi

Profession: Dissident writer and activist, known for his contributions to the underground dissident review *Tu Do Dan Chu (Freedom and Democracy)*. **Date of arrest:** 10 September 2008 **Sentence:** 4 years in prison and 4 years' probationary detention. **Expires:** 9 September 2012 **Details of arrest:** Amongst dozens of activists to have been arrested since September 2008 as part of an ongoing crackdown on peaceful dissent. **Details of trial:** Charged under Article 88 of the Penal Code for 'Conducting propaganda against the Socialist Republic of Vietnam'. Tried and convicted by the Hanoi People's Court on 8 October 2009. **Place of detention:** B14 labour camp, in Ha Dong province, south of Hanoi. (RAN 47/08 - 23 September 2008, update 1 - 9 April 2009) [Sentence upheld on appeal on 18 January 2010.]

TRAN Duc Thach:

D.o.b.: 1952. **Profession:** Poet and Internet writer, member of the Association of Writers of Nghe An province. **Date of arrest:** 12 September 2008. **Sentence:** 3 years in prison and 3 years' probationary detention. **Expires:** 11 September 2011 **Details of arrest:** Briefly arrested on 10 September 2008, released the same day but re-arrested on 12 September 2008. His whereabouts were unknown until 2 April 2009 when it was reported that Trần Đức Thạch was held at detention camp no.3, Hà Đông district, about 11km west of Hanoi. Amongst dozens of activists to have been arrested since September 2008 as part of an ongoing crackdown on peaceful dissent. **Details of trial:** Tried and convicted on the charge of 'propaganda against the Socialist Republic of Viet Nam' according to Article 88 of Viet Nam's Penal Code by the Hanoi People's Court on 6 October 2009. **Health concerns:** His health has reportedly been very poor after a hunger strike in detention. [Sentence upheld on appeal on 18 January 2010.]

TRAN Quoc Hien

D.o.b: 1965. **Profession:** Internet writer and human rights lawyer. **Date of arrest:** 12 January 2007. **Sentence:** Five years in prison, followed by two years probationary detention. **Expires:** January 2012. **Details of arrest:** Reportedly arrested on 12 January 2007, the day after being nominated as the spokesperson for the Workers-Farmers Organisation

(UWFO), an organisation which represents workers and farmers' rights and which is not recognised by the government. He was charged with 'spreading anti-government propaganda' on the Internet and 'endangering state security'. **Details of trial:** He was found guilty of both charges by a court in Ho Chi Minh City on 15 May 2007, following a trial that reportedly only lasted four hours. **Place of detention:** Detention Camp Bo La 1, Binh Duong Province, Viet Nam. **Professional details:** Tran Quoc Hien is known for his critical writings published on the Internet, including a short story 'The Tail' about the experience of life under surveillance. He is a member of the pro-democracy movement 'Bloc 8406'. He is also a human rights lawyer, known for his work defending farmers whose land has been confiscated by local authorities. He had reportedly been under close surveillance for some time prior to his arrest. (RAN 26/07 – 24 May 2007).

TRUONG Minh Duc:

Profession: Freelance journalist and political activist. Member of Bloc 8406 and the Vietnamese Populist party. **Date of arrest:** 5 May 2007 **Sentence:** 5 years in prison **Expires:** 4 May 2012 **Details of arrest:** He was arrested on 5 May 2007 and remained under interrogation at B-34 Detention Centre in Ho Chi Minh City, then transferred to Jain Facility in Klen-Giang. **Details of trial:** Reportedly given a five-year prison sentence on 28 March 2008 for 'taking advantage of democratic rights to act against the state's interest' and 'receiving money from abroad to support complaints against the state', under Article 258 on the Criminal Code. The sentence was handed down by a court Vinh Thuan, in the southern province of Kien Giang. Duc is known for his articles on corruption and abuse of power since 1994 for various newspapers, under different pseudonyms. Among the pieces he wrote, and which are said to have incriminated him are the following articles: 'To Point at Corruption's Mandarins in Kien Gian Province'; 'Court of Tyrannous, Influential and Powerful Notables; and 'Province Chairman, Inspectors in collusion with Judiciary System'. **Health concerns:** His family reported that in January 2008 he broke his arm, and because of poor medical treatment has since been in poor health.

VU Van Hung:

Profession: Professor, activist and internet writer. Date of arrest: 18 September 2008. **Sentence:** Three years in prison and three years' probationary detention. **Expires:** 17 September 2011 **Details of arrest:** Arrested on 18 September 2008 and his home was searched by Security Police officers. Accused of writing slogans on a banner and then hanging it from a highway overpass in the capital Hanoi in July 2008. Amongst dozens of activists to have been arrested since September 2008 as part of an ongoing crackdown on peaceful dissent. **Details of trial:** Charged under Article 88 of the Penal Code for 'Conducting propaganda against the Socialist Republic of Vietnam'. Tried and convicted by the Hanoi People's Court on 7 October 2009. **Place of detention:** Camp B14, district Thanh Liet Thanh Tri, Ha Noi. **Treatment in prison:** There have been serious concerns for his health and well-being since his imprisonment. RAN 12/09 – 18 February 2009) [Sentence upheld on appeal on 18 January 2010.]

Imprisoned: Investigation

PHAM Thanh Nghien (f): Internet writer and independent journalist. Arrested on 11 September 2008, released later that day but remained under residential surveillance until her re-arrest on 18 September 2008. Held under Article 88 of the Criminal Code on charges of 'propaganda

against the state'. Pham Thanh Nghien's family has not been able to visit her since her arrest. In November 2009 her mother was informed that Pham Thanh Nghien would be tried by the Hai Phong People's Court on 17 December 2009 but the trial was postponed for unknown reasons. The trial is now reportedly scheduled for 29 January 2010. She remains detained and there are serious concerns for her health. (RAN 47/08 - 23 September 2008; Update #1 – 9 April 2009)

***Tran Khai Thanh Thuy (f)**

Profession: Writer and activist. **Date of arrest:** 8 October 2009 **Details of arrest:** According to International PEN's information, Tran Khai Thanh Thuy was arrested after she publicly expressed her support for six dissidents facing trial. On the day of her arrest an incident took place at her home, the details of which remain unclear. Tran Khai Thanh Thuy has subsequently been charged with assault, although it is widely believed that she herself was in fact the victim of an assault and is targeted for her critical writings and activism. **Place of detention:** Hoa Lo Moi Prison, near Hanoi. **Health concerns:** Tran Khai Thanh Thuy suffers from diabetes and tuberculosis, and there are serious concerns that her health is deteriorating in prison. **Other information:** Tran Khai Thanh Thuy is an established novelist, poet, essayist and former editor of the underground dissident magazine *To Quoc (Fatherland)*. She is a member of the Union of Writers and the Club of Women Poets of Hanoi, and is a recipient of the 2008 Hellman Hammet Award. **Previous political imprisonment/problems:** Tran Khai Thanh Thuy has been under heavy surveillance and harassment since September 2006 for her critical writings published online. She was previously detained in April 2007 and held for nine months, and since her release in January 2008 she has been under heavy surveillance. **Honorary member of:** English PEN.

Case closed

LE Thi Kim Thu (f): Online reporter and photographer, arrested on 14 August 2008, detained at Hoa Lo detention camp outside Hanoi; known for her reports for various overseas Vietnamese media outlets. Thought to have been released (date unknown) but to remain under heavy police surveillance. (RAN 47/08 - 23 September 2008, update 1 – 9 April 2009). Case closed as no longer detained.

EUROPE and Central Asia

ARMENIA

Imprisoned – Main case

Nikol (Nicole) PASHINYAN

D.o.b.: 1 June 1975 **Profession:** Leader of the opposition party in Azerbaijan and editor of the pro-opposition newspaper *Haykakan Zhamanak* **Date of arrest:** 1 July 2009 **Sentence:** Three years imprisonment. **Expiry:** 30 January 2012. **Details of arrest:** Arrested after voluntarily coming out of hiding and giving himself up to the law enforcement agencies. The charges are said to be linked to the March 2008 protests and riots that occurred after the official results of the presidential elections of 10 February 2009. Pashinyan went into hiding after the Armenian police launched a search for him on 10 March 2008. At the time, a state of emergency was imposed in Armenia's capital. **Details of the trial:** He was initially charged with 'organising mass disorder' and 'assaulting a state representative'. On 19 January 2010 the first instance court convicted Pashinyan to seven years in prison, on both accounts, under Articles 225.1 and 316.1 of the Criminal Code. On appeal, on 9 March 2010 the Criminal Court reduced the sentence to three years imprisonment. The charges of 'assaulting a state representative' were dropped for lack of evidence. **Place of detention:** He is said to be held at Yerevan-Kentron prison. **Anything else of interest:** While in hiding, Pashinyan continued writing editorials for the *Haykakan Zhamanak* and wrote his first novel entitled *The Other Side of the World*.

Imprisoned - Investigation

Murad BODJOLYAN: d.o.b. c. 1947. Former diplomat and journalist. Arrested January 2002. **Trial details:** Trial started on 24 October 2002 under Article 59 of the Criminal Code (treason). Subsequently convicted to ten years in prison on 16 December 2002. Accused of passing on military and economic information to the Turkish military intelligence, as well as details of Kurdish Workers' Party exiles in Armenia. Lawyers argue there is little evidence and suggest that his writings are the basis of the charges. The conviction was upheld in early 2003 and is now final. Bodjolyan has brought his case to the European Court of Human Rights. **Background:** Bodjolyan is a freelance journalist for the Turkish NTV television network. Until 1998 worked in the Armenian foreign ministry and acted as interpreter for former president Ter-Petrosian. Suggestions that the conviction may be linked to February 2003 presidential elections and is aimed at undermining Ter-Petrosian who is standing for re-election. Married with children. **New information:** In late August 2009 it was reported that Bodjolyan remains in prison, despite several petitions to the authorities asking for his early release. No further information as of June 2010.

Brief detention

***Ani GEVORGIAN (f):** Journalist for the pro-opposition newspaper *Haykakan Zhanamak*, was reportedly arrested by the police on 2 June 2010. Gevorgian was covering a sit-in in Liberty Square, Yerevan city, in

which opposition activists were participating. When the police arrived, they arrested a number of protesters, as well as Gevorgian and her brother. Most of the protesters were released soon after, but the journalist remained detained until the following day 3 June, when she was charged with assaulting a police officer, and then released.

AZERBAIJAN

Imprisoned - Main Cases

Eynulla FATULLAYEV

D.o.b.: 25 September 1976 **Profession:** Editor of *Gündelike Azerbaijan* and the Russian language *Realny Azerbaijan*. **Date of arrest:** 20 April 2007 **Sentence:** Eight and a half years **Case (1)** Convicted c. 20 April 2007 to 30 months in prison on charges of libel and insult to Azerbaijanis in an article that Fatullayev says he did not write and had been manufactured as a way of silencing him. He was sentenced under Article 147.2 of the Azeri Penal Code by the Yasamal District court to two and a half years imprisonment. Upheld on appeal on 22 August 2007. **Background:** The charges arose from a civil case raised in February 2007 by Tatyana Chaladze, head of the Azeri Centre for Protection of Refugees and Displaced Persons. She referred to a remark attributed to Fatullayev in which he is said to have reported that Azeris were responsible for the massacre of residents in Khodjali, in Nagorno Karabakh in 1992. This resulted in a fine levied on 6 April 2007 of 10,000 manats (US\$ 11,600). **Case (2)** Sentenced to eight and a half years imprisonment on 30 October 2007 by the Grave Crime Court in Baku on charges of terrorism and inciting ethnic hatred. These additional charges were levied against Fatullayev under Article 214 of the Penal Code on 22 May 2007 and confirmed on 4 July 2007. Said to be related to a commentary in *Realni Azerbaijan* published in early 2007 that focussed on Azeri foreign policy with Iran. The article was written by another reporter. The court also ruled that everything in Fatullayev's two newspaper's offices would be confiscated and a fine of 250,000 manat (US 58,000) be imposed. **Appeal:** The sentence was upheld on appeal on 16 January 2008, and upheld again by the Supreme Court on 3 June 2008. **Background:** Fatullayev's reporting on the dispute has led him to come under attack by Azerbaijani nationalists in early 2005. **Case (3)** On 4 September 2007, tax evasion charges were levied by the Ministry of National Security following a search of his newspapers office and questioning of its staff carrying a penalty of six months imprisonment or a term in a labour colony. **Case (4)** While held in Prison #12, on 30 December 2009 Fatullayev was allegedly found in possession of 0.22 grams of heroin in his prison cell. On 31 December Fatullayev was taken to the Garadag District Court, where after a fifteen minute hearing, a judge ordered that for the next two months he should be held in an isolation cell while he awaits trial on drug possession charge. This period was extended for further in two occasions. A preliminary hearing was conducted on 9 April 2010, and on 6 July 2010, the Garadagh District Court in Baku, sentenced Fatullayev to two and a half years in prison after finding him guilty of drug possession. According to his father, Fatullayev's new prison term begun on 6 July, despite the fact that he had spent about six months in pre-trial detention under this charge. **Prison conditions:** Fatullayev has staged protests within prison against political imprisonment and poor prison conditions. In April 2008, he staged a hunger strike in which he was joined by other prisoners and supporters outside. He ended his hunger strike after twelve days after a visit from the Azeri representative of the OSCE, and the OSCE Representative for

Freedom of Mass Media, Miklos Harastzi. Despite this, two days later he was held in solitary confinement for ten days. **Previous arrest:** Fatullayev was served a two-year suspended sentence in September 2006 for defamation and insult against the interior minister, Ramil Usubov. He accused the minister of having links with Haji Mamedov, a former official on trial for his alleged involvement in the murder of journalist Elmar Huseynov. **Awards:** On 24 April 2008 Eynula Fatullayev and other two Azeri journalists, received the Human Rights Watch administered Hellmann/Hammett award in recognition of their journalism in the face of persecution. Fatullayev was awarded the 2009 International Press Freedom Award by the Committee to Protect Journalists (CPJ). **Other information:** On 22 April 2010, the European Court of Human Rights ruled unanimously that Eynulla Fatullayev's 2007 convictions were contrary to his right freedom of expression, as stated under Article 10 of the European Convention on Human Rights. The European Court's position is that Eynulla Fatullayev should be released immediately and should also be given compensation. The Azeri authorities have been officially notified with this decision. However, as of 30 June 2010, they have not taken any action to comply with this ruling. [RAN 27/07 Update #1 - 17 July 2007; Update #2 - 13 September 2007; Update #3 - 31 January 2008; Update #4 - 16 June 2008; Update #5 - 11 January 2010; Update #6 - 9 March 2010; Update #7 - 1 June 2010] **Honorary Member:** Lichtenstein PEN Centre and English PEN Centre.

Emin MILLI and Adnan HAJIZADE (HAJIZADA)

D.o.b. 14 October 1979 and 13 July 1983, respectively. **Profession:** Internet writers and youth movement activists **Date of arrest:** 8 July 2009 **Sentence:** two year and two and a half-year prison sentence respectively. **Expiry:** 7 July 2011 and 7 January 2012 **Details of arrest:** Arrested by the police in a restaurant in Baku following a scuffle outside between the two men and others. Milli and Hajizade claim that the incident was deliberately set up to provoke the fight, and that while they were victims of an assault, they are the ones to be prosecuted for "hooliganism" while their attackers were set free. **Details of the trial:** On 11 November 2009 a judge at the Sabail District Court in Baku handed down the prison sentences on charges of 'hooliganism' and 'inflicting minor bodily harm'. It is widely believed that these are fabricated charges, and that the reasons for both Internet writers' convictions are their postings on the Internet on government corruption, education and freedom of expression. On 22 December 2009 Milli and Hajizade appeared in Baku Appellate Court, but their hearing was postponed until 2010. The verdict against both internet writers was upheld by the appeal court on 10 March 2010. **Professional details:** Milli is the co-founder of the online Alumni Network organisation and the editor of the internet television site, ANOT. Hajizade is the co-founder of the youth movement OL (To Be). Milli and Hajizade's most popular piece is a video that has been widely distributed on the internet in which a person dressed as a donkey holds a news conference and speaks about the good life in Azerbaijan, satirising the Azeri government's decision to pay very high prices to import donkeys. The video had been released just days before their arrest. **Treatment in prison:** Milli and Hajizade were not allowed to meet with their relatives while on detention, but after their conviction they were visited by their parents in late November 2009. **Place of detention:** Emin Milli was transferred to Prison #5 in Salyan region, in early April 2010, and Adnan Hajizade was sent to Prison #14, in Gizidash. Both internet writers have been visited by their lawyers in early June, who reported that the internet writers had no complaints about their health or prison conditions. **Other information:** Amnesty International

considers both Internet writers to be prisoners of conscience. (RAN 57/09 - 20 November 2009; Update #1 - 12 March 2010)

Imprisoned - Investigation

***Nazim GULIYEV:** Founder and editor-in-chief of the newspaper *Ideal*, currently closed, was reportedly sentenced to thirteen years in prison and confiscation of his property by the Grave Crimes Court on 15 January 2010. The charges against him are: extortion under Article 182 of the Criminal Code; hooliganism under article 221; and illegal manufacturing, purchase, storage, transportation, transfer or selling of narcotics, psychotropic substances, according to 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. Convicted regarding 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). PEN is seeking clarification of the current criminal charges so as to ascertain whether he is in fact detained for his writings.

Non Custodial Sentence

Eyyub KARIMOV: Editor-in-chief of the newspaper *Femida 007*, was sued by the Azeri Minister of the Interior, who filed charges in early November 2009. The case stemmed from articles published in *Femida 007* and *Azadlin*, which claimed the rise of organised crime in the country. These articles in view of the accusation labelled the minister and damaged the honour and dignity of the police. **Sentence:** On 3 February 2010 Karimov was sentenced to a year and a half of 'corrective labour', which means he would have to pay a 15% of his salary to the government during that time. Karimov filed an appeal against this sentence.

Attacked

***Nakit ADILOV:** Journalist for the pro-oposition newspaper *Azadlyg*, was reportedly attacked on 17 June 2010. The incident occurred in Baku, while he was waiting for a bus heading to the Eynulla Fatullayev's court hearing (see above 'main case'). Adilov was reportedly leaning on a tree, when the owner of a nearby shop attacked him accusing him of damaging the tree his father had planted. The police was called and Adilov was detained and taken to a police station; he was released later that day. The journalist's colleagues, believed that the attack is linked to his work as a journalist.

Harassed

***Elim BADALOV:** Student and journalist, has been reportedly dismissed from the Azerbaijan State Oil Academy (ASOA), after publishing on the web, an article on 12 November 2009. The article entitled 'Reportage from the Azerbaijan State Academy', allegedly dealt with financial fraud at ASOA. His dismissal occurred on 19 January 2010 because he failed to achieve grades in his classes; however, he claimed to have received pressure from the university staff because of the article, and that he was discriminated against because of it. Badalov reportedly filed a lawsuit against ASOA and the head of ASOA for the unfounded dismissal, but on 5 April 2010 the Nasimi District Court rejected the case. Decision was confirmed by the Baku Appellate Court.

Released

Ganimat ZAKHIDOV

Profession: editor-in-chief of newspaper *Azadlyg*. Imprisoned n 11 November 2007. to serve a four year sentence for 'hooliganism and intentional inflicting of bodily harm' under articles 127.2.3 and 221 of the Azeri Criminal Code. According to the Baku based Institute for Reporter Freedom and Safety, no evidence to prove Zakhidov's guilt was presented during the trial which began 8 January 2008. On 13 May 2008 the Yasamal District Court upheld the four years prison sentence.

Background: A man and a woman filed a complaint against the editor claiming that he had tried to attack the woman. Ganimat Zakhidov told Reporters Sans Frontieres (RSF) that on 7 November 2008 he was going up the steps to his office when the woman began to shout and accuse him of insulting her. He said that the man grabbed him and told him to stop bothering the girl. Zakhidov regarded this as deliberate provocation in retaliation for his writings, which are critical of President Aliyev and his associates. **Award:** In July 2008 Zakhidov received the Human Rights Watch administered Hellmann/Hammett award in recognition of his journalism in the face of persecution. **Release:** On 18 March 2010 Ganimat Zakhidov was released from prison, after the president issued a pardon in connection with the Azeri New Year. He was the only journalist released among 61 pardoned inmates. When freed, Zakhidov had served more than half of his sentence.

Case closed – sentences expired

Natig MUKHTARLI: Sports commentator for the sports website <http://fanat.az> was sentenced to six months of corrective labour by the Nazimi District Court, on 7 October 2009. The case was filed by the president of the Khazar-Lankaran Football Club, for an article published on the website which he found offensive. The website's manager was included on the case, and was sentenced to one year of corrective labour. They were also ordered to pay 20% percent of their salaries for the duration of their convictions. Presumed freed on expiry of his sentence in April 2010.

Faramaz NOVRUZOGLU (Allahverdiyev), Sardar ALIBEILI and Ramiz TAGIYEV:

Editor-in-chief and journalists for the newspaper *Nota* respectively arrested in October 2009. Three-month imprisonment for Novruzoglu received a three months sentence, Alibeili four months and Tagiyev received a six-month conditional sentence. Nozruzoglu and Alibaili were imprisoned on 8 October 2009, after the Court of Appeals upheld the sentence handed down by the Baku District Court in July 2009. In the same trial, journalist Ramiz Tagiyev was conditionally sentenced to six months of corrective labour, and to hand over part of his monthly income to the state during that time. The charges against all three were filed by the chairman of the local government union *Azadlyg Harakatchilari* (Freedom Movement), who claims he was insulted in six articles published in *Nota*. **Previous problems:** This is not the first time that Sardar Alibeili and Faramaz Nozruzoglu have been sentenced for defamation. Nozruzoglu was sentenced to two and a half years imprisonment on 30 January 2007 on charges of criminal libel after *Nota Bene* (former name of *Nota*) published an article he had written concerning the Azerbaijani Interior Minister. Alibeili was also charged and sentenced to a levy on his salary for 18 months. Faramaz Nozruzoglu was released along with four other journalists under a Presidential pardon on 28 December 2007. In mid February 2008 Faramaz Nozruzoglu reported

receiving threatening phone calls, for his novel *Girl's Spring Tragedy*, which was printed in *Nota Bene* after his release from prison. **Official response:** On 8 December 2009, after letters of appeal had been sent by PEN members, the Baku Court of Appeal sent a response to PEN stating that Aliyev Sardar Mammadili was found guilty under Article 148 of the Azeri Criminal Code, and Allahverdiyev Faramaz Novruz was found guilty under Article 147.2 on the same code. Both were sentenced to three-months of deprivation of liberty. Under the same ruling, Taghiyev Ramiz Yusif was also found guilty under Article 147.2, and was sentenced to six-months of correctional work by way of levying 10% income tax for the state. This ruling, initially issued by the Nizami District Court, was upheld by the Appellation Court on 8 October 2009. The criminal case was referred to the Azeri Supreme Court for review in cassation order. **Release:** On 8 January 2010 Faramaz Novruzoglu was released from penitentiary No. 16; a month later Sadar Alibeili was released from penitentiary No. 14; both on expiry of their sentences. (RAN: 53/09 – 28 October 2009, Update #2 – 21 January 2010)

Faramaz NOVRUZOGLU (aka Faramaz Allahverdiyev) and Ilham TUMA (Agayev): Journalist and advisor for the newspaper *Nota*, and editor-in-chief of *24 Saat* newspaper, respectively, faced criminal charges for insult and libel. On 30 December 2008 the Binagaly District Court heard a case filed by the chairman of the Adalat party, against both journalists for an article published in *24 Saat* on 28 May 2008, entitled 'Russia rejects Ilyas Ismayilov', which is said to be critical to the Adalat party leader. The Court hearing was postponed for an indefinite period while a specialist determines whether the article was written by Novruzoglu. There is no recent information on this case. Case closed. See also reference to Novruzoglu above.

BELARUS

Brief detention

- ***Vladimir Neklyayev and Sergei Voznyak:** Poet, author and former president of Belarus PEN, and newspaper editor, respectively, were reportedly arrested by the police on 18 May 2010. On that day, police entered the homes of members of some civil society groups in several cities across the country. Reportedly wearing bullet proof vests and carrying machine guns, the officers seized computers, mobile phones, memory sticks, books and leaflets, and scores of people were arrested. Neklyayev was charged under Article 250 of the Criminal Code for "dissemination of false information". By 25 May 2010, Neklyayev and Voznyak were freed, but the charges remain. Some believe that the raids were aimed at intimidating opposition groups in advance to the February 2011 presidential elections. [RAN 35/10, Update #1 – 26 May 2010]
- ***Ivan SHULHA:** Independent journalist, was reportedly arrested by the police while at the apartment of a colleague, a correspondent for a TV station, on 3 February 2010. The police alleged that Shulha had hit a police officer, and so was sentenced to ten days in prison on charges of hooliganism on 4 February 2010. He is also a member of the Belarusian Journalists Association.

Harassed

- ***Natalya RADINA (f), Irina KHALIP (f), Svetrana KALINKINA (f) and Marina KOKTYSH (f):** Journalists for the website www.charter97.org were reportedly summoned to the Department of Interior Affairs in Minsk for questioning on 29 April 2010. Previously, the police had searched the homes of the journalists and sized their

computers, allegedly as part of an investigation for slander. The accusation was filed by a former head of the State Security Committee, who felt that some material on the internet was defamatory against him. According to the Centre for Journalism in Extreme Situations (CJES), Radina was informed that the evaluation in the computers did not show that the alleged defamatory material was posted using these computers, but that more assessments will be conducted.

BULGARIA

Killed – Investigation under way

***Boris (Bobi) TSANKOV:** Journalist, writer and radio presenter, was shot dead while in Stamboliiski Boulevard in Sofia, on 5 January 2010. Two of Tsankov's companions were badly injured and were taken to hospital. In November 2009 Tsankov's book *The Secrets of the Mobsters* was published, exposing some figures of the criminal world, and since then he said he had received a number of death threats. Reports say that in recent months Tsankov, aged 30, had written various articles on organised crime, published in the newspaper *Weekend*, and that he made similar allegations in his radio show. Other reports suggest that Trankov was also known for irregular dealings in advertising and in his radio and television game shows, which caused many complaints against him. In June 2006 he was handed down a three-year suspended sentence for taking money from a business person promising advertisements that were never aired. The authorities are investigating the case, and reported finding about 15 bullet cases at the crime scene.

Harassed

***Lidia PAVLOVA (f):** Journalist for the newspaper *Struma*, based in Blagoevgrad, has been reportedly harassed on a number of occasions since May 2009. The harassment started when Pavlova begun to report on the 'Galevi case', that involved reportedly two business men who are allegedly being investigated for organised crime. Pavlova is said to be a witness and a claimant against the businessmen in the trial. In May 2009, one of the windshield of Pavlova's car was smashed; on 1 January 2010 her son was severely beaten; and on 22 January Pavlova's car was damaged again. The trial started on 20 January 2010. The journalist believes that these and other acts of harassment, are linked to her work as a journalist, and that the Bulgarian authorities are not willing to protect her.

CROATIA

Killed – investigation under way

Ivo PUKANIC: co-owner and director of the weekly news magazine *National* was killed by a bomb on 23 October 2008 outside the headquarters of the magazine in central Zagreb. The marketing director of the *National* was also killed. This was not the first attack against Ivo Pukanic, aged 47. There are reports that in 2002 a man attempted to stab him, and that since then he was constantly under police protection. Again, in April 2008, an unidentified attacker came up to Pukanic on the street, close to his flat in Zagreb, threatened him and then shot at him twice from the distance. Some reports linked the attacks to Pukanic's critical reporting, others suggest that there may be personal reasons behind it. On early November 2008 it was reported that the Croatian police had charged five men, three of whom are arrested, and that it had

issued international arrest warrants for the other two. One of the fugitives is believed to be a Bosnian Serb, former member of the group called Red Berets. The authorities are reportedly working together with the Bosnian police. In early June 2009 it was reported that three men had been detained in Belgrade, Serbia, on suspicion of participating in Pukanic's killing. Reports say that on 26 October 2009, Prosecutors in Serbia and Croatia charged eight suspects over Pukanic's killing. **New information:** In Zagreb, in early February 2010, a trial began against four of the suspects of Pukanic's murder. The other suspects remain in custody in Serbia and Bosnia.

CYPRUS, NORTH

Case closed

Basaran DUZGUN, Suleyman ERGOCLU and Fehim NEVZAT: Journalist for the *Cyprus Daily*, former managing director and representative of the Cyprus Media Company, respectively, are reportedly facing trial for 'casting a shadow' over the relations between the Turkish Republic of Northern Cyprus and Turkey. On 16 April 2007 the *Cyprus Daily* published an article written by Duzgun, in which he allegedly compared the devil to the former Turkish president. On 24 October 2008 the Lefcoca Court announced that the trial against the three journalists would commence on 28 November 2008. The case was filed by the Northern Cyprus Minister of Interior, and the journalists could face a prison sentence or a fine. Case closed due to lack of further information.

CYPRUS (REPUBLIC OF)

Killed – investigation

***Andis HADJICOSTIS:** Chief executive of the *Dias Media Group*, was reportedly shot dead in the city of Nicosia, on 11 January 2010. There are accounts of two men, one on foot with the gun and another one on a motorcycle waiting on a doorway. Hadjicostis was shot when he arrived at his home, emerging from his car. The police could not find the bullet casings from the scene of the crime. *Dias Media Group* reportedly is one of the largest media companies in the country, owning several magazines and newspapers, as well as television and radio stations. The investigation into his death is ongoing.

GREECE

On trial

***Takis MICHAS:** Journalist and writer, is reportedly on trial for his book *Unholy Alliance: Greece and Milosevic's Serbia*. The case was filed in July 2009, and the prosecutor sent it to trial by the end of June 2010. The complainant is said to be the person who was in charge of the Greek volunteers who fought in the Bosnian-Serb conflict in July 1995. Reports say that the claimant considers he has been labelled after Michas's book refers to the volunteers as 'paramilitaries who took part in the slaughter of Srebrenica'. According to the Greek Helsinki Monitor (GHM), the journalist is on trial because he re-printed an article from the weekly magazine *Global*, in which he refers to the same conflict. The hearings are due to start on 20 September 2010 in a court in Athens.

GEORGIA

Non custodial sentence

***Fatima MARGIVA (f):** Editor of the newspaper *Pozitsiya* and teacher at the University of South Ossetia, was reportedly arrested in mid February 2010, and charged with 'illegal possession of weapons'. Her arrest occurred after the police allegedly found a gun and explosives at Margiva's home in Tskhinvali, in May 2009. Margiva insists that her arrest and charges against her are retaliation for her journalistic work, and she pleaded not guilty. On 4 June 2010, Margiva was found guilty of charge by a court in South Ossetia, and was handed down a two-year suspended prison sentence. She was released on that day.

Harassed

***Nino JANGIRASHVILI (f):** TV director, TV host-show and internet writer, has reportedly been harassed by the Georgian authorities and by an alleged neo-fascist group. Jangirashvili is the director of the independent TV station Kavkasia, distributed by cable in Tbilisi, as well as the host of Kavkasia's talk show. In one of the shows broadcasted in early May 2010, a radical Orthodox Christian Group allegedly assaulted their critics, and some members of the TV staff, outside the station. There are also reports that the government is putting pressure into advertisers who are allegedly prohibited from using independent broadcasters in Georgia, threatening the financial position of independent media, such as Kavkasia TV.

***Ninia KAKABADZE (f):** Independent journalist, has been reportedly harassed by alleged neo-Nazi groups. There are reports that in various occasions, members of the People's Orthodox Movement and Orthodox Parents' Union, physically and verbally assaulted and intimidated freedom of expression activists, as well as journalists, such as Kakabadze. On one of these occasions, on 4 May, Kakabadze was participating in a small and peaceful demo in front of Ilia University, when members of these groups reportedly approached the demonstrators, spat at them, chased and insulted them. It is said that police officers witnessed the assault, but did nothing about it, as none of the assailants was arrested or prosecuted.

KAZAKHSTAN

Imprisoned - Main case

Ramazan YESERGEPOV (Esergepov)

Profession: Editor-in-chief of the weekly *Alma-Ata Info* **Date of the arrest:** 6 January 2009 **Sentence:** Three-year prison sentence **Expiry:** 5 January 2012 **Details of the arrest:** Yesergepov was being treated for hypertension at the Cardiology Institute in Almaty, when armed and masked security officers entered the hospital and taken to the Taraz regional office, in southern Kazakhstan, where he was interrogated by the Kazakh National Security Committee (KNB). According to a statement by the KNB Yesergepov was arrested because he repeatedly ignored subpoenas issued by the agency. **Charges:** Illegally obtaining and divulging state secrets **Details of the trial:** Yesergepov's charges stem from an article published on 21 November 2008 entitled 'Who rules the Country - The President or the Committee for National Security (CNS)?' which is said to deal with a tax fraud allegation. Since December 2008, *Alma Ata Info*, has been investigated for the disclosure of two leaked memos which were published alongside the cited article. During the trial

Yesergepov maintained his innocence and stated that the facts in his article were of public interest. The verdict was announced on 8 August 2009 behind closed doors, without the presence of journalists. According to press reports, a former Supreme Court Judge stated that a number of norms were contravened during the trial and that, as a consequence, Yesergepov should be retried. The sentence was based in articles 172 and 339 of the Kazakh Criminal Code. In October 2009 the verdict against Yesergepov was upheld by a regional court in Taraz. **Parole:** On 23 January 2010, the prison commission rejected a request for early parole filed by Yesergepov, after serving one year of his sentence. According to his wife, in an early meeting, the commission agreed to parole him, but changed their decision under pressure 'from above'. **Health concern:** On 25 June 2010, Yesergepov announced he will go on hunger strike on 6 July, as a way of protesting for his imprisonment and for the alleged failure of the Organisation for Security and Cooperation in Europe (OSCE) to deal with the Kazakhstan's human rights violations. 6 July marks the first half of Yesergepov's sentence. (RAN 10/09 – 13 February 2009; Update #1 – 21 August 2009)

Imprisoned - investigation

***Alpamys BEKTURGANOV:** Writer and former adviser for the governor of the western Kazakhstan region, was reportedly sentenced to one year in prison on charges of 'libel', on 13 August 2009. This charge is linked to a press conference lead by Bekturganov on 15 July 2009, in which he reportedly criticized the then governor. Days after the conference, Bekturganov was dismissed from his job. While serving this sentence, on 22 September, Bekturganov was handed down another three-year prison sentence on charges of 'abuse of office' while holding the position of deputy head of Oblast Culture Department in 2006. According to the second verdict, Bekturganov allegedly made an illegal profit by selling his books to regional libraries; however, other reports suggest that he is innocent as the sell or purchase of books was not within his responsibilities, and that he is being punished for his critical views. The confiscation of his property was also ordered, as well as the prohibition of holding official posts.

Attack

***Yury GEIST:** Journalist for the independent newspaper *Diapazon*, was reportedly attacked by two unidentified men on 24 May 2010 while at a restaurant near the newspaper's offices. One of the assailants escaped, but the second was apprehended by the police. *Diapazon's* editor-in-chief reportedly believes that the attack is linked to Geist's work as he covers crime issues. An investigation is ongoing.

***Igor KIM (pen name: Igor Larra):** Correspondent for the independent weekly *Svoboda Slova* (Freedom of Speech), was reportedly attacked on 22 March 2010. Before that, for about two weeks Kim had been covering a strike by the workers of the national oil company that lead to the dismissal of some regional managers in the Zhanaozen district. On the day of his attack, Kim was near his home when three unidentified men called him name, said they had greetings from Zhanaozen and beat him. The authorities are investigating the attack.

KYRGYZSTAN

Killed: investigation ongoing

Alisher SAIPOV: journalist, aged 26, of Uzbek ethnicity. Shot dead by three bullets at close range by an unknown gunman in front of several

passers by on 24 October 2007 in the city centre of Osh, southern Kyrgyzstan close to the Uzbek border. Saipov was the editor of the independent, Uzbek language newspaper, *Siyosat (Politics)*. He had also worked for a number of publications including www.fergana.ru, Voice of America and Radio Free Europe/Radio Liberty. He also reported for the London based Institute for War and Peace Reporting. **Background:** Saipov was a well known journalist who had been outspoken in his criticism of the Uzbek authorities, particular the country's dire human rights record. Among others, he covered the mass killings of citizens by Uzbek soldiers in Andijon in May 2005. **Investigation:** Early on, Kyrgyz police said that Uzbek agents may have been involved in his murder. However a statement on 31 October 2007 by a Kyrgyz Ministry of the Interior official indicated that there was no evidence of this. Osh is known to have been infiltrated by Uzbek security agents and there are reports that the Uzbek exile community there have suffered threats and intimidation. Kyrgyz officers sealed his office, and seized computers and mobiles, it is said in an attempt to investigate Saipov's contacts. However colleagues fear that sensitive information could be passed on to the Uzbek authorities, enabling them to identify Saipov's sources. Furthermore, on 1 November 2007, the CPJ expressed alarm that the Kyrgyz authorities had publicly stated that Saipov had links with the banned Uzbek Islamic groups, Hizb ut-Tahrir and the Islamic Movement of Uzbekistan, citing material allegedly found on his hard drive. His colleagues condemn this preliminary statement as unprofessional and biased, pointing out that Saipov would have been in touch with these groups in his professional capacity as a reporter. On 4 February 2008 an Interior Ministry press officer announced that the investigation had been suspended. Following the announcement Kyrgyz officials gave different reasons for this. On 31 March 2008 the Interior Ministry Investigative Committee informed the family that the investigation had been stopped "due to the inability to identify a suspect". On 21 November 2008 it was reported that the Deputy Minister of Internal Affairs stated that journalism had been ruled out from the investigation on the death of Alisher Saipov. **Arrest of suspect:** In April 2009 investigators announced the detention of a suspect and said that they recovered the weapon of the crime. After an initial decision of the Osh City Court of insufficient evidence, and a request of the family for additional investigation, on 9 December 2009 the Supreme Court stated that the prosecution of the suspect Abdufarit Rasulov could proceed and that there was nothing more to investigate. The suspect has denied involvement in Saipov's death. **Death threats:** In the months prior to his death, Saipov reported receiving death threats and to being followed by unknowns. A local state television station in Uzbekistan had also recently aired a program in which Saipov was described as deliberately attempting to destabilise Uzbekistan through his reporting, and he had for some months been subject to an internet smear campaign from Uzbekistan. The Kyrgyz President Bakiyev has taken on direct responsibility for resolving the murder. **Award:** In 2008 an award in Saipov's name was established in Kyrgyzstan, to reward young journalists. In 2009 the prize was given in three categories: for professional commitment, for active civil position, for adherence to human rights. **Family:** Saipov was married. His first child was born just three months before his death.

Killed - trial

Almaz TASHIYEV: Social affairs journalist for the *Agym* (Stream) newspaper, died on 12 July 2009 after being reportedly beaten on 4 July by eight police officers in the southern town of Nookat, in the Osh region. Tashiyyev's family said that after the attack, the reporter fell into a coma.

There are reports that a police officer had confessed to getting into a fight with Tashiyyev over a private matter, but his relatives say otherwise. Other reports suggest that on the day of the assault, the journalist and a friend went to the local police station to renew a passport. When they arrived at the station, there was an improvised celebration for one of the police officer's promotion, and it was then when a policeman started arguing with the journalist. Tashiyyev's reports were critical to the local government. The local prosecutor is investigating the journalist's death. **New information:** It has been reported that in late February 2010, two former police officers received a two-year conditional prison sentence for Tashiyyev's death. According to the journalist's family, the prosecutor asked for a sixteen prison sentence against the policemen, and therefore, their solicitor is appealing this verdict.

Imprisoned: investigation

***Ulugbek ABDUSALOMOV:** Editor-in-chief of the newspaper *Diydor*, has been reportedly arrested in Jala-Abad region on 14 June 2010. On that day, Abdusalomov's car was blocked by another car without licence plates, when various men in camouflage detained him and took him to the regional headquarters of the Kyrgyz Security Service. He was then transferred to a pre-trial detention centre in Jalal-Abad. Abdusalomov has been reportedly charged with 'incitement of ethnic hatred' under Article 299 of the Kyrgyzstani Criminal Code. The Committee to Protect Journalists (CPJ), states that the newspaper *Diydor* was not critical of the authorities and that it was published in Uzbek and Kyrgyz languages. Abdusalomov is one of the journalists working in southern Kyrgyzstan who have been detained after reporting on the violent confrontation on ethnic grounds occurring in that region since early June 2010. There are reports of journalists in similar situation who have been working for the broadcast media. Abdusalomov is said to be an ethnic Uzbek journalist.

Threatened

***Zhyldyz MUSABEKOVA:** Deputy Editor-in-chief of the *Forum* newspaper, has been reportedly receiving death threats on her phone from unknown individuals. On 24 January 2010, the editor gave an interview to a radio station and said that these individuals threatened to hurt her thirteen-year old daughter. She also mentioned that had been followed by a car and gave the registry number. Musabekova believes that the threats are linked to her journalistic work.

Case closed

Abdumalik SHARIPOV: journalist. Charged alongside two members of the local human rights organisation Justice, Valentina Tritsenko and Mahamadzhana Abdushaparova, and Nargiza Turdiyeva, a private citizen. Accused under Article 127 and 128 of the Criminal Code for an article published in January 2006 entitled "Women are being beaten, even those who are pregnant" published in *Pravo dlya vshe*". This follows a complaint by a senior investigator of the interior department, Zhalabat region, who had been referred to in the article which reported on a statement made in January 2006 by Turdiyeva to the human rights organisation in which she claimed to have been beaten by the investigator who knew that she was pregnant at that time, and that specific threats had been made against her. The hearings opened in June 2006 but were postponed for health reasons. It was due to restart on 22 May 2007. In August 2008 PEN received information that hearings were postponed once more for health reasons, and that it could take up to six to eight months to restart. There has been no recent information on this case.

MALTA

On trial

***Mark CAMILLERI and Alex VELLA GERA:** Editor of the student newspaper *Ir-Realta*, and author of a short story, respectively, are reportedly on trial since March 2010, for 'distributing obscene or pornographic material and for injuring public morals or decency'. The case is linked to Vella Gera's story which is in a form of a parody, published in October 2009, deals with the thoughts of a sexually aroused man. The university reportedly did not consider the story appropriate, and so banned the student newspaper and reported the case to the police authorities. If found guilty Camilleri and Vella Gera could face up to six months in prison.

MOLDOVA

Transdniester Republic

Imprisoned – Investigation

***Ernest VARDARIAN:** Journalist and political analyst for the newspaper *Puls* and freelancer for the news agency *Novy Region* and occasional reporter for Radio Free Europe/Radio Liberty, has been reportedly detained in the separatist Transdniester region of Moldova, since 7 April 2010. On that day, armed officers from the Ministry of State Security, from the unrecognised Pridnestrovian Moldavian Republic (PMR), arrested the journalist at his home, where they also seized computers, notebooks and audio and video recording equipment. The journalist has been reportedly charged with 'high treason' and 'espionage', and if found guilty could face up to twenty years in prison. According to the *Novy Region's* director, Vardarian had recently focused his articles on international politics, instead of matters to do with PMR.

Threat

***Staff at Ziarul de Garda:** Journalists at the *Ziarul de Garda* newspaper, have reportedly been threatened after the publication of a series of articles on a case of alleged corruption at the National Railway Company in Chisinau. The pieces were published in the issues of 26 November, 3 and 10 December 2009. Soon after, the authors of the articles and their families, as well as the other staff members of the newspaper, reportedly received phone and written threats. The threats are being investigated by the authorities.

RUSSIA

Killed – investigation/trial under way

Maksharip AUSHEV: Activist and former owner of the website *Ingushetia.org* was shot dead while in his car, in the North Caucasus region of Kabardino-Balkaria, on 25 October 2009. Aushev became the head of *Ingushetia.org* after journalist and lawyer Magomed Yevloyev was killed, in August 2008 (see below for more on Yevloyev's case). In recent months Aushev joined a team of experts working for Russia's Human Rights Ombudsman. There are reports that in September 2009 a group of unknown individuals attempted to kidnap Aushev. **Award:** On 8 December 2009, Aushev was posthumously awarded the Russian Federation's human rights ombudsman's medal. The authorities are investigating the case.

Natalia Estemirova (f): Journalist and human rights defender, was abducted and murdered on 15 July 2009. Witnesses reported hearing Estemirova calling out that she was being kidnapped as she was forced into a van around 8.30 am as she left her home for her office in Grozny. Her body was found some hours later in woodland in neighbouring Ingushetia. She had been shot in the head and chest. Estemirova, of Russian-Chechen descent, worked at the Grozny office of Memorial, Russia's best known rights organisation. Tenacious in her investigations into torture, killings and other abuses in Chechnya, Estemirova was a close colleague of Anna Politkovskaya (killed in October 2006) and in 2007, she was the first recipient of the annual Anna Politkovskaya Award given by the Reach All Women in War campaigning group. Estemirova was awarded for her courage by the Swedish and European parliaments. From 2001 until Politkovskaya's assassination in 2006, the two had worked together to expose abuses carried out by Russian armed forces in Chechnya and by Moscow-backed Chechen officials. Despite knowing the acute danger, Estemirova continued to research and advocate on abuses in Chechnya, most recently a spate of house burnings by government backed militia. She has been commended by local and foreign journalists for whom she was an important source of independent information in the conflict. Russian President Dmitry Medvedev has condemned the murder and ordered an inquiry. The Chechen President Ramzan Kadyrov has also called for those responsible to be brought to justice. The organisation Memorial, has since closed its Grozny office, fearing for the safety of its staff. **Update on the investigation:** In Late February 2010, the agency investigating Estemirova's death confirmed that it has identified the suspect who is said to be in hiding. He has not been named. **Other information:** The Chairman of the Memorial Centre, Oleg Orlov, is on trial on charge of slander against the Chechen president. Reports say that in a statement, Orlov suggested that the Chechen president was responsible for the death of Natalia Estemirova. In convicted, Orlov could face up to three years in prison. (RAN 28/09 – 16 July 2009; Update #1 – 23 July 2009)

Stanislav MARKELOV and Anastasiya BABUROVA (f): lawyer and journalist for the independent newspaper *Novaya Gazeta*, were shot dead in a Moscow street on 20 January 2009. They were attacked as they left a press conference at the Independent Press Centre. Markelov, a human rights lawyer who had also worked for *Novaya Gazeta* and had represented the journalist Anna Politkovskaya before she herself had been assassinated in October 2006 (see below). Markelov had, just hours before his killing, issued a statement protesting the early release of a Russian army officer who had been convicted in 2003 for the murder of a Chechen girl. He represented victims of human rights abuses, including the families of Chechens who have disappeared. Anastasiya Baburova was walking alongside Markelov when he was shot. She reportedly attempted to apprehend the gunman, but was herself shot in the head, and later died in hospital. Baburova had joined *Novaya Gazeta* in October 2008 and had been researching neo-Nazism and race motivated crimes in Russia. **Investigation into murder:** On 5 November 2009 a Russian Investigative Committee charged Nikita Tikhonov (29) and Yevgenia Khasis (24), with Markelov and Baburova's murder. Unconfirmed reports say that both people were members of the Russian National Union, radical group that has been banned in the country. In late February 2010, it was reported that Tikhonov has been charged with Part 2 of Article 105 of the Russian Criminal Code, for murder under political and ideological enmity. (RAN 07/09 – 2 January 2009)

Anna Politkovskaya (f): leading journalist and author. Shot dead in the elevator of her apartment on 7 October 2006. A journalist who covered

the war in Chechnya, Politkovskaya 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 the Moscow theatre in an attempt to negotiate with Chechen rebels the release of hundreds of hostages. 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, former and serving members of the Russian Federal Security Services and police forces. A statement that the killing had been masterminded by Russians living overseas, was greeted with some scepticism. Questions surround the timing of the announcement (almost a year from Politkovskaya's death), and reports that suspects had been beaten to confess and other irregularities. International monitors have voiced concerns about lack of transparency in the proceedings and conflicting statements that could undermine the investigation. On 12 May 2008 the Investigative Committee at Russia's Prosecutor-General's Office announced that the Chechen Rustam Makhmudov had been charged in absentia with murdering Politkovskaya. An international warrant for his arrest was issued. Afterwards, on 18 June 2008, the Investigative Committee announced that it had charged three men, a former police officer with the Moscow Directorate for Combating Organised Crime, and two ethnic Chechen brothers. There are two other investigations opened, one in which the suspect remains in absentia, and another into the intellectual authors of the crime. The case was sent to Moscow District Military Court on 2 October 2008, allegedly because it contains classified material and an officer of the Federal Security Service (FSB) is involved in the case. However, according to the Chief Investigator in charge of the case, this FSB officer is not directly charged with Politkovskaya's murder, but with abuse of office and extortion, and will be tried with the three other suspects because of his previous association with them. **Trial:** On 17 November 2008 the trial on Politkovskaya's murder started and was opened to the media and the public. However, two days later as the jurors refuse to attend the courtroom together with the media, the judge decided that the trial will be held at closed doors. There were suspicions among Politkovskaya's colleagues who referred to the trial as a 'farce' as the main authors of the crime are not in the dock. On 19 February 2009, the men accused of assisting Politkovskaya's murder were acquitted by a twelve-member jury for lack of proof in the evidence provided by the investigation. After prosecutors appealed the non-guilty verdict, the Supreme Court overturned this decision and ordered a retrial. **Recent developments:** On 3 September 2009 the Supreme Court returned the case to Russia's General Prosecutor for further investigation on the men suspected of involvement on the journalist's murder. In this way, the Supreme Court upheld a demand from Ana Politkovskaya's family to the previous outcome for a retrial.

Honorary member: PEN Canada

Magomed YEVLOYEV: owner of the opposition website *ingushetiya.ru*. Was arrested on 31 August 2008 as he disembarked from an airplane at Manas airport in Ingushetia's capital, Nazran, and died from a gunshot wound to the head, inflicted as he was being driven in a police van from the airport. Police claimed that the death was accidental and that a policeman's firearm had accidentally fired as Yevloyev had lunged at the officer in an attempt to resist arrest. However, relatives and others believe that that it was deliberately aimed at causing fear and intimidation, and to force a split between civil and human rights groups. **Background:** The website has been fiercely critical of the Ingushetian leadership, and so concerns have been voiced that Yevloyev may have been assassinated. *Ingushetiya.ru* is known as a reliable source of information on issues including corruption, human rights abuses, poverty and unemployment, as well as anti-government protests. The website has suffered several attempts to close it down. Most recently a June 2008 banning order issued for "inciting ethnic hatred" and distributing "extremist" materials was upheld by a district court in Moscow. On 22 August 2008, Yevloyev had posted a statement on his website accusing Zyazikov and the Ingushetian Interior Minister Musa Medov of unleashing "a civil war against the Ingushetian people", adding that "all attempts undertaken by Zyazikov and Medov are futile". **Investigation:** The first investigation lead by the Russian prosecutor general's office concluded that Yevloyev's death was an accident. The then Ingush minister of interior held responsible for the death has since been transferred to Moscow to a higher ranking position. **Government' response to the UN:** In May 2009 the Special Rapporteur on Freedom of Expression and Opinion of the United Nations (UN), published his report, including communications transmitted to the Ingushetian government on Yevloyev's case, and the responses received. According to these responses, on 31 August 2008 officers of the Ministry of Internal Affairs of Ingushetia, took Yevloyev into custody by force, under the instructions of the investigator of the Nazran internal affairs office, because he had ignored the summons issued by the investigator. Yevloyev was due to be questioned as witness. According to the testimony of the officer who fired the shot that caused Yevloyev's death, he, the officer, was looking out of the window in the car while on the way to the Nazran internal affairs office. The officer believed that the vehicle might be attacked, and so he had his pistol cocked, ready to fire. As he heard another officer cry out, the officer turned in Yevloyev's direction. At this point in time, Yevloyev 'moved forward and his head came into contact with the pistol, and the pistol went off'. The government response, dated 29 September 2008, states that an investigation was instituted under Article 109, paragraph 2 of the Criminal Code, for 'negligent homicide owing to the improper discharge by a person of his professional duties'. Other possibilities are also being considered by the Office of the Prosecutor, including that Yevloyev's death was connected with his public activities. The official response to the UN also points out that Yevloyev was a staunch critic of the Ingushetian president and of the federal centre policy, and expressed his views on his website *ingushetiya.ru*. This site made use of a number of opposition organisations, some of them with extremist views. Under the request made by the prosecutor of Ingushetia, on 12 August 2008, the decision to close *ingushetiya.ru* was upheld. The government's response finally mentions that the reason for Yevloyev having to testify, was that the Procurator instituted criminal proceedings against him in connection with an explosion near the home of the Director of the Monitoring Department of the Administration of the President of Ingushetia. **Verdict:** On 14 December 2009, a Russian police officer was convicted of negligent homicide for Yevloyev's death, and was sentenced to two years in a

law security prison. The editor's family announced they will appeal the verdict as they are certain the officer shot him deliberately. **New information:** On 2 March 2010, Ingushetia's Supreme Court decided to release the Russian officer convicted with Yevloyev's killing. His two-year prison term was replaced by a two-year 'restriction of freedom' term, what means that during that time he is not allowed to leave the town or to attend mass gatherings, to change his address or his work place, among other restrictions. (RAN 42/08 – 3 September 2008).

Killed: motive unknown

***Konstantin POPOV:** Journalist for the weekly *Tomskaya Nedelya*, was reportedly brutally beaten while in police custody in Tomsk, Siberia, on 4 January 2010. Reports say that on that day, Popov was found under the influence of alcohol and was taken to sober up at the police station, where the beating occurred. He spent two weeks in coma in a hospital, where he died on 20 January. The officer who allegedly was responsible for attacking Popov has been reportedly arrested.

Imprisoned - Investigation

Irek MURTAZIN: Internet writer and former press secretary to the president of the Republic of Tatarstan, was sentenced to twenty-one months in prison by the Kirov district court of Kazan, capital of Tatarstan, on 20 November 2009. Murtazin was convicted under charges of defamation and instigating hatred and hostility. The trial stemmed from Murtazin's book *Mintimer Shaimiyev: The Last President of Tatarstan*, published in 2007. It is said that the authorities only paid attention to the book after Murtazin posted on his blog the erroneous news that Tatar President Shaimiyev had died while on holiday in Turkey in September 2008. The news were refuted soon after, but Murtazin was summoned to the prosecutor's office for questioning; afterwards his home was searched and his computer and notebooks seized. The author was formally charged on 10 December 2008; and later that month, Murtazin was attacked in his car by two unknown individuals.

Anatoly SARDAYEV: editor in chief of the weekly *Mordoviya Segodnya (Mordoviya Today)* based in the city of Saransk, the capital of the Central Russian Republic of Mordoviya. Sentenced on 29 June 2007 for embezzlement and misuse of funds when he was head of the Mordoviya postal service in 2004. Given a 5½ year sentence, and a fine of around US\$ 4,000. However colleagues and press freedom monitors are concerned that the sentence may be a means of punishing his newspaper for critical reports on the local authorities. Specifically an article that carried a survey of public opinion polls published in April 2007 that said that the majority of Russians consider law officers with distrust and that 46% of respondents would consider resisting a soldier's orders. Sardayev's supporters also point to a number of instances since early 2004 when Sardayev and others working for his paper have been harassed and charged on what they claim to be spurious grounds.

***Galina YABLOKOVA (f) and Alexei YABLOKOV:** Founder of the newspaper *Ivanovo-Press* and head of the company IvPress, and journalist of the newspaper, respectively, were arrested by officers of the Ministry of the Interior on 27 January 2010. They were charged with 'commercial bribery by an organised group' under Article 204 of the Russian Criminal Code. Reports say that the agency investigating the case, has recording of Yablokova conducting negotiations with clients who would pay money for publishing articles against some individuals and organisations. The first article is said to have been published in January 2010, and Yablokova was allegedly arrested after receiving the money as compensation for publishing that piece.

On trial

Alexander ANDRONYUK: Editor-in-chief of the independent weekly newspaper *Arzamasskie Vesti*, was reportedly detained on 1 July 2009, under suspicion of extorting a gypsum factory into paying a subscription to his newspaper, so as not to publish information that could damage the factory's reputation. However, Andronyuk's deputy editor stated that the newspaper had had good business relations with the factory for many years. *Arzamasskie Vesti* is said to be known for its exposés on local officials, and that the newspaper was the first to publish a scandal involving a leader of the United Russia party. The editor's wife reported that on 22 December 2009, Andronyuk was attacked and injured with a knife by an unidentified person, but that they decided not to report the incident as it would not have helped. In December 2009, a court in the city of Arzamas, sentenced Andronyuk to five year in a correctional labour camp on charges of extortion. Colleagues report that there we no direct evidence to prove the editor's guilt. A high standing court in Nizhny Novgorod upheld the guilty verdict in February 2010, but imposed a suspended five-year sentence with a three-year probation period. **New charges:** In March 2010, another criminal case for 'libel' was filed against Andronyuk. This case was initiated by the head of the water supply company, who was allegedly mentioned in an article as having irregularly seized the said company.

Nadira ISAYEVA (f), Timur Magomayev, Artur Mamayev, Magomed Magomedov and Biyakai Magomedov: Editor-in-chief of the independent weekly *Chernovik*, based in the southern republic of Dagestan, and reporters for the same publication, have been charged with incitement of hatred and demeaning the honour of law enforcement officials as a 'social group'. The charges are said to be linked with an article published on 4 July 2008 quoting one of the leaders of the 'Boyevikis' ('independence fighters'). In a press release, the office of the general prosecutor stated that the article "depicts disbanded terrorist groups in Dagestan as well-organised political power, presents terrorists as heroes and encourages leaders to believe in the necessity of violent change of the constitutional regime in Russia". Earlier, the regional prosecutor in Dagestan, issued a warning that the newspaper had violated anti-extremism legislation. On 18 July 2008 the *Chernovik* weekly allegedly challenged the prosecutor's warning before a court, but no hearing was been scheduled. on 26 August 2008 the homes of the four reporters, Isayeva's and that of *Chernovik*'s founder **Khadzhimurad Kamalov** were searched by investigators with the local prosecutor's office and officers with the Criminal Investigation department of Dagestan's Interior Ministry. The investigators seized a computer, books, and electronic files allegedly looking for signs of extremism. The day after the search, a spokesperson of the general prosecutor's office stated that it had been established that the authors of the newspaper's articles may have published them in co-authorship. On the same day, 27 August 2008, Isayeva reportedly received a notice from the Investigative Committee at the Dagestan prosecutor's office, telling her that she had to undergo a psychological analysis. Isayeva was initially investigated and charged, and the other reporters were included in the case in late 2009. On 15 June 2009, a lawsuit was filed against the weekly *Chernovik* in Dagestan's Supreme Court. The case was filed by the state's media regulator, who demanded for the closure of the weekly for publishing alleged extremist statements. Reports say that the case is linked to articles published in 2008 which allegedly incited hatred of regional enforcement agencies. **New information:** In January 2010 the trial against the editor and journalists begun. Isayeva faces up to five years in prison as the editor of the weekly, and the reporters face up to two years.

***Yekaterina LAZAREVA (f)**: Journalist for the news agency *URU.ru*, is on trial on for libel under Article 129 of the Criminal Code, since April 2010. The charges were brought by the former mayor of the Kurgan region, after the publication of critical articles in tow different websites, *Rurgan.ru* and *Kompromat.ru*, in April 2009. According to Lazareva, these other websites used parts of texts she published in *Uru.ru*, but included comments and speculations that she did not author in her original piece.

***Sergei MIKHAYLOV**: Founder of the newspaper *Listok* (Page) and member of the regional parliament of the Russian Altai Republic, has been reportedly charged with defamation and inciting ethnic hatred, in May 2010. According to Radio Free Europe/Radio Liberty (RFE/RL), the charge of defamation is linked to an article printed in *Listok* a year earlier, that was critical of the Altai authorities regarding the liquidation of an outdoor market in Gorno-Altai, Altai's capital city. The second charge, is related to a placard with an ultranationalist symbol that Mikhaylov allegedly carried in February.

Rimma URAZBAKHTINA (f): journalist for the newspaper *Chas Pik Na Magistrali*. In May 2009 it was reported that Andrei Nazarov, who represents the Republic of Bashkortostan in the State Duma, has brought a case against Urazbakhtina, for an article published on the Mediakorset website, that he says is slanderous. The article is said to have accused Nazarov of being openly critical of the Bashkortostyan Prime Minister Rail Sarbayev, accusing him of involvement some years before in the assassination of a prosecutor. Nazarov claims the article not only belittled himself, but also the United Russia party of which he is a member. She is likely to be tried for slander under Article 129 of the Russian Criminal Code and could be imprisoned for 18 months if convicted. PEN is seeking an update on this trial. **Previous trial**: Faced charges in late 2007 linked to an article deemed to harm the "honour and dignity" of a judge. Acquitted in September 2008.

Judicial Concern

Boris STOMAKHIN: contributor to *Radikalnaya Politika* and the Chechen rebel-run website Kav-Kaz Centre. Sentenced to five years in prison on charges of inciting ethnic hatred and supporting terrorism on 20 November 2006. Prosecuting authorities state that his articles called for "destroying of the Russian people as a nation". He has been imprisoned since his arrest on 22 March 2006 when he fell from a Moscow window in an attempt to escape police. It is thought he suffered a fractured spine and damage to his knee. He was first held in a prison in Moscow, then transferred on 25 June 2007 to another in Nizhny Novgorod, some 400 km from the capital. The charges relate to an article published in 2003 following a complaint that the newspaper was published by "Chechen radicals". Stomakhin fled Moscow but returned after an unsuccessful appeal for asylum in Ukraine. **PEN Position**: PEN understands that many of the articles do call for violence and justify terrorist acts such as the seizure of the theatre in Moscow in late 2003. Stomakhin, in his defence, states that his comments were simply opinions and not calls for action and a number of NGOS have called for his release, referring to his writings as while being on the one hand "outrageous", on the other they do not directly incite violence. PEN is currently reviewing the case.

Brief detention

***Alexei SALOV**: Editor of the weekly publication *Argumenty Nedeli*, was reportedly summoned for questioning to the city police department against economic crime and was briefly detained on 12 May 2010. The

editor was questioned after a businessman, who is also a member of the State Duma's United Russia party, filed a complaint for extortion. According to the businessman, Salov demanded money for not publishing compromising information. The editor was later released from detention without any charges.

Attacked

***Salimzhan GAININ**: Journalist and editor of the newspaper *Ogni Povolzhya*, reportedly suffered an arson attack when his house was burned down on 15 June 2010. Some of Gainin's relatives were in the house when the attack occurred; his daughter sustained burns. Gainin had published a number of articles critical of alleged corrupt officers from the local administration in the city of Marks, Saratov region. The journalists and his colleagues believe that the attack is linked to these articles and they have asked the authorities to consider this while investigating the incident. In 2008, Gainin was found guilty of slander for criticising a Saratov Duma Deputy, and was sentenced to 180 hours of correctional labour.

***Arkadi LANDER**: Editor-in-chief of the newspaper *Mestnaya*, was reportedly brutally beaten by two unidentified men in Sochi, south of the country, on 26 April 2010. Lander, age 62, was returning to his flat when the men hit him repeatedly with metal bars. The attackers did not take any of Lander's belongings. The editor reportedly believes that the attack was linked to his work. He stated that the newspaper is distributed in Sochi free of charge, and that it has covered the latest March local elections, from a pro-opposition point of view.

***Pavel NETUPSKY**: Journalist for the internet news site *Fontanka.ru*, was reportedly attacked in St. Petersburg on 16 May 2010. The journalist was on his way home when an identified man beat him on the head, until a neighbour appeared scaring the attacker who ran away with an accomplice who was standing nearby. Reports say that Netupsky received threats linked to his journalistic work and that he had suffered similar violent assaults in two previous occasions.

***Vasily POPOK**: Journalist based in Topki, Kemerovo region, eastern Moscow. His house was burned down on 6 March 2010. The journalist was rescued by his neighbours and he was not hurt. He believes that the arson attack is directly linked to his journalism. According to the local union of journalists this is not the first time Popok's life is in danger. The authorities are investigating the case.

Harassed

***Israpil SHOVALOV and Abdulla DUDUEVA**: Editor and deputy editor, respectively, of the magazine *Dosh*, were reportedly questioned by armed men in Ingushetia on 9 March 2010. The editors were returning from Pliyev, a village where they covered a rally demanding the release of a kidnapped person. They were on their way to interview the president of Ingushetia when a group of armed men stopped them and demanded to see their identification cards. The men threatened the journalists to take them to the police station to verify their documents; however Shovalov and Dudueva refused to go with the officers as they themselves refused to provide with any document and because their car did not have number plates. Shovalov managed to make a phone call to his colleagues from *Dosh* to whom he told what was going on with both editors, before his mobile was taken away from him. Both editors were released afterwards. Reports say that the fact that the journalist sent that early warning to their colleagues lead to a chain reaction as the news were spread instantly in the local and national media, and that this might have contributed to their release.

Case closed

Arseny MAKHLOV: Founder of the independent newspaper *Dvornik*, is reportedly facing charges of 'bribery', after the daily published articles on alleged corruption implicating local officials. He was arrested on 30 March 2009, charged and released on 1 April, awaiting a criminal investigation. If convicted he faces up to eight years in prison. The police claimed that Makhlov attempted to bribe a transit officer to avoid a breathalyzer test. However, Makhlov said that two plainclothes officers from the Kaliningrad's Department of Economic Crimes approached him while he was getting into his home, pointed to 50 Euros on the control panel of the car, and accused him of bribing the officer. If found guilty Makhlov could face up to eight years in prison. Previously, in 2008 Makhlov was attacked after the newspaper published an article regarding a private company acquiring a landmark building illegally. No further information. Case closed.

SERBIA

Threat

***Rastko POCESTA:** Internet writer, has been reportedly receiving threats since he posted comments on his blog and Facebook site. It was reported on April 2010 that Pocesta presented himself on the internet as an arch liberal and pro-American defender of human rights. He is said to have police protection due to the threats.

Death threat

***Milos VASIC:** Journalist for the weekly *Vreme*, based in Belgrade, Serbia's capital, has reportedly received a death threat in late July 2009. The threat was allegedly made via a letter to the daily *Gras Srpske* in Bosnia Herzegovina, signed by a self-proclaimed leader of the Serbian Chetnik Movement in Vojvodina. On the same day, a telegram was sent to *Gras Srpske*, in which condolences were offered for Vasic's death.

SPAIN

On 19 December 2007 the sentences were announced against over 60 people accused on charges of terrorism for their alleged support and activities for the Euskadi Ta Askatasuna (ETA) a Basque armed separatist group, which concluded with 47 convictions of between two and twenty years in prison. Among them are a number of journalists and writers, including those working for the Basque newspaper 'Egin'. The trial started in November 2005, lasting sixteen months, and took place in Madrid, 400 or 500 kilometers away from the homes of the accused. During that time the accused were required to attend the court hearings, even if they were not involved in the case that was on trial in a specific day. The trial itself was based on an 8-year inquiry carried out by judge Baltasar Garzon, a leading member of Spain's anti-terrorism group. The convictions relate to a number of different cases that were brought together for trial in one court. (The Egunkaria case, see below, was originally among this group, but subsequently tried separately). Garzon concluded that ETA was formed not only of armed cells, but also through a network of political, financial and media groups. Some of the defendants were detained following the sentencing, and others freed pending appeal. There are concerns that some of those convictions may be in breach of international standards safeguarding the right to freedom of expression and association. Amnesty International has stated that it

believes that there may be prisoners of conscience among this group, and as of December 2007, was still researching the legal documentation that led to the decision. The cases listed below are those that have been brought to International PEN's attention as possibly being among those wrongly convicted. It is seeking clarification of the charges to enable it to hold an informed opinion on these concerns

Imprisoned - Investigation

Javier SALUTREGI: sub-editor for 'Egin', that was forcibly closed in 1998 by a court order, which was subsequently lifted in 1999. 'Egin' was accused of printing coded messages for ETA and thus supporting "terrorism". Salutregi was charted alongside Teresa Toda and 15 admin staff of the newspaper. Salutregi was Arrested on 22 July 1998 and freed on 150,000 bail on 20 November 1998, reduced to 6000 in December 1999. He received a **12-year sentence** on 19 December 2007 on charges of membership of an armed organisation, and was arrested on 30 November 2007 to start serving his sentence. The sentence was subsequently reduced to seven years and six months. 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.

Teresa TODA (f): (dob 1950) journalist and sub-editor for 'Egin' that was forcibly closed in 1998 by a court order, which was subsequently lifted in 1999. 'Egin' was accused of printing coded messages for ETA and thus supporting "terrorism". Charged alongside Teresa Toda was Javier Salutregi (see above) and 15 admin staff of the newspaper. Toda was arrested on 19 September 1998 and freed on bail of 6000 that day. She received a ten year sentence on 19 December 2007 and was imprisoned on conviction of co-operating with an armed organisation. Her sentence was reduced to six years in prison in April 2009. She remains detained in Salamanca prison. **Professional background:** Teresa Toda is a Board Member of the Basque PEN Centre. 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.

On Trial

Asier VELEZ DE MENDIZÁBAL: Reporter for the daily *Gara*, is on trial on charges of 'complicity in disturbing public order' under article 20 of the criminal code, reportedly for covering a demonstration in Iruñea, Pamplona, which took place on 17 June 2008. The protest against the suspension of the activities of a political party in the Iruñea City Hall. Once the news of the suspension was made public, members of the party turned up at the City Hall and apparently some attempted to force themselves into the premises, but were removed by municipal officers. Velez de Mendizábal and a photographer of the newspaper were covering this protest. On 3 November 2008, eleven people were charged for these events, including Velez de Mendizábal and the photographer. The prosecutor requested a five-month term in prison for the journalist and the photographer. The trial was expected to start in March 2009. PEN is seeking an update.

Released

Xabier OLEAGA, Fr. Txema AUZMENDI, Martxelo OTAMENDI, Juan Mari TORREALDAI, Iñaki URIA,; in February 2003, a number

of journalists and others associated with the Basque language newspaper 'Euskaldunon Egunkaria' were arrested under anti-terror legislation and subsequently freed to face trial under accusation of being financed and directed by Euskadi Ta Askatasuna (ETA) and used by the organisation for money laundering. There was widespread condemnation of the charges as being without foundation. A number of those arrested claimed to have been ill-treated while in custody. The trials against seven of the detainees opened on 13 February 2006 yet on 14 December 2006 the Public Prosecutor's Office requested the First Section of the Criminal Division of the Spanish National Court to drop the case against Euskaldunon Egunkaria, arguing that the indictment was "very weak" and "insufficient" to prove a link between the newspaper and ETA. The Attorney General has also now retracted the original view that Euskaldunon Egunkaria formed "part of a violent organisation", and now asserts that "there is no indication that the newspaper [nor] the accused have either complemented or lent their political support to the actions" of ETA. The Public Prosecutor's case against the newspaper was closed. However a private prosecution stands. **Trial:** The trial against the five defendants, involving the closing down of *Egunkaria*, started on 15 December 2009, at the Spanish National Criminal Court. On that hearing, the five *Egunkaria* staff testified. On 16 December, it was the turn of members of the Spanish Police to give their testimony. The continuation of the trial was scheduled for 12 January 2010. If found guilty, the defendants could be sentenced from twelve to fifteen years in prison and a further fourteen or fifteen-year ban from practicing journalism. **New information:** On 12 April 2010, the Spanish National Criminal Court has acquitted the five defendants in this trial for absence of proof, and has concluded that there was no basis for the closure of the newspaper *Egunkaria*. **All are Honorary Members of the English PEN Centre**

TURKEY

Killed: Trial under way

Hrant DINK: editor of the Armenian language *Agos* magazine. Killed outside his office in Istanbul by an assassin on 19 January 2007. His murder sparked mass marches with protestors carrying banners saying "We are all Armenians", "We are all Hrant Dink" and "301 Murderer". Dink was one of the few persons to be convicted under Article 301 of the Penal Code, accused of "insulting Turkishness" for his writings on the Armenian genocide. In October 2005 he was given a six month suspended sentence for a 2004 article entitled "The Armenian Identity". Dink's murder has sparked debate on revision or repeal of Article 301, which many believe marked Dink out as a target for ultra nationalists. **Threats:** Following Dink's murder it has been revealed that he had informed and warned the authorities about the plans to kill him but was not taken seriously. Following the murder, a number of other writers and journalists were allegedly put on extremist "death lists" and placed under police protection. **Trial:** 17-year-old Ogun Samast was arrested on accusation of manslaughter, affiliation to an armed group and possession of illegal firearms. In March 2007 it was reported that 30 people had been interrogated in connection with Dink's murder, 20 of whom were subsequently brought to trial that opened in July 2007 and is still ongoing. A separate investigation was opened into 8 police accused of "dereliction of duty" following claims that they had been warned several times that Dink was in danger. One of them in particular is accused of failing to pass on information of a plot to kill Dink. In July 2008, the Turkish

Parliamentary Human Rights Commission reported that there was negligence and lack of coordination on the part of the security services that led to a failure to prevent the murder. As of June 2010, three people, including Samast, remain in detained and on trial for their involvement. **European Court on Human Rights Application:** The European Court on Human Rights is considering five applications under the right to life, the right to effective **Honorary Member:** Belgium (Fl), England, and Norway

Killed/ Investigation

***Metin ALATAS:** the 34-year-old journalist, working for *Azadiya Welat* daily newspaper published in Kurdish, was found dead, hanged in a tree in the Hadırlı district of Adana in the predominantly Kurdish region of south-eastern Turkey on 4 April 2010. Nobody had heard from Alatas since he had gone to the district and distributed copies of the daily on 3 April 2010. Sevhair Bayındır, MP of the Peace and Democracy Party (BDP) in Sırnak (south-eastern Turkey), has brought the suspicious death of Metin Alatas to parliament.

Imprisoned Main Case

Muharrem Erbey

D.o.b.: 1970 **Profession:** human rights lawyer and writer **Date of arrest:** 24 December 2009 **Sentence:** not yet sentenced. **Details:** On 24 December 2009, human rights lawyer, writer and PEN Turkey member Muharrem Erbey was arrested in Diyarbakir, south eastern Turkey. He was among 80 people arrested on accusation of having links with an organisation said to be affiliate to the banned Kurdistan Workers Party (PKK). Muharrem Erbey is a highly respected 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. Muharrem Erbey is a lawyer who has since the late 1990s worked on human rights issues for which he has gained international respect. 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 IHD, one of Turkey's most reputable human rights associations. He is also President of the Diyarbakir Branch of the IHD. **Charges:** According to reports, members of the Anti-Terror Unit of the Diyarbakir Security Directorate took Erbey from his home in the early hours of 24 December 2009. Erbey is charged under Article 220/6 of the Penal Code with "membership of an illegal organisation", the Kurdistan Democratic Confederation (KCK), said to be affiliated to the banned Kurdish Workers Party (PKK). **Place of detention:** Diyarbakir D Type Prison. **Possible reasons for arrest:** Commentators have referred to recent visits by Erbey to various European parliaments, including in Sweden, Belgium and the UK, where he spoke on Kurdish rights. He had also participated in a Kurdish film festival staged in Italy in late 2009. In September 2009 he had taken part in a workshop on minority rights in Diyarbakir. 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, including extra judicial killings and disappearances. **Other details:** Erbey's collection of short stories, *My Father, Aharon Usta*, is due to be published shortly. 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 subsequent 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. He is a member of PEN Turkey and the Kurdish Writers' Association.

Place of detention: Diyarbakir D Type Prison

Imprisoned Investigation cases

Bedri ADANIR: owner of the Aram Publishing House and representative of *Hawar* newspaper. Arrested on 5 January 2010 on charges under Article 7/2 of the Anti Terror Law for publishing *On Culture and Arts*, a collection of speeches by the leader of the banned Kurdish Workers' Party (PKK), Abdullah Ocalan. The book is said to refer to Ocalan as "chairman" and PKK members as "guerillas" and "martyrs". He is accused of "spreading propaganda for an illegal organisation". The publishing house had originally been raided in October 2008 and charges made against Adanir in May 2009. However Adanir has been out of the country, and was arrested on his return from Iraqi Kurdistan. Initially he faced three separate trials, but these have now been merged into one. One relates to the book, the other two to articles he wrote for his newspaper. The first hearing was held on 25 February 2010. He was ordered to remain detained due to the "quality of the crimes" he is accused of. His publishing house is described by the authorities as an outlet for PKK publications. He faces 31 years in prison. **Update:** In the hearing on 6 May 2010, the prosecutor stated that 38 books were confiscated in a raid on the publishing house on 14 September 2008 which were either banned or decided to be seized. The prosecutor furthermore claimed a four count charge of "propaganda for an illegal organization" based on articles and contents published in May 2009. The prosecutor demanded a seven count sentence for Adanir according to article 7/2 of the Anti-Terror Law (TMY) and punishment under allegations of "committing a crime on behalf of a terrorist organization without being a member of the organization" based on articles 314/3 and 220/6 of the Turkish Criminal Code plus article 5 of the TMY related to an increase of the penalty. In summary, Adanir faces prison sentences of up to 50 years.

Murad AKINCILAR: writer, academic and member of "Free University". Aincilar has numerous published articles in periodicals and compilations. He was arrested on 30 September 2009, charged with "membership of a terrorist organisation" and has since been kept in Edirne F Type prison without trial. He was arrested for his articles, published in a periodical named *Demokratik Dönüğüüm*. He has lost an eye and the other was damaged as a result of torture while in custody. He reportedly needs urgent medical treatment.

Seyithan AKYÜZ: Adana correspondent for the Kurdish daily *Azadiya Welat*. Arrested on 10 December 2009, along with Dünya Radio broadcasting director, **Kenan Karavil**, by the Anti Terror branch of the police in Adana. They were reportedly held in Adana Ürkçüler Prison on 14 December. They are accused of "membership of an illegal organisation" – the Kurdish Workers Party (PKK). Their arrest follows raids on the DIHA news agency and Ayadiya Welat Adana Correspondence three days earlier during which 24 others were arrested.

***Gurbet Çakar (F):** As of 10 June 2010, editorial manager of the Kurdish-Turkish women magazine Rengê Hevîya Jinê, has been in detention for three months. A Diyarbakir court decided to extend her detention for at least 20 days. She had previously been sentenced to more than three years in jail. Çakar was detained under charges of "making propaganda for the PKK via the media". The lawyer said that another trial under article 7/2 of the Anti-Terror Law will be continued on 1 July 2010.

Ibrahim ÇİÇEK, Bayram NAMAZ, Sedat SENOGLU, Ziya ULUSOY: editor in chief, journalist, journalist, journalist, deputy editor and journalist respectively for the newspaper *Atilim*. Arrested under Article 6 of the Anti Terror Law on 10 September 2006. Trial proceedings against them opened on 13 April 2007. Accused of being members of the Marxist Leninist Communist Party (MKLP) deemed to be a terrorist organisation. Concerns centre on the non-disclosure by the authorities of the reasons for their arrest. The first trial itself was marked by clashes between supporters and police, during which tear gas was used. Also among those detained is **Fusun Erdogan (f)** a radio journalist. At a hearing held on 26 October 2007 at the Istanbul 10th 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. Their lawyers complained that they had not received the evidence against their clients, as the information on them had been classified as secret. Namaz and Senoglu, held in Edirne F Type Prison and Çiçek and Ulusoy in Tekirdag F Type Prison, as of December 2008. As of June 2010, believed still detained.

Rüstü DEMIRKAYA: journalist for the Dicle News Agency. Sentenced to six years and three months in prison under Article 314/2 of the Penal Code – "assisting and harbouring an illegal organisation". **Charges:** accused of having met with PKK officials in Tunceli in fall 2005 and giving them a lap top computer and CDs. **Concerns:** His lawyers as well as free expression groups say that the sentence is unsound, being based only on the statement of one informant. It is also claimed that at the time of the alleged offence, Demirkaya was several hundreds of miles away, enrolling at a university course near Izmir, information that was backed up by police in Izmir. **Place of Detention:** Malatya Prison. **Other:** Twelve others were tried with Demirkaya. One of them, the alleged informant received a life sentence. Four were freed.

Hatice DUMAN: referred to as a journalist working for *Atilim* as being detained as of May 2007 under Anti-Terror Laws. Arrested with a number of others, since released, on the charge of "being members of the Marxist Leninist Communist Party (MLKP)". Hatice Duman is still in Gebze Special Type Prison as of December 2008. PEN is seeking an update.

Mustafa GÖK: journalist for *Ekmek ve Adelet* magazine. Arrested 15 February 2006 and detained under Anti Terror legislation as of May 2007 on the charge of "membership of an illegal terrorist organisation". Gök is charged under Anti Terror Law Article 7 and was said to be in Sincan F Type Prison as of December 2008. PEN is seeking an update.

Erdal GÜLER: ex-editor of *Revolutionary Democracy Newspaper (Devrimci Demokrasi Gazetesi)* Arrested on 25/26 December 2007 and charged with "propaganda for an illegal organisation", the PKK and the Maoist Communist Party (MKP). Subsequently sentenced to 21 months in prison, to expire in December 2009. There are reportedly other charges against him. In early January 2010 it was reported that he remained detained, despite the expiry of his sentence. **Update:** According to a Bianet report published 9 May 2010, Güler is now not due to be released before 2014.

Mehmet KARAASLAN: journalist for *Gündem (Agenda)* newspaper arrested during a raid on their Mersin offices on 19 April 2007. All charged under Article 314 of the Turkish Penal Code for being members of an illegal organisation and Article 220/7 "helping and harbouring an illegal organisation". **The indictment was prepared seven months after their arrest.** Sentenced to five years in prison c. 18 March 2008. Karaaslan was reported held in Mersin Prison as of December 2009.

Vedat KURSUN: editor and owner of *Azadiya Welat* newspaper. Sentenced in May 2010 to a total of 166 years and six months in prison for having published a series of articles between September 2006 and August 2007 seen to be supporting and promoting the PKK. Convicted under Articles 220/6 and 314/2 of the Penal Code for making propaganda for an illegal organisation (the PKK) and Article 7/2 of the Anti Terror Law for sending directions to the PKK through the press. 12 years of his sentence relate to alleged membership of an illegal organisation, the maximum sentence that can be made. The remaining sentences have been made under the anti terror law which has been applied to each of 103 articles written by Kursun and seen to be PKK propaganda. Kursun was arrested in January 2009 in relation to another trial. Lawyers are baffled by the sentences, pointing out that Kursun has never committed violence, only expressed his views. They will appeal the sentence. Kursun has been in detention since September 2009.

Behdin TUNÇ, Ali BULUS, Faysal TUNÇ: journalists for the DIHA newsagency arrested between February and April 2007 and detained under the Anti Terror Law. Faysal and Behdin Tunç are charged with “voluntarily and knowingly helping an illegal organisation”. Trial opened on 10 September 2006 at the Van Heavy Penal Court. Evidence is said to be based on files downloaded from the internet and books seized from their homes. On 30 April 2008, Faysal Tunç and Behdin Tunç were sentenced (lengths of terms to be confirmed). As of December 2009 reportedly detained in Mersin Prison.

Erol ZAVAR: referred to as a journalist for *Odak*. Reportedly tried at the Ankara State Security Court No 2 on 27 June 2001 and sentenced to death under Article 146/1 of the Criminal Code for “attempting as a member of the illegal resistance movement, and in accordance with the aims thereof, to overthrow the existing constitutional order by force”. Sentenced reduced to life imprisonment. Claims to have been tortured. Subject of a support campaign calling for him to receive proper treatment for bladder cancer, asthma and other problems. Said to have written a book of poetry in prison. His lawyers have demanded his release on health grounds on a number of occasions, yet all applications were rejected. Zavar has serious health problems and campaign “Erol Zavar’s Right to Live” continues. See www.erolzavar.com (in English) for documents and information on Zavar. In October 2008, Zavar’s wife stated that she and her two small daughters were attacked by prison guards during a prison visit. Held in Sincan F Type Prison, Ankara, as of December 2008. PEN is seeking an update.

On Trial/Charged (not detained)

Irfan AKTAN, Merve EROL: both journalists are on trial, facing imprisonment on charges of “spreading PKK propaganda” in an article for *Express* magazine which allegedly constituted a violation of article 7 of the Anti-Terror Act on “Spreading propaganda for an illegal organization”. Their article, entitled “Weather Conditions in the Region and in Qandil / No Solution without Fighting” contained statements from a PKK/Kongra-Gel member and a one sentence quotation from the Özgür Halk (‘Free People’) magazine. Aktan faces five years imprisonment, Erol a monetary fine of up to TL 20,000 (10,000). The third hearing of the case was held on 5 May 2010. The case has now been postponed to 4 June 2010, when the un-detained defendants and their representatives are expected to present their defence. **Update:** On 4 June, the Istanbul 11th High Criminal Court sentenced journalist Irfan Aktan to imprisonment of one year and three months. Editorial manager Merve Erol received a monetary fine of TL 16,000 (8,000) for the article published in the 99th issue of the magazine. Aktan is presumed free on appeal.

Soner ARIKANOGLU: Ankara correspondent for *Taraf*. Trial launched in July 2008 for a 24 March 2008 article on sketches found in the headquarters of the Workers’ Party of the Supreme Court of Appeal. The article is seen to be insulting to the court, an attempt to influence a fair trial and a violation of privacy under Articles 267, 285, and 288 of the Penal Code. First hearing held at the Kadıköy Court of First Instance in Istanbul on 16 September 2008. Trial still under way in August 2009. PEN is seeking an update.

Mehmet BARANSU: journalist for *Taraf* **1)** faces trial on charges of “insulting the military” for an article that suggested an ‘Anti Reactionary Plan’ within the military in which he claimed that there were plans for a defamation campaign against the ruling AKP party and the Fethullah Gülen religious movement. Published in June 2008, the article is seen as a breach of Article 301/2 of the Penal Code for public insult to the military or police, and which carries a maximum of two years in prison. The prosecution has applied to the Ministry of Justice to approve the trial, as required under revised conditions for application of Article 301. **2)** Trial opened in September 2009 regarding an article by Baransu on an attack on a PKK headquarters in Aktütün in which 17 soldiers died. The article entitled ‘Written Records’ was published on 13 April 2009 and gives details of the attack, including the departure times of the aircraft that bombed PKK sites, when the Prime Minister and President were informed, and when the Chief of General Staff arrived at his headquarters. He is accused under Article 329/1 of the Penal Code with “disclosing information related to state security and political efficacy” and disclosing confidential information. He faces up to 10 years in prison. Baransu argues the his article was published 6 months after the attack and the information he used had already been made public by the military. The next hearing is due 6 October 2010.

***Ataol BEHRAMOGLU:** noted poet, translator and writer. Reports received in March 2010 that he had been charged and may face trial for comments he made on the television station CNN-Türk in January 2010 deemed to be insulting to the governing AKP and Prime Minister Erdogan. Asked to comment on the prospect of an early election, he is quoted as saying: “*Tayyip Erdogan has not given up his past ideas. He will use democracy as a tool as long as it fits his interests. What I mean when I say AKP would forcefully win the elections is that AKP would rig the elections, buy out or do anything to turn it into a victory*”. PEN Turkey, the Writers Union of Turkey, the Association for Literature and the Play Critics Union-Turkey have issued a joint statement in protest.

***Ismail BESİKÇİ, Zeycan BALCI:** sociologist and author, and editor respectively. Accused in June 2010 of “making propaganda for the PKK” under the Anti Terror Law for an article published in the Contemporary Lawyer’s Association periodical. Balci, editor of the periodical, is accused alongside him. The article’s title is ‘Right to Self Determination and the Kurds’. Both will appear at the Istanbul High Criminal Court on 28 July 2010. The problematic phrase in the article is “*Kurds have been struggling, paying a price to have a free land ... Kurds of Syria, Iran, and Turkey are repressed..These States have always collaborated against the Kurds.*” Besikçi spent many years in prison in the 1990s during which time he was a main case for International PEN.

Hacı BOGATEKIN: The editor of local “*Gerger Fırat*” newspaper which is said to have a circulation of only around 200 copies. **1)** On trial on 15 October 2008 for an article ‘Feto and Apo’ published January 2008. Charged with insult to a public official and attempting to influence a trial. Hearing held on 5 February 2009 led to a walk out by the defence lawyers, claiming that they did not believe that a fair trial was possible and recommended that another judge preside the case and that a new

defence counsel be provided. PEN has since learned that he subsequently spent 109 days in prison under this charge. On 8 March 2010, he was sentenced to five years and five weeks in prison. He is free pending appeal. **2)** In December 2008, he was sentenced to two years in prison on charges of “insulting” public officials for articles in his newspaper on a corruption trial that led to the imprisonment of a mufti in Adiyaman for having misused money collected by mosques aimed at helping the families of seasonal workers who had lost their lives. Free on appeal. **3)** On 27 October 2009, Bogatekin was sentenced in absentia to two years and two months in prison under Article 125 of the Penal Code for “insult to public officials”. Relates to an article by Bogatekin published on 28 February 2008 in which he states that a prosecutor and several police officers had conspired to force his newspaper out of business. Despite that he had informed the court that he was in Istanbul receiving medical treatment on the day of the trial, the trial went ahead without him present. Presumed free on appeal. **4)** In February 2010, a member of the ruling AKP party filed against Bogatekin for an article that he saw attacked his “personal rights” published in September 2009, entitled ‘Mercy Miro Mercy Piro’. If convicted, Bogatekin faces a fine. First hearing set for 13 May 2010. PEN is seeking an update. **Attacked:** On 28 July 2009, Bogatekin was set upon by the brother of the mayor of Gerger province, Adiyaman badly beaten as he attempted to take photos of a fire in an area where municipal workers had been dumping waste. Bogatekin suffered fractures and a broken nose.

Özgür BOGATEKIN: journalist for *Gerger Fırat* in Adiyaman and son of Hacı Bogatekin, above. Sentenced on 13 May 2009 to 1 year, 2 months and 17 days in prison for an article in which he argued that his father was imprisoned unlawfully. At the time the article was written in June 2008, his father was still in jail. Hacı Bogatekin is now free although cases against him continue. Özgür Bogatekin was convicted of “insulting” the judge presumably who had presided over his father’s case by referring to him as a *pegur*, an insult used in the locality referring to having wolf like traits. He also suggests that there is animosity between the judge and his father. Özgür Bogatekin is free pending appeal.

Hasan ÇAKKALKURT, Namik DURUKAN: chief editor and journalist for *Radikal* respectively. Trial opened on 12 August 2009 on charges article 7/2 of the Anti-Terror Law for having carried a statement by a PKK leader in which he states that even if there were to be an amnesty for Kurdish rebels, the PKK would not put down weapons. (See also Çakkalkurt below.) **Update:** On 15 June 2010 the trial against Durukan continued at the Istanbul 10th High Criminal Court. Durukan is tried on the grounds of his article entitled “Even a general amnesty will not make us put down our weapons”. The news item conveyed the referring statement of Duran Kalkan, executive of the militant Kurdistan Workers Party (PKK), delivered to the Fırat News Agency (ANF). A new prosecutor, Bilal Bayraktar, has been appointed to the case. He requested additional time in order to prepare a new final plea. The hearing attended by defendant Durukan and his lawyer Nurcan Bayraktar did not reach a final decision. President Judge Zafer Baskurt postponed the trial to 21 September 2010.

Hasan ÇAKKALKURT, Rifat BASARAN: chief editor of *Radikal* and journalist respectively. (see Çakkalkurt above) on trial for an article published 7 December 2009 seen to be spreading propaganda for an illegal organisation for an article ‘Our Base Told us to go to the Mountains’ under Article 7/2 of the Anti Terror Law. This contained an interview with an MP Emine Ayna. Ayna was co-chair of the pro Kurdish Democratic Society Party that was made illegal in 11 December 2009. Ayna is said to have told the newspaper, 2 days before his party was

closed, that he had been asked why had continued to work in the parliament and it had been joked that he should join the guerillas “in the mountains”. The prosecution sees this as a call for violence. The case opened in mid February 2010. PEN is seeking an update.

***Ersan ÇELİK:** journalist for the DIHA news agency. Sentenced with 26 other people on 14 January 2010 to six years in prison on accusation of membership of the Kurdish Workers Party (PKK) by the Malatya High Criminal Court no 3. In March 2008 some 100 people were arrested for their alleged membership of the Patriotic Democratic Youth Council (PDYC) linked to the PKK. 30 were arrested of which 26 were freed after two months in pre trial detention. They were accused on the testimony of one man who claims to have recognised them as members (not clear who this person is). Lawyers point out that he did not recognise them at previous hearings and had given incorrect names. With reference to Çelik, his lawyer pointed out that at the defence witness had clearly stated that he knew Çelik as a DIHA journalist and that he did not have connections with the PDYC. He remains free on trial.

Murat COSKUN: author of *Language of Suffering: Woman* published by Peri Publishing House in 2002. The book contains four stories written in lyric form. Coskun was reported in 2009 to be facing charges under Article 301, alongside Peri Publishing House director, **Ahmet ONAL**, for insult to the armed forces. The case is currently under consideration by the Ministry of Justice. The charges relate to a passage in the book in which the Turkish armed forces are described as “vultures” and another where a PKK militant is quoted as “propaganda”. The case is waiting for permission to proceed from the Minister of Justice. **Previous imprisonment:** detained for almost 9 months from August 2008 for “incitement to hostility” and has served a previous prison term for his alleged affiliation to PKK.

Adnan DEMİR: director of *Taraf*. On trial under Article 329 of the Turkish Penal Code for publishing classified documents. Relates to articles published in October 2008 that spoke of “military neglect” in the case of an attack on a police station by PKK rebels during which 17 soldiers were killed. In September 2009, it was reported that the prosecutor of the 13th High Criminal Court in Istanbul had concluded that there were no grounds to proceed with the trial. A hearing was due 20 October 2009. There are reportedly 80 cases against *Taraf*. See elsewhere on this list for other reports. PEN is seeking an update.

Temel DEMİRER: writer. **1)** Reported in January 2008 to be standing trial before the Ankara Penal Court of First Instance under Article 216 (inciting enmity) and Article 301 (insult to the state) 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. 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 Şahin 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 are 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. Demirer’s request to have the Minister of Justice’s decision annulled as being interference in the independence of the judiciary was

heard on 12 May 2009 and its outcome to be announced later. Next hearing of Demirer's case was due on 28 June 2010. 2) In late May 2009, Demirer was sentenced to 5 months in prison in a second trial under Anti Terror Law Article 7/2 for a speech by Demirer deemed to be propaganda for an illegal organisation. He is free on appeal.

Rüstü DEMIRKAYA, Tayip TEMEL, Orhan MIROGLU: two journalists and a writer respectively. Said in November 2009 to have been sentenced under the Anti Terror Law to one year 10 months, one year and two years and four months in prison respectively. Also sentenced was Kurdish politician, Leyla Zana. No further details. Presumed free pending appeal. Also see Rüstü DEMIRKAYA above and Miroglu below.

Abdurrahman DILIPAK: editor *Anadolu'da Vakit*. On trial in August 2009 with six others articles published in September 2003 in *Türkiye'de Cuma* titled 'If Pashas [generals] Misbehave', 'Pashas Who Lack Discipline' and 'Indispensable Principle of Military Service is Not Secularism but Patriotism'. Charged under Article 95/4 of the Military Penal code for "damaging relations between senior and junior ranks". The Military Penal Code has subsequently been revised and the case taken to the Bağcılar Criminal Court of First Instance, then on to the Bakırköy Criminal Court of First Instance. There remains a dispute between the courts as to which should preside over the case. A trial hearing held 11 February 2010 was deferred to 21 May 2010 when the judge did not turn up. Dilipak has been tried on numerous occasions for his articles in recent years.

Cevat DÜSÜN: chief editor of the *Alternatif* newspaper, on trial alongside **Ragıp Zarakolu** (see below) before the Istanbul High Criminal Court on charges of "making propaganda for a terrorist organisation" (Anti Terror Law 7/2), alienating people from the military (Penal Code Article 318) and praising crime and criminality (Article 215). Relates to articles published in *Alternatif*, of which Zarakolu is also owner and responsible editor, published 16 and 17 August 2008 that included an article by the conscientious objector, Mehmet Ali Avcı titled "I Refuse to be a Turkish Soldier" leading to infringement of TPC 318. Another article titled "First Bullet" refers to the PKK as "the organisation fighting for freedom of Kurdish people", and a third, titled "Fireworks Everywhere" that quoted a speech made by an MP and stated "Kurds would turn their faces to the mountains if a political solution fails" [suggesting that there would be a return to guerilla activities ed.]. This breaches ATL Article 7 and TPC Article 215. Trial was ongoing as of August 2009. PEN is seeking an update.

N. Mehmet GÜLER: author. Sentenced to one year and three months under Article 7/2 of the Anti Terror Law for his book *More Difficult Decisions than Death*. Accused alongside publisher Ragıp Zarakolu (see below) under article 7/2 of the Anti Terror Law of "spreading propaganda" for the banned Kurdish Workers Party (PKK). The charges relate to three fictional characters, "Siti", "Sabri" and "Siyar". Specifically a section of the book where a PKK member on trial says "This court has no right to judge me. I fight for freedom. I do not recognise this court". The fictional judge's response and following passages are subject to the indictment. The prosecutor stated that some parts of the novel evokes sympathy for the PKK in its readers. Güler believes that one way to tackle problems in Turkey is through literature, saying it is "the best way to deal with social trauma". The most recent hearing of this case on 19 November 2009 saw the prosecution itself pointing out that no crime had been committed and called for Zarakolu and Güler's acquittal. However, at the next hearing, on 25 March 2010, another prosecutor expressed another view – that the book does provide terrorist propaganda, leading

Zarakolu to comment: "When the case was opened, there was a cold strong wind blowing through the country. When our acquittal was suggested in November, the atmosphere was warm and soft. Today a harsh wind is blowing again. I think the atmosphere in this trial reflects that of the country." The trial was adjourned to 10 June 2010 when Zarakolu was acquitted, yet Güler was sentenced. He is free on appeal.

Erol KARAASLAN: publisher, Kuzey Publishing House. Charges have been made against him under Article 125 of the Penal Code for "insult" to religion for publishing the Turkish edition of **Richard Dawkin's** *The God Delusion*. Charges levied in August 2008 currently under consideration by the judicial authorities. Earlier in 2008 another attempt to bring the book to prosecution made by the same complainant, under Article 216 (incitement to unrest), was overturned. Both cases have been brought by people connected to Adnan Oktar, the leader of what has been termed a creationist "cult" that has no connection with the government or official religious bodies. Oktar has published over 200 books that he has delivered to schools and other educational institutes across Turkey. Oktar has made complaints against a number of websites that he claims have denigrated him, including one that has led to the blocking of Richard Dawkin's site and of the website of Turkey's Education and Scientific Workers' Union after it had protested that Oktar had delivered his pro-creationist book to schools throughout Turkey free of charge. The trial opened on 19 June 2009, with the next hearing set for 7 July 2009. PEN is seeking an update.

***Ozan KILINÇ:** chief editor of the Diyarbakir based Kurdish language *Azadiya Welat*. Sentenced 11 February 2010 to 21 years in prison under the Anti Terror Law for membership of the Kurdish Workers Party (PKK). Said to be linked to 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". Killing was not present at the trial and an arrest warrant is believed to have been issued. He has announced he will appeal. He is said to have previously been sentenced to five years on similar charges, and two other cases pending against him. Reuters reports that *Azadiya Welat* has had to replace 6 editors in 3 years because they have been arrested or have had to flee the country.

***Filiz KOÇALI, Ramazan PEKGÖZ, Ziya ÇİÇEKÇİ:** publishing director, journalist and owner of the *Günlük* newspaper. Charged in October 2009 under Articles 6/2 and 7/2 of the Anti Terror Law for an interview published in Kurdish over three articles entitled "We did what Hasan Cemal Wanted", "I completely agree with Yaser Kemal" and "If the State Would Take One Step We would Take Two", all quotes from interviews with alleged members of the banned Kurdish Workers' Party (PKK). The are accused of "spreading propaganda for an illegal organisation". The first hearing was due 24 February 2010. PEN is seeking an update.

Ersen KORKMAZ: owner of *Demokrat Iskenderun*. Was on trial for "insult" to the armed forces for an article on a debate organised by the Turkish Communist Party on guerrilla leader Ocalan in September 2002. Next hearing due 21 October 2009. PEN is seeking an update. 2) Reported to have another trial against him under Article 215 of the Penal Code for an article published 18 November 2008 entitled "Ending poor practices in Imrali Prison is Essential for Social Stability". Accused for

using the honorific term “Mr Ocalan” when referring to the head of the banned PKK. Hearing before the Iskenderun Court of First Instance opened December 2008 with last hearing on 26 February 2010 resulting in court granting the defence more time to present their case. He was subsequently acquitted.

Mustafa KOYUNCU: editor for *Afyonkarahisar Emeridag* on trial in July 2009 for a 12 March 2007 article “*Should we enter the EU like this? Officials are abusing their position*”. He could face imprisonment and a fine of 440,000 TL. He was detained for a week in March 2007 and released on condition that he publish a refutation. PEN is seeking an update

***Çagdas KÜÇÜKBATTAL, Tuncay MAT:** intern and journalist for *Atilim*. Detained for their alleged role in the destruction of a base station (mobile transmitter) alongside nine other defendants, six of whom, including Küçükbattal and Mat, remain detained. The trial opened on 5 March 2010. They are accused of having destroyed the transmitter as part of a campaign of actions carried out by the banned Marxist Leninist Communist Party. Both claim that they were present at the event simply as journalists and claim that the notes and photos they took are the only evidence. The prosecutors claim that that Küçükbattal specifically encouraged the event and led them into the site. **Update:** In the second hearing on 29 May. Mat and Küçükbattal were released pending trial; they had claimed that they followed the incident as journalists and that their prosecution was a breach of law. A total of eleven defendants are on trial, five of them are detained. The case was postponed to 24 September 2010.

***Ali Baris KURT:** editor of the website *www.emekdefteri.com*. Case opened at the Ankara Court of First Instance on 10 March 2010 on charges of promoting conscientious objection for which he faces a sentence of between one to four years. Next hearing due 27 May 2010. PEN is seeking an update.

Orhan MIROGLU: writer and leading member of a pro-Kurdish Democratic Society Party (DTP) and one of 37 of its members banned from politics in late 2009. Reported in November 2009 that a case under Article 301 against him was granted permission to proceed by the Ministry of Justice. The case relates to an article entitled ‘Single Soldiers’ published on 12 December 2007 in which he criticised a photograph in the mainstream Turkish *Sabah* showing single Turkish soldiers walking side by side with Kurdish women dressed in traditional clothes. At an earlier hearing he stated his belief that single women were being held in police stations in the south east where they suffered sexual abuse. Reported still on trial in December 2009.

***Serkan OCAK and Erta KILIÇ:** reporters. Prosecutor asked the court to try the two for “violating the discretion”, “attempting to influence the outcome of a trial”, “providing classified information” and “disclosing classified information” for their report “Were you going to overthrow the government?” about The Maul intervention plan published on 25 February 2010. They face prison terms of from six and half to seventeen and a half years. Another case was filed over Ocak’s 27 February 2010 report in *Radikal* daily where he received the same accusations. The first hearing of the case against OCAK and KILIÇ is on 14 September 2010 in Bakırköy Justice Hall Criminal Court of First Instance number 2.

Ercan OKSÜZ, Oktay CANDEMİR: both report for *DIYA* news in Van and accused of “inciting hatred and hostility” under Article 216 in an interview entitled ‘Witness of Zilan Massacre Talks’. This carried an interview with a man who had witnessed a massacre in 1930 in which he claims that soldiers killed several of his relatives, including women and

children. Said in late 2009 to have been sentenced to 6 months in prison each. Presumed free pending appeal. They are also reportedly charged under Article 301 of the Penal Code.

Orhan PAMUK: author and Nobel Literature Prize winner. On 7 October 2009, the Supreme Court agreed to allow a private compensation suit to continue against Pamuk for his comment made in a Swiss newspaper in 2005 referring to 30,000 Kurds and 1 million Armenians killed in the early part of the 20th century. In 2006 a trial against him under Article 301 of insult to the Turkish state was discontinued. The charges have been made by six people including the president of the Istanbul Martyr’s Mothers’ Solidarity and Support Association, and Kemal Kerincsiç, a well known right wing prosecutor himself now in prison accused of attempting to overthrow the government as part of the Ergenekon movement (see below). All the complainants are linked to right wing groups. These cases have been under consideration by the courts for some time and up until now the courts have argued that there are no grounds for private prosecution. The chief argument against prosecution is that Article 301, under which the complaints have been made, cannot be brought by individuals. The consensus is that these cases are unlikely to be successful and are aimed at causing inconvenience and to raise the profile of the individuals concerned. Pamuk is unlikely to have to appear in court in person.

***Semra PELEK (f), Mustafa DOLU:** editor of *Aksam* (no longer in operation) and its editorial manager respectively. Both are accused for articles on the Ergenekon investigation (see below). Pelek for editing an article ‘Questions to Firtina from Aydin Dogan, Rahmi Koç and Akçakoca’ published on 5 January 2010. The case has been taken by retired general Ibrahim Firtina who has provided evidence to the Ergenekon prosecutors. First hearing is set for 1 November 2010. Both are accused under Article 285 of the criminal code that relates to disclosing secret information relating to an investigation and Article 288, for attempting to “influence” the outcome of a trial. Both face up to 8 years in prison.

Edip POLAT: writer. Sentenced alongside lawyer **Eren Keskin** and actor **Murat Batgi** to one year in prison and deprivation of civil rights on 4 October 2009. All are free pending appeal. The Diyarbakir High Criminal Court found them guilty under Article 216 of the Penal Code of “inciting hatred and hostility” for using the term Kurdistan and Kurds in speeches made at a Culture and Arts festival in Diyarbakir on 31 March 2006. Polat is accused for his speech “The Kurdish Question From Past to Present and its Solutions”. Batgi is charged for comments made during one of his stand up comedy pieces.

Irfan SANCI, Ismail YERGUZ: publisher, Sel Publishing and translator respectively. Reported in May 2009 to have three books published by his company on trial for “obscenity”: Apollinaire’s *The Exploits of a Young Don Juan*, Ben Mila’s *The Fairy’s Pendulum*, and a collection of writings by various authors entitled *Letters from an Informed and Experience Bourgeoisie Woman*. The books are part of a series of erotic titles published by Sel since January 2009. In December 2009 another Sel publishing house book, *The ‘L’ State of Love*, described by Sanci as having “no expression [...] that remind of obscenity as defined by the law. On the contrary, it consists of naïve stories of love between women with a literary concern”. The book was entered into a competition organised by the Kaos Gay and Lesbian Cultural Research and Solidarity Association. It is accused of being an offence of “public morality”. Sanci faces up to nine years in prison. Yerguz, accused for two of the books, faces 6 years. Both are charged under Article 226/7 of the Penal Code. The most recent hearing of the case was on 10 March 2010, without the

presence of the defendants. The hearing was deferred to enable the expert opinion of the French language and Literature Department of Galatasaray University on the Apollinaire and short story collection on request of the publishers. **Update:** A hearing took place on 24 May 2010 in which SANCI claimed that Prime Ministerial Board for the Protection of Children from Harmful Publications, which has been commissioned to assess the quality of the publications and decide on its obscene contents, is not entitled to review books for adults. However, judge Yavuz Öztürk decided to request a report from the board and postponed the trial to 21 July.

Veysi SARISÖZEN: Writer and journalist. **1)** On 20 November 2008 one year and three months in prison upheld by Istanbul High Criminal Court. Charged with making propaganda for an illegal organisation – Penal Code 215 (tbc) for an article published in *Gündem* on 12 November 2007 entitled “Etc. Etc.” in which he argued that the PKK is a rebel rather than terrorist organisation. He is appealing his sentence. PEN is seeking an update. **2)** Sarisözen is also on trial under article 7/2 of the Anti-Terror Law for an article in *Gündem* of 14 June 2007 again accused of propaganda for the PKK for similar comments. A hearing was held on 1 April 2010 at the Istanbul 10th High Criminal Court, where he was given a 15 months prison sentence. It is presumed he is appealing the sentence. **3)** A third case was opened on 12 June 2009, this time for an article published in February 2009 titled “We do not make propaganda, the people do!” which the prosecutors state argued that the PKK is not a terrorist organisation but a popular uprising. Charged under Article 7/2 of the Anti Terror Law for “propaganda” for an illegal organisation. The judge ordered that either the paper pays a fine of 20,000 TL (c. 9,250) within 10 days or the trial will continue. On 26 October 2009 the case was deferred to March 2010. PEN is seeking an update.

***Ismail SAYMAZ:** reporter for *Radikal* is on trial for reporting on the questions asked to the Chief Prosecutor of Erzinan Erhan Cihaner while under arrest. Saymaz stands accused of the “attempt to influence a fair trial” and “violating the secrecy of an investigation”, under Article 288 of the Turkish Criminal Code. The journalist faces a prison sentence of up to nine years. Saymaz is being tried for his article “What they asked Cihaner” published in *Radikal* newspaper on 18 February 2010. The first hearing will be held at the Bakırköy (Istanbul) 2nd Criminal Court of First Instance on 23 June 2010. If another trial should be opened as a result of the investigation, journalist Saymaz and editorial manager **Hasan Çakkalkurt** (see elsewhere) may face imprisonment of up to 36 years in total. **Update:** A total of six trials have been filed against Saymaz on the grounds of his news about the interrogations of İlhan Cihaner, detained Chief Public Prosecutor of Erzincan (north-eastern Anatolia), and İbrahim Sahin, former Deputy Head of the Special Operations Department. The cases were opened in April 2010 at the 2nd Criminal Court of First Instance in Bakırköy, Istanbul. Saymaz faces imprisonment of up to 54 years under charges of “attempting to influence a fair trial” and “violating the secrecy of an investigation” according to articles 285 and 288 respectively of the Turkish Criminal Code (TCK). On 15 July, 21 July and 20 September 2010 Saymaz will be at court for articles published on 12, 20 and 22 February 2010 respectively. **Update (2):** Saymaz faces another 4.5 years’ prison sentence in the seventh case opened against him. Saymaz stands accused of “violating the secrecy of an investigation” because of an article published in *Radikal* on 19 March 2008 entitled “The generals in their summer residences agree that Balbay is the left-wing leader”. Saymaz is now facing imprisonment of up to 60 years in total. The first hearing of latest trial was held on 3 June 2010 as a result of Public Prosecutor Özkan Koç’s complaint according to article

285 of the Turkish Criminal Code (TCK) (Violations of Communications). The allegations were initially drawn against *Radikal* editor-in-chief Hasan Çakkalkurt and subsequently directed to Saymaz due to the “responsibility for the news item”.

Pinar SELEK (f): writer, academic and women’s rights activist. Also a member of PEN Turkey. 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. 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. However, 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. Again this went to consideration in May 2009, and Selek was 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. Pinar Selek is now resident in Germany. There are concerns that she may be extradited to Turkey where she faces a life sentence.

Nedim SENER: journalist for *Milliyet* and author. **1)** Trial opened against him on 10 June 2009 on charges of disclosing classified information and attempting to influence the judiciary in his book *The Dink Murder and Intelligence Lies*. The book names several police officers accused of negligence in following up reports that the Armenian editor, Hrant Dink, was to be assassinated, as well as providing misleading evidence to the investigation. According to human rights monitors, Sener could be given up to 28 years in prison (while Dink’s assassin received a 20-year sentence). The complaints were made by five of the officials named who are asking that the anti terror law be applied. Sener argues that the information he used in his book is readily available on the internet. In June 2009, the OSCE Representative on Freedom of the Media wrote to the Turkish authorities asking for the charges against Sener to be dropped. A trial hearing on 17 February 2010 was attended by various observers, including International PEN International Secretary Eugene Schoulgin. The next hearing is due on 28 October 2010. He faces up to 32.5 years in prison. **2)** a second charge related to the book issued by the same plaintiffs is being heard, with a hearing due 22 December 2009. PEN is seeking an update. **3)** A third trial has been opened where Sener was accused of obtaining and publishing confidential information, relating to references in the book to telephone conversations held between two Ergenekon defendants and defendants accused in the Hrant Dink murder case for which he could have received over four years in prison. On 4 June 2010 Sener was acquitted of this charge.

Devrim SEVİMAY: journalist for *Milliyet*. Accused under Article 216 of the Penal Code of “inciting hatred and hostility among the people” alongside popular actress and singer **Hülya Avsar**. The charges arise from an interview published in the paper in 24/25 August 2009 in which Avsar – who is of Kurdish/Turkish descent – in which she talked of her concerns about the government’s “Kurdish Initiative” that aims to broaden broadcasting and teaching in Kurdish while at the same time ensuring that Turkish remains the sole official language. Specifically she stated that it would be difficult to “convince terrorist operatives of the separatist PKK to lay down their arms”. The two are also convicted under Article 218 that could increase the maximum sentence under Article 216 as the offence was carried out through the media.

Gökçer TAHINCIOGLU, Kemal GÖKTAS: award winning journalists.

1) Law suit filed in August 2008 for an article on the decision of the Ankara 11th High Criminal Court granting permission to the National Intelligence Organisation (MIT) and police to use electronic monitoring devices. The article, entitled 'The Document that will Shake Turkey' was published on 1 July 2008 in the newspaper *Vatan*. Accused under Article 6/1 of the Anti Terror Law for "targetting public officials who are part of anti-terror activities" by publishing classified information and by giving the name of the judge responsible for the decision to grant permission. They face up to three years in prison. The Supreme Court has previously overturned a similar request for monitoring previously. Both had been granted the Turkish Journalists Association Media Freedom Award in July 2008 for publishing the story. The two say that in researching and writing the story, they had taken care not to publish sensitive information such as photographs. Hearing set for 5 February 2009 postponed to 31 March 2009. PEN is seeking an update. 2) In September 2009 it was reported that the head of the Intelligence Department accused Göktaş of attempting to influence the outcome of a trial and insulting a public official in his book *Hrant Dink Murder – Media, Judiciary and State* and called for his prosecution. The case opened on 16 February 2010 at the Istanbul Sultanhamet Court and was postponed for up to four months to enable the prosecution to consider that the case breaches statutes of limitation as more than four months had lapsed between the charges being levelled in September 2009 and the offence. The next hearing is set for 15 September 2010.

Hakan TAHMAZ, Ibrahim ÇESMECIOGLU: journalist and general director of *Birgün*. Under investigation in September 2008 after the 9 August seizure of the newspaper. Accused of publishing an interview with a member of the banned Kurdish Workers party (PKK) carried out at the PKK HQ in Kandil, Northern Iraq in an article entitled 'A One Sided Ceasefire is Making the Problem Worse'. The interviewee is quoted as saying that although the most people wanted the violence to end, the PKK would continue its "legitimate defensive war". Both men denied that they were carrying propaganda, and were simply carrying out legitimate journalism. Tahmaz also referred to a book he is working on dealing with the conflict and his belief that the public needs access to all types of information on the problems. He stressed that he is working towards an end to the conflict and the need to end the hostilities that he believes "is taking Turkey to a disaster". Charged under Articles 4 and 6/2 of the Anti Terror Law for making propaganda for an illegal organisation. Next trial hearing due 12 September 2010. The defendants are facing prison sentences of up to three years each.

Mehdi TANRIKULU: Kurdish publisher, owner of Tevn Publishing. Subject to several trials in recent years under Anti Terror and other legislation for books covering Kurdish issues. Most recently Tanrikulu stands accused of "spreading propaganda for an illegal organization" based on an article published in the Kurdish daily on 23 January 2010. In his article, Tanrikulu had described imprisoned leader of the militant Kurdistan Workers' Party (PKK) Abdullah Öcalan as the "Leader of the Kurdish People". The prosecutor demanded a two-count prison sentence for Tanrikulu of a total of two to ten years according to article 7/2 of the Anti-Terror Law (TMY) (law no. 3713) on propaganda for illegal organizations. In early April 2010 the 4th High Criminal Court of Diyarbakır (south-eastern Turkey) arrested Tanrikulu because he insisted on making his defence in a press case pending against him in Kurdish. **Update:** Tanrikulu attended the hearing on 20 May together with his lawyers Mehmet Emin Aktar and Servet Özen. Aktar demanded to release his client pending trial. After a brief intermission, the court decided for the release of Tanrikulu.

Şahip TATAR: publisher – Su Publishing House. Sentenced on 30 June 2009 to 18 months in prison by the Istanbul High Court No 13 for publishing the collected works of Mahir Cayan, a student leader killed by the Turkish army in 1971. It is seen to be propaganda for an illegal organisation. (Article 216 of the Penal Code – tbc) Not clear if detained. A ban on the book itself, originally for 36 years, was lifted. PEN is seeking an update.

***Fatih TAS:** publisher Aram Publishing House. Reported in March 2010 to have 12 cases against him for books published. This includes *33 Days in the Storm* against which he is appealing a 10 month sentence. He is appealing fines levied against other books including *3,700* against *Signs to Ammar* and *400* for *They Say You Are Missing*, the latter under Article 301 for insult to state institutions.

***Aysel TUĞLUK (F):** Journalist. Tuğluk's case was to be heard on 27 May 2010 at Diyarbakır High Criminal Court number 4. The indictment claims that there were elements of crime in 12 separate speeches written by Tuğluk, which have been given at events and through press statements in Diyarbakır between 2005 and 2009. Tuğluk faces a prison term of up to 70 years. PEN is seeking an update.

Ferhat TUNÇ, Mehmet ÇOLAK: singer and editor-in-chief of *Özgür Gündem* respectively. 1) Trial started on 2 December 2004 at the Beyoğlu Criminal Court on charges under article 159 of the Penal Code for insulting the judiciary in an article Tunç wrote for the daily *Gündem* on 19 January 2004 entitled "A Revolutionary Leyla and a Song". They face 1-3 years in prison if convicted. Hearings continued through to 2009. The case was referred to the Ministry of Justice for approval to continue as prescribed under the amended Article 301. PEN is seeking an update. 2) Tunç faces imprisonment of up to 15 years for a speech he made at the 1st Eruh-Çirav Nature and Culture Arts Festival in south-eastern Turkey in August 2009. Un-detained defendant Tunç is tried under article 7/2 of the Anti-Terrorism Law (propaganda for an illegal organization). Additionally, the artist stands accused of "committing a crime on behalf of an organization without being a member of the organization" according to article 220/6 of the Turkish Criminal Law (TCK). Tunç will be tried at the Diyarbakır High Criminal Court on 28 July 2010.

***Baris YARKADAS:** chief editor of the Gerçek Gündem.com (real agenda) website. 1) Trial opened on 15 January 2010 alongside Dr Sebnem Korur Financi, chair of the board of the Turkish Human Rights Foundation before the Kadıköy 2nd Criminal Court of the First Instance in Istanbul. They are accused under Article 125/1-2-4 of the Penal Code for "insulting a public official via the press" for an interview carried out in July 2009 in which Yarkadas asked Prof Financi about the head of the Institute for Forensic Medicine, Nur Bilgen. Financi's response suggested that Bilgen had received bribes and that she had been implicated in covering up evidence of torture. The two face up to 2½ years in prison. The next hearing is due 21 July 2010. 2) On 3 March 2010 the first hearing was held against Yarkadas on charges of insult to President Abdullah Gül under Article 299 of the Criminal Code. The charge relates to a commented posted on the website by a reader living outside Turkey who had criticised Gül's alleged capitulation to the Armenian President Sargsyan in talks aimed at normalising relations between the two countries. The comment is said to have included the "insulting" phrase "Bravo, you have trampled on the honour of the great republic of Turkey". Yarkadas responded that since the charges were made, his web site has stopped posting comments referring to President Gül, adding that this is an act of self censorship. He pointed out that the comment was not insulting, and that he had not been its author. The site has now installed software that filters readers' comments before being posted. If convicted,

Yarkadas could be sentenced to up to five years and four months in prison.

Update: On 9 June 2010 the court **acquitted** Yarkadas, reasoning that he could not be held responsible for the content of the comment.

Fakir YILMAZ, Selmi YILMAZ, Nihat YILMAZ: Editor of the *kuzeyanadolugazetesi.com* website of the *Kuzey Dogu* newspaper, owner and editor of the print newspaper respectively. Claims to have 27 court cases against the newspaper regarding its coverage of demonstrations in Ardahan prior to a visit by a Democratic Society Party (DTP) leader. Seven of the cases were in court as of September 2009. **1)** The Ardahan 2nd Criminal Court postponed the start of a trial for “incitement to public hatred and hostility to 4 November 2009. **2)** A case taken by a judge and a prosecutor for “insult” for an article entitled ‘Should I have demanded a change of judge?’ was set for 30 September 2009 where they demand a financial compensation. In November 2009 a separate case of “insulting public officials in the course of their duties” was due to be heard for the same article. **3)** In September 2009 the three journalists were also on trial for “inciting public hatred and hostility” and “spreading propaganda of an illegal organisation” for an article on a visit to the newspaper’s printing press of the father of Orhan Keskin, who had died in prison. They are accused of referring to Keskin as “the Ardahan revolutionary martyr who died in the Diyarbakir dungeons”. PEN is seeking updates.

Suzan ZENGİN (F): *Worker-peasant* newspaper journalist, was taken into custody on 28 August 2009 by the Anti-Terror Branch of the Istanbul Police. In her indictment, Zengin stands accused of “carrying out illegal activities” which refers to publications such as the *Worker-Peasant* newspaper, which is published by the Umüt Publishing Company, the *Partisan* magazine and the *New Democratic Youth (YDG)*. Zengin will appear in court for the first time on 26 August 2010, one year after her arrest, on accusation under Anti Terror Legislation of “membership of an illegal organisation”

Possible prosecution

Önder AYTAÇ, Emrullah USLU: both police officers – Aytaç is a professor and member of staff at the Police Academy Institute, and Uslu is a Chief Commissioner. Both share a column published in the newspaper *Taraf*. In May 2009 it was reported that they are under investigation under Article 301/2 of the Penal Code for having made statements seen to denigrate the Turkish Armed Forces in their column. Aytaç says that the charges relate to a comment in an article examining the work of the intelligence agency and the village guard system among other issues and made reference to Turkey’s application for integration to the EU suggesting that those people such as themselves who investigate police abuses should be appreciated for their work. PEN is seeking an update.

Ertugrul MAVIOĞLU, Ahmet SIK: journalists. On 14 April 2010 the Public Chief Prosecution of Kadıköy (Asian side of Istanbul) launched an investigation into MAVIOĞLU and SIK on the grounds of their books *Understanding the Counter Guerilla and Ergenekon* and *Who is Who in Ergenekon*. The two journalists are under suspicion of “violating the secrecy of an investigation” according to Article 285 of the Turkish Criminal Law (TCK). Trial date set for 8 September 2010.

Yılmaz ÖZDİL: A criminal complaint was filed against journalist Yılmaz Özdil by a lawyer from the Diyarbakır Bar Association on 15 April 2010. Özdil had commented on the recent attack on pro-Kurdish politician Ahmet Türk in a writing entitled “Punch”, published in the *Hürriyet* daily on 14 April 2010. Özdil now faces a prison sentence under charges of article 215 of the Turkish Criminal Law (TCK) for “praising a crime and a criminal” and article 216 for “inciting hatred and hostility amongst the public and humiliation of the public”.

Figen YÜKSEKDAG, Önder ÖNER, Çetin POYRAZ: editor for *Atilim* and two of its correspondents respectively. Among 60 journalists, writers, artists and activists for the Socialist Platform of the Oppressed (ESP) arrested following police raids on *Atilim* and other organisations in Istanbul and elsewhere 10 March 2009. Raids reportedly made on orders from the Istanbul 10th Heavy Penal Court under the Anti Terror Law. Charges not clear. PEN is seeking an update.

Sentenced: non-custodial

***Mustafa ARIGÜMÜS:** chief editor and columnist of *Simav’ın Sesi* newspaper received a prison sentence of 11 months and 20 days, suspended for five years. Arigümüs was charged with “public insult of a public official” for an anecdote he published about Prime Minister Recep Tayyip Erdogan. Arigümüs’s trial was opened on 29 December 2009. The journalist presented his defence in the hearing on 12 April 2010. Journalist **Melih Kaskar**, editor-in-chief of the *Milas Önder* local daily (south-west Turkey), currently stands trial for an anecdote about Prime Minister Erdogan and President Abdullah Gül. Kaskar is facing a prison sentence.

***Nazlı ILICAK (f):** journalist from *Sabah* newspaper sentenced by the Istanbul 2nd Criminal Court of First Instance to imprisonment of eleven months and 20 days. The journalist had accused Judge Osman Kaçmaz from the Sincan 1st High Criminal Court of behaving officiously and in an ideological manner. Kaçmaz intended to sue President Abdullah Gül in the context of an investigation into “lost millions”, a corruption case in the 1990s. Ilıcak was not present at the hearing when Court Judge Sevim Efendiler claimed that she had “exceeded the limits of criticism”. Efendiler initially decreed for a two years and two months’ prison sentence under article 125 of the Turkish Criminal Code (**TCK**) on defamation. The sentence was then mitigated to eleven months and 20 days imprisonment. The sentence was suspended. **Update:** In a hearing on 8 June 2010, the 2nd Criminal Court of Sincan (west of Ankara) found Ilıcak and *Sabah* daily owner Ahmet Çalık guilty of “attacking personal rights” in an article from 25 May 2009 entitled “The President’s Immunity”. Ilıcak was sentenced to the payment of TL 5,000 (2,500) in compensation because she had described Judge Osman Kaçmaz as “officious”.

Death Threat

***Ramazan PEKGÖZ:** journalist for *Günlük* newspaper reported on 28 February 2010 that he had been approached by a man as he was walking to his office who threatened “We finished Hrant Dink off. We will do the same to you.”. Pekgöz immediately went to the police who arrested a man who is a known criminal

Attacks./ Other threats

***Ömer Çelik:** reporter for Dicle News Agency (DIHA), was assaulted in the Istanbul district of Sisli by a group of people, on the evening of 25 May 2010. The attackers called themselves üklücü (“idealists”) in reference to the “Grey Wolves”, an ultra-nationalist and neo fascist youth organization of the Nationalist Movement Party (MHP). He underwent medical treatment in the brain surgeon ward and the orthopaedic ward of Etfal Hospital after the attack. Çelik has got two cracks in his skull and his left arm is broken in three places below the elbow. Çelik had published an interview with academic Özgür Sevgi Göral the day before the attack, drawing attention to the “increasing racist attacks” against Kurdish students in eastern provinces.

***Veysel POLAT:** GAP Gündemi newspaper owner Polat was attacked by a group of people on his way home from work on Monday 14 June 2010. The Turkish Journalists Association condemned the assault. Polat, at the same time AKP deputy provincial chair, was injured in his face. Polat was attacked in Sanlıurfa, a province in south-east Turkey on the border to Syria Polat is also the President of the Sanlıurfa Journalists Association. He suffered injuries in his face in the attack. His brother, Ahmet Polat, who was close to the scene of the assault, took the journalist to the Sanlıurfa Training and Research Hospital. The reason for the attack is not clear yet.

Ergenekon Investigation

Since June 2007 there have been a series arrests of leading military, political, police, intellectual and other figures. Now numbering over 200, they are accused of membership of a neo-nationalist organisation known as "Ergenekon". Its aim is said to be to overthrow the government and linked to recent assassinations, including that of Hrant Dink (above) and a threat to kill Orhan Pamuk. There have been concerns about the conduct of the investigation and that some of the arrests may be of persons solely for their views. The first to be charged, 86 defendants, went on trial in October 2008 and is likely to go on for years. A second trial against 56 others opened in July 2009. In early August 2009 a third group of people, numbering 52, of whom 37 were in prison, were indicted as part of the Ergenekon investigation. It was subsequently announced that trials of those accused under the second and third indictments would be merged. Among the defendants are writers, journalists and academics whose cases PEN is monitoring. While some may hold nationalistic views that run counter to International PEN's charter, there are concerns that the only evidence against them is their writings. The prosecutors claim that some of these writings "in the wake of assassinations that undermine public authority, defendants attempted not only to mislead the public but also carried out propaganda [for Ergenekon] in their writings."

Adnan AKFIRAT, Serhan BOLLUK: journalist, chief editor of *Aydinlik*. Among a number of leading nationalist figures arrested since late March 2008 on accusation of being part of a nationalist group, Ergenekon, whose aim is to overthrow the government and linked to recent assassinations, including that of Hrant Dink (above). Some claim that the arrests are anti-democratic and an attempt to intimidate critics of the government. Free pending trial.

Ahmet AKGÜL, Mevlut SUNGUR: editor in chief and writer for *National Solution* respectively. Among a number of people arrested in the Ergenekon case on 22 July 2008 and believed to still be in custody as of February 2009. PEN is seeking an update.

Mustafa BALBAY, Ufuk BÜYÜKÇELEBI, Neriman AYDIN: Ankara representative *Cumhuriyet* and chief editor of *Tercüman*, and writer for the online publication *Toplumsal Haber 1*) Among eight people arrested in early July 2008 as part of a series of arrests of members of the nationalist group Ergenekon (for more see Selcuk, below). Released to stand trial. **2) Balbay and Aydın** were re-arrested on 7 March 2009 and taken to Metris prison. Bianet reports that the reasons for their re-arrest is unknown but that they face life sentences if convicted. *Cumhuriyet* editor in chief, Hikmet Çentinkaya, told the media "What happened in the past 8 months to cause these arrests? We don't know if there is new evidence or not. ... [Balbay] is a Kemalist and Republican. If those constitute crimes, I wouldn't know." Other commentators consider the arrests of those such as Balbay are a warning to the opposition. Trial opened on 21

July 2009. At a hearing on 19 November 2009, Balbay made a statement in which he denied charges of inciting an armed uprising. 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. If convicted, he faces between 16-80 years in prison. 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".

Mehmet BAKIR, Oguz DEMIRKAYA, Ünal INANÇ: first two are journalists and heads of the Internet Journalists' Association. Inanç is noted only as journalist. Bakir runs the website Sivasmit. Arrested for investigation re. 'Ergenekon' on 22 January 2009.

Zihni ÇAKIR: journalist and author. Arrested in Ankara c. 27 May 2008 as part of a series of arrests of people implicated in the right wing Ergenekon group. He is the author of a book on Ergenekon entitled *Kod AdiDarbe* which is said to include secret documents, wire tap records and codes belonging to the group. Among them is documentation that allegedly gave details of a public transport site that was targeted for a bomb attack aimed at creating panic and confusion. The book also refers to Turkish intelligence services (MIT) investigations into a prominent judge alleged to be working for the CIA. Believed to be freed pending charges.

Ünal INANÇ: Journalist and president of the Security Reporters' Association. A defendant in the third round of indictments following arrests made in January to April 2009, and with the trial opening on 7 September 2009. Not clear if detained.

Dr Yalçın KÜÇÜK: writer, economist, historian and socialist. Known critic of the AKP. Author of numerous books on socio-economics. Accused of sympathies with the PKK and sentenced to two years in prison in the late 1990s for interview with its leader, Abdullah Ocalan. Arrested on 7 January 2009 for investigation in the 'Ergenekon' case. Released 22 January 2009 to face trial as part of the third wave of indictments, opening 7 September 2009.

Tuncay ÖZKAN: writer and journalist. Arrested on 27 September 2008, and trial due to commence on 20 July 2009. 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*.

Bekir ÖZTÜRK, Furat ERMİS: head and contributor respectively of the ultra nationalist website *kuvayimilliyeye.net*. Accused of inciting violent acts by the armed forces through articles on the site.

Ergün POYRAZ: 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/early 2000s. 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 Erdogan is part of a “Zionist conspiracy” concocted by JITEM, a clandestine organization 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. Believed to be detained pending trial.

Ilhan SELCUK: 84-year-old journalist. Arrested and held briefly before being freed to face trial in the *Ergenekon* case in March 2008. *Cumhuriyet*, the mainstream newspaper for which Selcuk works, claims that the arrest is anti-democratic and an attempt to intimidate critics of the government. Selcuk was detained in 1971 for being an alleged communist and is well known for his subsequent book that described his torture and ill-treatment. In 2007 he wrote a controversial article that was seen to be supportive of nationalists. He is a known secularist and critic of the government’s move to revise secularism.

Vedat YENERER: independent journalist and war reporter arrested 22 January 2008 and believed still detained as of February 2009. PEN is seeking an update.

Ismail YILDIZ, Hayrulla Mahmut ÖZGÜR, Halil Behiç GÜRCİHAN: the first is the former head of SESAR (Centre for Political, Economic, Social Research and Strategy Development) and head of its website sesar.com.tr. The other two contributed to the website. All are accused of having published articles that furthered the aims of Ergenekon and “inciting uprising”. Accused with them of carrying research for the site are: **Kamal SAHIN, Refik NUHOGLU and Murat YÜCEL.** Yildiz was acquitted and released on 5 January 2010. No news on the others mentioned in this case.

Released/Acquitted

Aylin DURUOGLU (F): editor of the website *Gazetevatan.com*, part of *Vatan* newspaper. Arrested on 27 April 2009 three days after a police operation in Istanbul where a member of the militant organisation, ‘Revolutionary Headquarters’, a policeman and a bystander were shot dead. As of 13 May 2009, the authorities were refusing to give information as to why Duruoglu was detained, saying that the information was classified. Her supporters believe it is because she studied alongside the militant who had been killed, Orhan Yilmazkaya, and had interviewed him about a book he had written entitled *Turkish Hamam*. Duruoglu’s lawyer says that her client had no knowledge of Yilmazkaya’s alleged militant activities and had fully cooperated with the police. Duruoglu reported still detained in Bayrampasa Women’s Prison in Istanbul as of August 2009. PEN is seeking an update. **Update:** According to a Bianet report published 9 May 2010, DORUOGLU, alongside Mehmet YESILTEPE from the *Devrimci Hareket (Revolutionary Movement)* magazine, has been released.

Ismail ESKIN: reported for Dicle News Agency (DIHA). Released pending trial in his first hearing after five months detention. The 1st Magistrate Criminal Court of Kocaeli detained ESKIN on 4 December 2009; he had been arrested when covering a demonstration against conditions of detention for imprisoned Abdullah ÖCALAN, leader of the PKK. He was taken before the Istanbul 9th High Criminal Court on 18 May 2010.

***Roni MARGULIES:** poet and writer, on trial charged with “making propaganda for a terrorist organisation” in his column in *Taraf* newspaper dated 16 December 2009. Margulies told the court “he acted on freedom of expression” and wanted acquittal. *Taraf*’s editor **Adnan DEMIR** told the court that Margulies “explained the meaning of PKK for Kurdish people sociologically”. Both were acquitted at a hearing on 15 June 2010.

Ragıp ZARAKOLU: publisher, Belge Publishing House. Zarakolu is a recipient of the NOVIB/PEN Free Expression Award 2003. In May 2009 another court case was initiated against Zarakolu for publishing a novel by author **N. Mehmet Güler**, (see above). The book is titled *More Difficult Decisions than Death* under article 7/2 of the Anti Terror Law of “spreading propaganda” for the banned Kurdish Workers Party (PKK). On 10 June 2010 **Zarakolu** was **acquitted** since the court decreed for a lack of “criminal liability”. Author **Güler** on the other hand was **sentenced** to imprisonment of one year and three months. **Background:** Zarakolu has been subject to many years of harassment, trials and periods of imprisonment since the 1970s for publishing books on such issues including minority and human rights. His publishing house was bombed by right wing extremists in 1995, forcing his publishing house underground for a couple of years. Many of the hearings against Zarakolu have been observed by PEN members. **Honorary Member:** American, English, Quebec, Kurdish, Canadian, San Miguel, Scottish, Netherlands and Swedish PEN.

Case closed

The following cases are of writers, publishers and journalists who have recently been on trial but where there has been no information for over a year, suggesting that the trials may have concluded. Details of these cases can be found in the previous caselist dated July to December 2009.

Baris ACIKEL
Mehmet Sadik AKSOY
Ahmet ALTAN
Hasan BAYAR
Sibel BULUT (F)
Mustafa Kemal ÇELİK
Yasemin ÇONGAR (F)
Aytekin DAL
Sükrü ERBAS:
Huseyin GÜNDÜZ
Sinan KARA
Siar RISVANOGLU
Atilla TUYGUN
Irfan UÇAR
Mehmet Resat YILDIZ

UKRAINE

Attacked

***Vasyil DEMYANIC:** Editor for the bi-weekly newspaper *Kolomoyskiy Visnyk*, was reportedly attacked in the Carpathian region, on 23 March 2010. Reports say that he was at his home when assaulted by unidentified men, who hit him on the head and kicked him once he was on the floor. Demyanic will require long-term medical treatment. The authorities are investigating the case.

Harassed

***Olena BILOZERSKA (f):** Online journalist and internet writer, was reportedly summoned and questioned by the police in Kiev, on 30 March 2010. Reports say that the summon was linked to a protest back in February 2010, which was covered by Bilozerska. On 27 February, before the summon, armed police searched her home and checked the content of her computer. On 30 March, she was questioned regarding the opposition protest and the demonstrators.

***Ostriv SVOBODI staff:** Weekly based in Zaporizhzhye, who's staff reportedly resigned en masse after a new publisher was appointed. The journalists were allegedly told about the intention of the publisher to use the weekly as a political tool, and about who should be praised and who smeared in the publication's content. It is said that the editor-in-chief **Natalia Vyhovska** had an initial agreement with the publisher so she would decide the editorial stance, and the publisher would assume the financial activities. However, this agreement was broken and on 9 February 2010, Vyhovska's duties were taken away from her. On that day Vyhovska and the journalistic staff resigned.

UZBEKISTAN

Imprisoned - Main Case

Salidzhon (Salijon) ABDURAKHMANOV

D.o.b.: 1950 **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 arrest:** 7 June 2008 **Sentence:** Ten-year prison sentence. **Expires:** 6 June 2018 **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 others. 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 the trial:** The trial started on 12 September 2008, and only Abdurakhmanov's relatives were allowed to be present. The charges against him are 'selling drugs in large consignment' under Article 25-273, Part 5 of the Uzbek Criminal Code. According to Uzbek laws, attempting to commit a crime envisages the same punishment as committing the crime. On 10 October 2008, he was given a ten-year prison sentence, which was upheld in November, when his appeal was overturned by the Supreme Court. On 25 March 2009, the Karakalpak Supreme Court for the second time upheld the ten-year prison sentence against Abdurakhmanov, without explaining the basis of its decision. **Professional details:** Abdurakhmanov is well known for his reporting and monitoring of human rights, economic and social issues in the region. **Place of detention:** He is currently held in Karshi prison. A relative was 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. His brother and lawyer announced an appeal is being prepared to demand the Supreme Court to reconsider the conviction. **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 had criticised local traffic police shortly before his arrest. Organisations including Amnesty International and Human Rights Watch state that the sentence is clearly aimed 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 his report, including communications transmitted to the Uzbek government on Abdurakhmanov's case, and the responses received. According to these responses, on 7 June 2008

Abdurakhmanov was stopped in his car by officers of the Ministry of Internal Affairs, during the operation known as 'Black Poppy 2008', set up to prevent drug trafficking. The government states that officers found that Abdurakhmanov had no driving licence or any document of ownership of the car, and that after inspecting the vehicle, substances with a sharp odour were found, which were confiscated and sent for forensic analysis, and turned out to be marijuana and opium. He was indicted under Article 276, paragraph 2(a) of the Criminal Code, and after the confiscation of some of his belongings at his home, and a chemical analysis, on 17 June 2008 'traces of hashish were found in wipe samples taken from Mr. Abdurakhmanov's hands and lips'. The letter dated 19 July 2008 states that the Ministry of Internal Affairs had not received any complaint regarding unauthorised methods during the investigation on Abdurakhmanov's case, and that his arrest and criminal proceedings 'are not connected with his human rights activities'. On 5 August 2009 the previous charges were amended on the evidence that Abdurakhmanov 'had intended to attempt the sale of a large quantity of narcotics', and he was charged under Articles 25 and 273, part 5 of the Criminal Code. Abdurakhmanov was found guilty of attempting to illicitly sell 114.19 grams of marijuana and 5.98 grams of opium, and sentenced to ten years of imprisonment to be served in an ordinary regime colony. The government response finally states that on 19 November 2009 this judgment was upheld by the Supreme Court of Karakalpakstan. PEN continues to be concerned that Abdurakhmanov is being held for his human rights monitoring. (RAN 40/08 – 14 August 2008; Update #1 – 14 October 2008; Update #2 – 20 January 2009)

Muhammad BEKZHON (BEKJANOV)

D.o.b.: c. 1955 **Profession:** former journalist **Date of arrest:** March 1999 **Sentence:** 15 years, reduced to 12 years **Expires:** March 2011 **Details of arrest:** Deported from Ukraine in March 1999 on accusation of involvement in a series of explosions in Tashkent. Several others arrested in connection with these events. (see Makhmudov, below) **Trial details:** 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'. **Professional details:** Former contributor to *Erk*. Brother of exiled opposition leader, Muhammad Salih **Place of detention:** Kasan prison, southwestern Uzbekistan **Health concerns:** reports of torture lead to concern for 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. **Honorary Member:** English, American PEN, USA, Canadian PEN Centres

Dzhamshid (Jamshid) KARIMOV

d.o.b c.1967, journalist working for the London-based Institute of War and Peace Reporting (IWPR) until May 2005 and subsequently for a number of other publications, disappeared on 12 September 2006. Two weeks later his friends were able to ascertain that Karimov was being held in a psychiatric hospital in the capital, Samarkand. The chief psychiatrist at the hospital stated that Karimov suffers from a psychiatric disorder, that he was accepting medication, was in a room of his own and does not mix with other patients. **Ill treatment/medical:** has been allowed visits from his mother and fiancé but on occasion reportedly appeared distressed and asked them to help him get out. In August 2007, there were reports that his health had deteriorated further, in particularly his failing eyesight. He was reportedly still held in psychiatric detention in late 2008. **Background:** 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. Karimov worked for IWPR until May 2005 when many protestors were killed at a protest in Andijan. He subsequently went on to work for a number of independent newspapers as a freelancer. **Previous political persecution:** Since mid 2006 Karimov had been under surveillance by the intelligence agencies and in August 2006, his mother reportedly demanded of the authorities, unsuccessfully, that listening devices be removed from their property. Also in August 2006, Karimov's passport was seized after he applied for a visa to attend a journalism seminar in Kyrgyzstan. It is reported that on 31 August 2006, the head of the regional administration visited Karimov and offered him positions on official newspapers, apparently in a bid to entice him to stop his independent journalism. **Other information:** Karimov's mother, who had been outspoken in her son's defence, died in March 2008. **Recent information:** According to the *Information Agency Ferghana.ru*, Karimov is still detained, as of July 2009. **Honorary member:** English PEN

Mamadali MAKHMUDOV

Profession: writer and opposition activist **Date of arrest:** 19 February 1999 **Sentence** 14 years **Expires** 3 August 2013 **Details of arrest:** Arrested 19 February 1999 after a series of explosions in Tashkent. Several others arrested in connection with these events. **Trial details:** Held in incommunicado detention from February to May 1999. Subsequently charged 1) Article 158 Uzbek Criminal Code – Threatening the president and 2) Article 25-159 UCC – Threatening the constitutional order 3) 216 organising banned public associations and religious organisations 4) 242.1 organising a criminal group. It is thought that his arrest is linked to his association with the exiled opposition leader Muhammed Salih. However access to key documents has been denied. 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, sentenced to 14 years. **Professional details:** Well-known writer. Member of the Uzbek Writers Union and Uzbek Cultural Foundation. **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 supported by the United Nations Working Group on Arbitrary detentions. **Place of detention:** Subsequently moved on to UYA 646 High security prison in Chirchik prison, Tashkent district, where the conditions are said

to be less harsh than at Navoi. **Health concerns:** reports of torture lead to concern for well being. Hospitalised July 2000 presumably for facial and throat surgery. Thought to have resulted from extreme ill-treatment and neglect in Jaslyk camp where previously held. **Other information:** Makhmudov's book, *Immortal Cliffs* was published in French in late 2008. **Honorary Member:** English, American, Canadian, Netherlands and USA PEN Centres. (RAN 11/09 – 11 February 2009)

Dilmurod SAIDOV (pen name SAYYID)

Profession: journalist for a number of independent websites and activist. **Date of arrest:** 22 February 2009 **Sentence:** 12 and a half years **Expires:** August 2021 **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 Sayid 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 Sayid, one was sentenced to eleven years in prison and the other to twelve. His defence announce they would appeal the verdict. **Professional details:** Sayid's reports have been published in various local newspapers and news websites in Central Asia, including *Voice of Freedom*. There are reports that Sayid'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. Sayid 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 6, 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. (RAN 32/10 – 10 August 2009)

Imprisoned – investigation

Bahrom IBRAGIMOV, Davron KABILOV, Ravshanbek VAFOYEV, Abdulaziz DADAHONOV (DADAHANOV) and Botirbek ESHKUZIYEV: Members of a religious group sentenced on 16 February 2009 to eight to twelve years in prison, reportedly for publishing the religious magazine *Vesna (Spring)* and for their membership of the religious group Nur (Light). It has been reported that the Nur group had originated in Turkey, where it has been banned, and that the Uzbek Security Service alleged that Nur received funds from Turkey. Ibragimov and Kabilov are convicted to twelve years in prison, Vafojev and Dadahonov to ten years, and Eshkuziyev to eight years, and they are serving their sentences in a high-security prison in Tashkent. On April 2009 the Tashkent City Criminal Court rejected the defendants' appeal. (see also Shavkat Ismoilov and Davron Tajiyev below) **Shavkat ISMOILOV and Davron TAJIYEV:** Director and editor respectively of the magazine *Yetti Iklim (Seven Dimensions)*, 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 both journalists links to the religious organisation Nur (Light), based in Turkey. (See also Barom Ibragimov et al above.)

***Hayrulla HAMIDOV (Khayrullo Kamidov)**

D.o.b.: 1975 **Profession:** Football commentator and radio-host, poet and deputy editor-of the newspaper *Chempion* (Champion). **Date of arrest:** 21 January 2010 **Sentence:** Six years in prison **Expires:** 20 January 2016 **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 the trial:** Tried under Article 216 of the criminal code concerning 'the organisation or active participation in a proscribed social or religious movement' and 'dissemination of prohibited material', under articles 216 and 244-1 of the Criminal Code. In a closed hearing held on 11 May 2010, the prosecutor demanded for Hamidov to be sentenced to seven years in prison. The criminal court in Guibakhor, near Tashkent, postponed the sentencing until 28 May then convicted Hamidov to six years' imprisonment. **Other information:** Hamidov is reportedly a prolific poet. He was also a popular radio-host on Islam of the show 'Kolislik Sari' (Voice of Impartiality) broadcasted 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:** In 2007 Hamidov's newspaper *Odamlar Orasida* (Among the People), that dealt with issues including infant mortality, corruption, and homosexuality. The newspaper was closed down by the authorities. **PEN position:** PEN consider this case as an investigation pending information that Hamidov has not advocated violence.

Judicial Concern

Yusuf Juma (Dzhuma): poet. Age 50. **Sentence:** five years in prison **Arrest:** Reported disappeared on 10 December 2007, and subsequently found to have been arrested on 22 December 2007. His arrest follows a series of demonstrations he and his son staged in Bukhara, where they displayed anti President Karimov posters against charges made against another son, Mashrab Dzhuma, who was arrested on 4 December and was charged with rape, allegations that he and his family dispute. Alerts were raised when, on 10 December 2007, after an altercation with police in Bukhara, neighbours reported that dozens of police had descended on the Juma home, and heard shooting from inside the house in a rampage that lasted until 1 am the following morning. Neighbours also report that after the police left, they went to the house to find no-one there and the corpses of pet dogs and livestock that had been shot. Juma was thought to have been at his house at the time, along with three of his children aged 25, 19 and 11, and his daughter-in-law and two grand children aged five and two. For some days there were concerns that Juma had been arrested, and possibly killed. However by 22 December 2007 he was found to have been detained after he had spent some days in hiding. Some family members are said to have fled abroad. **Government response:** in a letter to PEN from the Uzbek Ambassador to London, responding to queries made by the organisation, it is confirmed that the arrests occurred after a "protest action" staged against the decision to sentence one of Juma's sons – Mashrab Juma - to a prison term on charges of assault and injury. The letter states that in December 2007 a dispute arose at the home of a friend during which Mr Juma attacked another person present with a knife. Mashrab Juma is charged with deliberate injury under Article 104 of the Criminal Code. The letter further states that the men insulted police who attempted to break up the meeting and then drove away, injuring two policemen. They were subsequently charged under Article 104 of the Criminal code – deliberate injury, and Article 219 – resisting a police officer in the course of their duty. Reports from other sources

suggest that police were injured in this incident. **Trial:** On 15 April 2008 Juma was sentenced to five years in prison as charged. He reportedly admitted in court that he may have collided with the police. However an original statement offered by the prosecution described the injuries sustained as "minor" was later changed to state that they were "medium". His son, tried with him, was given a suspended sentence. **Ill Health:** Juma's family have made several allegations that Juma is in poor health. Most recently, on 17 August 2009, Juma's daughter reported seeing bruises on her father's body, which he said were a result of being beaten by a member of the prison staff. He also told her that he continues to be insulted and humiliated in prison. She noticed that Juma is weak and very thin. Before she left, she was told by the head of the prison that he would see that Juma's family has its visits cut off, as she had been reporting on false stories about Juma being ill-treated. **Government' response to the UN:** In May 2009 the Special Rapporteur on Freedom of Expression and Opinion of the United Nations (UN), published his report, including communications transmitted to the Uzbek government on Juma's case, and the responses received. According to these responses, Yusuf Juma and his son 'publicly insulted, resisted the authority of and inflicted moderate bodily harm on a law enforcement officer of the Karakul municipal district' while in an unauthorised march. In its response of 22 April 2008, the government states that after his arrest, medical examination showed that Yusuf Juma's health was satisfactory and he was free of bodily harm, and that during the time he spent at Bukhara correctional institution he did not make any complaints 'about unlawful acts by the institution's administration'. **Previous political persecution:** Juma is well known for his opposition activities and has been subject to arrest and harassment in recent years including a three year sentence passed in 2001 for "unconstitutional activities". He was freed in early 2002. [RAN 28/08 - 22 May 2008; Update #1 – 21 November 2008]

Brief detention

- ***Vasili MARKOV:** Independent journalist from Tashkent, was reportedly detained in Andijan, on 17 June 2010. Markov went to Andijan to assist a colleague who had been arrested by the police. Markov was taken by the police but was not allowed to carry his luggage with him, where he had his identity documents. Once at the police station, Markov was asked for his documents, and for the lack of them, he was sent to a homeless distribution centre. He was released later that day.
- ***Aleksey VOLOSEVICH:** Independent journalist based in Tashkent, was reportedly detained after travelling to the Uzbek border with Kyrgyzstan, on 13 June 2010. Volosevich went to the area to report on the conditions for refugees who fled the violent confrontations between ethnic Uzbeks and Kyrgyz in southern Kyrgyzstan in early June 2010. No reasons were apparently given for his detention. Three days later, Volosevich was released without charge.

Harassment

- ***Sid YANYSHEV, Khusniddin KUTBIDDINOV, Aleksei VOLOSEVICH and Marina KOZLOVA (f):** Journalists for various media outlets, were reportedly called for an informal talk at the Tashkent prosecutor's office from 7 to 9 January 2010. The four journalists were questioned by an officer of the prosecution office, who showed them a personal dossier on each one of them, as compiled by the authorities. They were also given some questions and were asked to write their replies to the prosecutor. Reports say that the journalists were accused of practicing partial journalism that insulted the Uzbek authorities. The officer reportedly asked the journalists to confirm they were authors of

the articles that were in their dossiers, to give the names of the outlets they contribute to, and to disclose their pen-names. The journalists were reportedly contributed to various outlets, including *The Associated Press*, *Radio Free Europe/Radio Liberty (RFE/RL)*, and the *Institute for War and Peace Reporting*. Two other journalists were also called for questioning, but refused to attend without a summons.

Case closed

Kushodbek USMON: independent journalist was reportedly detained on charges of defamation and insult on 23 February 2009. Initially, the journalist was detained for 'hooliganism' on 13 January 2009, but the charges were changed by the prosecutor without explanation. Usmon allegedly wrote critical reports on police officers of high rank. In late February 2009, a court in eastern Uzbekistan convicted Usmon to six months in prison for defamation and insult. He was released in July 2009. Case closed as no longer imprisoned.

Middle East and North Africa

ALGERIA

On trial

Omar BELHOUCHE: editor of the French-language daily newspaper *El Watan*, is reportedly on trial for defamation in relation to a piece he wrote in February 2005, in which he quoted a statement made by a union leader of Air Algeria. The case was filed by Air Algeria. There was a court hearing on 10 May 2009. As of 31 December 2009, Belhouchet was still awaiting the outcome of the case. **No further news as of 30 June 2010.** (See also case below).

Omar BELHOUCHE and Salima TLEMCANI: editor and reporter respectively of the French-language daily newspaper *El Watan*, were reportedly given a three-month sentence and a fine of 50,000 Dinars (approx. 500 Euros), on charges of defamation in late December 2008. The trial is related to a report published in the newspaper in 2004 regarding an alleged healer who practices without any medical qualification. The case was filed by the healer. Both journalists were free pending the outcome of their appeal, still pending as of 31 December 2009. No further news as of 30 June 2010. (See also case above).

***Belhamideche BELKACEM:** editor of the daily newspaper *Réflexions*, was reportedly sentenced to six months in prison by a court in Mostaganem on 8 May 2010, for allegedly defaming the President of the People's Congress of Ain Boudinar. The case related to an article on corruption published in the 10 June 2009 edition of *Réflexions*. It is not clear whether Belkacem filed an appeal; PEN is seeking further information.

Nouri BENZENINE: former correspondent for the newspaper *Echourouk El Youmi*, in the western region of the country, was reportedly sentenced to two months in prison and a fine for defamation in a case brought by a member of parliament. According to *El Watan*, Benzenine did not know about the trial against him until receiving official notification of the sentence on 3 May 2009. He appealed the sentence. The case stems from a report on gas trafficking in the region, published in March 2007. The case was ongoing as of 31 December 2009. No further news as of 30 June 2010.

Hassan BOURRAS: reporter, was sentenced to two months in prison on 28 October 2008 by an appeal courts in Saida for an article published in 2006 in the Arabic-language daily newspaper *Al-Bilad*. He was also banned from writing for five years. Bourras had originally been sentenced to a fine, but the appeals court increased the sentence without either him or his lawyer being present at the hearing. He was appealing the ruling. The case was ongoing as of 31 December 2009. No further news as of 30 June 2010.

Hafnaoui El GHOUL: freelance journalist and human rights activist, is reportedly facing sixteen lawsuits for his critical articles, which include criminal defamation, insult to government authorities and contempt. The charges have been filed by a local official of Djelfa province. One of the lawsuits reportedly stems from a report regarding alleged corruption and human rights violations in the local prison, published in the newspaper *Al-Wasat* in October 2008. Ghoul is a member of the Algerian League for the Defence of Human Rights. All the cases were ongoing as of 31 December 2009. Previous problems: In 2004, Ghoul served a six-month prison sentence for criminal defamation stemming from one of his articles. Update: On 27 October 2009, El Ghoul was reportedly convicted on charges of defamation and contempt of a public institution in two separate trials. He was sentenced to a total of four months' imprisonment, two of them suspended, and a fine and was also ordered to pay damages. He appealed in both cases and remained free pending the outcome. These cases were brought after Djelfa officials complained about articles by El Ghoul in *Al-Wasat* alleging mismanagement and corruption. In January 2010, an unidentified person reportedly attacked El Ghoul with a knife in the street.

Harassed

***Adlène MEDDI, Mustapha BEFODIL and Said KHATABI:** Meddi and Befodil are journalists for the daily newspaper *El Watan*; Khatabi is a reporter for the daily *El Khabar*. On 3 May 2010, all three were reportedly arrested as they organized a sit-in outside the headquarters of the state television company to demand the liberalization of the audiovisual sector in Algeria. They were questioned and released later the same day. A rally planned to mark World Press Freedom Day was reportedly banned on the grounds of a state of emergency in the country.

Released

***B. RIADH:** correspondent for the daily newspaper *Elbilad* in Chlef, 200km west of the capital Algiers, was reportedly sentenced to two months in prison on 15 March 2010, for allegedly defaming a senator in a September 2009 article on electoral corruption. The prosecution had apparently requested a sentence of one year. Presumed to have been freed on expiry of his sentence.

BAHRAIN

Facing charges

***Mohammed AL-SAWAD:** Courts reporter for the *Al-Bilad* newspaper. Charged in early June 2010 under Article 246 of the Penal Code with violating a publication ban. The ban, issued by the Attorney General on 25 March 2010, applied to all coverage of the case of a former minister on trial for alleged money laundering. The charge carries a one-year prison sentence. Remains free on bail as of 30 June 2010.

Case closed

Husain SABT: Journalist for the daily *Alwaqt*, charged on 26 June 2009 with defamation for an article on alleged corruption at the Bahrain Labour Market Regulatory Authority. In late March 2010, it was reported that after a number of court hearings before the Higher Criminal Court, he was ordered to post an apology in the newspaper. Charges dropped, case closed.

EGYPT

Imprisoned: Main case

Mosaad ABU-FAJR

Profession: Novelist and Internet writer. **Date of arrest:** 26 December 2007 **Details of arrest:** Mosaad Abu-Fajr has been detained without charge since 26 December 2007 for his peaceful activism in support of the Bedouins of the Sinai Peninsula, his own native people, who are said to be ill-treated by the Egyptian authorities in Northern Sinai. The area borders the Gaza Strip, where the political climate is extremely volatile, and the risk of terrorist attack is high. Remains detained under order of the Ministry of the Interior without charge or trial in spite of repeated court rulings ordering his release. In mid July 2009 it was reported that the Ministry of the Interior had issued another arrest warrant against Abu-Fajr, which would be the thirteenth warrant against the writer. In May 2010 the Egyptian government announced its intention to release all detainees held under emergency law before the beginning of June 2010, with the exception of those arrested for terrorism and involvement in the drugs trade. **Health concerns and place of detention:** His health has reportedly sharply deteriorated in prison. In early December 2008 he is said to have been moved from Borg Al Arab Prison to Abu Zaabal prison where he is held in poor conditions. (RAN 06/09 – 22 January 2009) **Previous political imprisonment/problems:** Mosaad Abu-Fajr was previously briefly detained in September 2007. **Other information:** Mosaad Abu-Fajr has reportedly published one novel, *Talit el-Badan*, the name of a mountain in Sinai province. He is also the editor of the web site *Wedna N'ish* (*We Want To Live*), which he founded as a mouth-piece for Sinai Bedouins. [Reportedly freed on 14 July 2010]

Abdel Kareem Nabil SULEIMAN (aka Kareem Amer)

D.o.b: 1984 **Profession:** Internet activist **Date of arrest:** 6 November 2006 **Sentence:** Four years in prison **Expires:** 5 November 2010 **Details of arrest:** Arrested after posting articles critical of Islam on his blog (www.karam903.blogspot.com). He was charged with 'incitement to hatred of Islam' and 'circulating rumours threatening public order'. **Details of trial:** His trial began on 18 January 2007 and he was sentenced to four years in prison on 22 February 2007 on charges of 'disparaging Islam' and 'defaming the Egyptian president'. The charge

of 'broadcasting statements that could disturb public order' was dropped. The Court of Appeal upheld the four-year sentence on 12 March 2007. **Place of detention:** Borg El-Arab Prison in Alexandria. **Treatment in Prison:** Reported to be beaten and ill-treated in detention. Said to be in a poor state of health. He must follow the strict rules that apply to political prisoners during visits, although he remains in the criminal prisoners division, where he is treated without any consideration of his rights as a political prisoner. Reports suggest that the prison administration does not allow him to go to the prison yard as others do, and that fellow inmates harass him under orders of the prison administration. **Request for release:** According to the Arabic Network for Human Rights Information (ANHRI), Egyptian law states that once three quarters of the prison sentence have been served, the prisoner has the right to be released. Kareem Amer filed for his release in October 2009, and on 22 November 2009 his request was rejected. Is now expected to serve his full prison term, which expires in November 2010. **Previous political imprisonment/problems:** Previously arrested for posting anti-religious articles on his website and held for almost three weeks in October 2005. **Awards:** Kareem Amer was awarded the journalism award at the 7th Annual Index on Censorship Freedom of Expression Awards on 14 March 2007. Adopted by the United Nations Working Group on Arbitrary Detention' on 23 March 2009. **Honorary member of:** English and American PEN. (RAN 04/07, 24 January 2007; update #1, 26 February 2007; update #2, 13 March 2007; update #3, 28 November 2007; update #4, 8 September 2008)

Imprisoned: investigation

Hani NAZER AZIZ: Internet writer and social worker. Reportedly detained on 3 October 2008, when he handed himself to the police after the authorities detained some of his relatives forcing him to come forward. He is being held at Borg El-Arab prison in Alexandria, without charges. Nazer Aziz is said to be a Christian internet writer, critical of the views of conservative Muslims and Christians. There are reports that while browsing his blog some young Muslims found a link to an electronic novel, which is said to be controversial, entitled *Azazel's Goat in Mecca* written by another internet writer who calls himself 'Father Utah'. However, they assumed Nazer Aziz was the author which is thought to be the motive for his detention. Soon after Nazer Aziz's detention, a bishop from the locality of Naga Hammadi, where Aziz is from, is said to have visited the writer's family and asked them not to publicise his detention, in order to achieve a deal with the authorities to guarantee Aziz release. However, according to local reports, Nazer Aziz's lawyer was asked by the writer to make his case public. According to the Arabic Network for Human Rights (ANHRI), on 14 December 2009 the State Security Supreme Criminal Court issued the fourth release warrant for Nazer; however the Egyptian Ministry of Interior refused to release him. Again, despite a Court order of 3 April 2010, the Ministry of Interior has renewed Nazer's detention without charge. Nazer is held under Emergency Law, which allows for renewable detention orders without charge. ANHR reports that since his arrest Nazer has been under pressure to convert to Islam to be released, and that he was forced to reveal the password for his web blog *Kareez Hob* (Preacher of Love), which was then deleted by the authorities. Still detained as of 30 June 2010.

On trial

Wael ABBAS: Prominent journalist and internet writer. Reportedly sentenced in absentia to six months in prison on 21 November 2009 on charges of 'damaging an internet cable' for exposing police violence on

his web blog. Remained free on bail pending appeal until the court dismissed the conviction in February 2010. However, on 10 March 2010 Egypt's Economic Court sentenced Abbas to the same sentence for 'providing a telecommunications service to the public without permission'. Neither Abbas nor his lawyer had been notified about the conviction and he remained free as of early April 2010. No further details as of 30 June 2010.

***Hisham Bahaa El-DIN:** Member of the actor's union Ashraf Zaki, reportedly on trial after the head of the union filed an insult and libel suit against him for an article El-Din wrote and published on his Facebook. The article entitled "Scandal at the Acting Profession's Union", dated 1 January 2010, allegedly criticises the performance of some Union board members. The first hearing was held on 24 April 2010. WiPC seeking an update.

***Wael El-EBRASHI and Samar Al-DAWI:** Editor and journalists respectively, of the newspaper *Sawt El-Umma*, reportedly face charges of 'inciting the public against a new property tax law'. The case is linked to a campaign launched in January 2010 by the newspaper opposing a new legislation. The first hearing has been set up for 18 July 2010.

***Amr GHARBEIA:** Internet writer and staff of Amnesty International, reportedly charged in May 2010 with 'criminal defamation', 'blackmail', and 'misuse of the internet'. The charges are linked to a complaint made by a judge in February 2007 over a review Gharbeia had written of the judge's book. If found guilty Gharbeia faces imprisonment and a fine.

***Hamdi KANDIL:** Independent journalist. Charged with defamation on 18 May 2010 for a 3 May piece published in the newspaper *Al-Shuruq*, after a complaint filed by the Foreign Affairs Minister. In the article, Kandil reportedly criticised a statement made by the Minister that contradicted a previous official statement. No further information as of 30 June 2010.

Sentenced in absentia

***Madgy (Magdi) Ahmed HESSEIN:** Former editor of the now closed *El-Shaab* newspaper, and politician, was reportedly sentenced to one year in prison and a fine on 15 June 2010, by the North Cairo Court of Appeal. The case goes back to 1996, when a relative of the then Minister of Interior filed a complaint against the newspaper after *El-Shaab* reportedly launched a campaign against the Minister and his family. The lengthy process finally ended after fourteen years, in mid 2010. Hessein is currently serving a two-year prison sentence in Al-Mourj prison, in Cairo, as ordered by a military court because he allegedly infiltrated the Gaza Strip on 31 January 2009. Reports say that he participated in a campaign supporting the Palestinian cause.

Sentenced: free on appeal

Yasser BARAKAT: Editor-in-chief of the *Al-Mogaz* newspaper. Sentenced to one year in prison on 2 February 2010 in two separate insult and libel cases filed by MP and journalist Mostafa Al-Bakri in January and February 2008. The cases stem from two articles published by Barakat in November 2007 and January 2008 accusing Bakri of engaging in 'illegal profiteering' – taking advantage of his government positions to buy land for less than the market value. Thirteen cases have been filed against Barakat by Al-Bakri, three of which have been won by the MP. Barakat remains free pending appeal.

Brief detention

***Ahmed MAHANA:** Publisher of the Dawan Publishing House, was reportedly arrested on 3 April 2010 over the publication of the book enti-

tled *El Baradei and the Dream of the Green Revolution*. Reports say that security services raided his home and seized the copies of the book. The book reportedly calls for political change in the country. Mahana was released few days later.

***Ahmed MOSTAFA:** Internet writer and engineering student, was reportedly summoned to the Kafr Al Sheikh military prosecution office on 25 February 2010, and was immediately arrested. Mostafa, aged 20, was told that a complaint had been filed against him regarding a publication of false information on his web blog a year before. Reports say that the comment Mostafa posted on his blog was regarding an alleged case of nepotism at a military academy in Egypt. The prosecutor brought Mostafa to trial under Law 113 and the Criminal Code for 'the publication of information considered a secret of the armed forces, spreading false information with the goal of causing harm and insulting officials responsible for admission of students into the military academy'. The military trial began on 1 March 2010. On 9 March 2010 it was reported that Mostafa had been released conditionally and that he had agreed to apologise, as well as remove the posting from his blog. Mostafa's defence said that the military court had not given any explanation about his release and that they had kept the case on file, which means that the case could be reopened in the future.

Harassed

***Youssef ZEIDAN:** Novelist, has been reportedly harassed after the publication of his book entitled *Azazel*, which according to some Christian groups defames their religion. In early May 2010 it was reported that a group of Christian lawyers joined an 'actio popularis' urging for a five-year prison term for Zeidan, under Article 98 of the Penal Code. The petition was initially sent to the prosecutor, and was later made public.

Case closed

Abdel Rahman AYYASH, Magdi SAAD and Ahmad Abu KHALIL: Internet writers for the blogs *Al-Ghaeab* (The Stranger), *Yalla Mesh Mohem* (Who Cares), and *Bayarek* (The Lanterns) respectively. Reportedly detained by the Egyptian authorities without charge in late July 2009. WiPC learned in June 2010 that they were released without being charged after a period of brief detention. Case closed.

Ahmed MOHSEN: Internet writer for the blog <http://eyestillopen.blogspot.com>, was reportedly arrested from his home in Fayoum city by state security agents on 29 April 2009 and charged with 'exploiting the democratic climate prevailing in the country to overthrow the regime' for his critical writings online. WiPC learned in June 2010 that Mohsen was held for 45 days before being released and the charges dropped. Case closed.

IRAN

Killed: executed

***Farzad KAMANGAR**

Teacher and writer. According to PEN's information, Farzad Kamangar was among five Kurdish activists to be hanged at dawn on 9 May 2010 in Tehran's Evin prison on alleged terrorism charges. Kamangar had been detained since May 2006 and was sentenced to death by a revolutionary court in February 2008 following a trial lasting around five minutes. He had been ill-treated in detention. He repeatedly denied prosecutors' alle-

gations of involvement with a Kurdish nationalist group, the Party of Free Life of Kurdistan (PJAK), and his lawyer Khalil Bahramian asserts that there was no evidence to support the charges and that the revolutionary court which sentenced Kamangar acted arbitrarily, in gross violation of the Iranian constitution. He also claims that Kamangar was executed before his appeal had been heard and without prior notification, in violation of procedure. It is widely believed that Kamangar was targeted for his non-violent political activism. The executions appear to be an attempt to intimidate members of the Kurdish minority and other critics and opponents of the government in the run up to the first anniversary of last year's disputed presidential election.

Imprisoned: Main Cases

***Bahman Ahmadi AMOUEE**

Profession: Reformist 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 2010 **Sentence:** Seven years and four months, reduced to five years on appeal. **Expires:** 18 June 2014 **Details of arrest:** Reportedly arrested with his wife, Zhila (Jila) Baniyaghoub, editor-in-chief of the *Iranian Women's Club*, a news Web site focusing on women's rights, on 19 June 2009 in Tehran. She was released on bail on 19 August 2009 (see below). **Details of trial:** On 5 January 2010, Amouee was sentenced to seven years and four months in jail, and 34 lashes, on security charges. In early March 2010, the sentence was reduced to five years in prison. Amouee was released on bail for the Iranian New Year, on 21 March. He returned to Evin prison on 30 May 2010. **Place of detention:** Evin prison.

Massoud BASTANI

Profession: Journalist for the reformist newspaper *Farihikhtegan* and *Jomhoriyat*, a news Web site affiliated with the defeated presidential candidate Mir-Hossein Mousavi. **Date of arrest:** 5 July 2009 **Sentence:** 6 years in prison **Expires:** 4 July 2015 **Details of arrest:** Reportedly arrested when he went to a Tehran court seeking information about his wife, journalist Mehsa Amrabadi, who had been arrested on 15 June 2009 and was released on 25 August 2009. **Details of trial:** Bastani was among 140 opposition figures and journalists who faced a mass, televised trial on 1 August 2009 on vague anti-state accusations (see Kian Tajbakhsh below). Sentenced on 20 October 2009 to six years in prison for "propagating against the regime and congregating and mutinying to create anarchy" for his alleged role in the post-election unrest. **Treatment in prison:** Reported in September 2009 to have been held for weeks in solitary confinement. **Other information:** Bastani had been editor-in-chief of the now-banned *Neda-ye Eslahat* (Voice of Reform) weekly.

Hossein DERAHSHAN

D.o.b.: c.1975 **Profession:** Internet writer. **Date of arrest:** 1 November 2008. **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. In late March 2010 it was reported that Derakhshan's mother sent an open letter to the head of the judiciary demanding the released of her son. **Details of trial:** Trial reportedly began on 23 June 2010 on charges of 'conspiracy' and 'acting against national security'. **Place of detention:** Evin prison, Tehran. **Treatment in prison:** Hossein Derakhshan is held incommunicado in Evin prison, where he is said to be ill-treated and has been under pressure to make a 'confession'. Held in solitary confinement for the first eight months of his detention. Has only been allowed to meet his family twice since his arrest, most recently on 29 October 2009. **Health concerns:** There are serious concerns for his physical and psychological well-being. **Other information:** Nicknamed 'the Blogfather', thirty-five year-old Hossein Derakhshan is known for pioneering 'blogging' in Iran with his Internet diaries, in both English and Farsi, which have been critical of the Iranian authorities though more recently have been sympathetic to President Ahmadinejad. He is said to be a controversial figure.

Adnan HASSANPOUR

Profession: Iranian Kurdish journalist, writer and human rights activist. **Date of arrest:** 25 January 2007 **Sentence:** Death penalty, commuted to ten years in prison. **Expires:** 24 January 2017 **Details of arrest:** Reportedly detained on 25 January 2007 in Marivan, a small city in the northwestern province of Kurdistan, apparently for expressing his views on the Kurdish issue. 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. However, it is thought that he may be held for a phone conversation he had with a staff member of *Radio Voice of America* shortly before his arrest. **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* ('fighting 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 6 September 2008 and 30 January 2009. He was sentenced to ten years in prison on 1 July 2009. **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. (RAN 11/07 and subsequent updates). **Honorary member of:** Swedish and Basque PEN.

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. **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 eleven years in prison by the Tehran Revolutionary Court for forming a human rights organisation in Iran's Kurdish region. The sentence was upheld on 23 October 2008 by the Teheran Appeal Court. **Place of detention:** Intelligence Ministry's Section 209 of Evin Prison. **Treatment in prison:** Held incommunicado and said to be ill-treated. **Health concerns:** Suffers from high blood pressure, skin and kidney conditions. On 19 May 2008 Kabudvand reportedly suffered a stroke in Evin prison and has been denied access to adequate medical care. Said to have suffered another stroke in December 2008, and is said to be in a critical condition, and in urgent need of specialist medical attention. **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. (RAN 30/07 -18 July 2007; Update #1 -15 November 2007; Update #2 - 4 June 2008). **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'. 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. (RAN 30/07 - 18 July 2007; Update #2 - 4 June 2008; Update #3 - 2 July 2008; Update #4 - 4 November 2008). **Other information:** Recipient of the 2009 Hellmann/Hammett award. **Honorary member of:** Swedish PEN.

Saeed LAILAZ (LAYLAZ)

Profession: Editor of the now-banned daily business journal *Sarmayeh* and a vocal critic of President Mahmoud Ahmdeinejad's economic policy. **Date of arrest:** 17 June 2009 **Sentence:** Nine years in prison. **Expires:** 16 June 2018 **Details of arrest:** Reportedly arrested at his home in Tehran on 17 June 2009. **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 13 June 2009. Sentenced on 18 November 2009 on charges of 'congregation and mutiny against national security', 'propagation against the regime', 'disrupting 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. **Place of detention:** Evin prison. **Treatment in prison:** Reportedly held for three months in solitary confinement and denied reading and writing materials.

Javad MAHZADEH

Profession: Journalist and novelist. **Date of arrest:** 22 October 2010 **Sentence:** Four years in prison **Expires:** 21 October 2014 **Details of arrest:** Reportedly arrested on his way to work. Mahzadeh, a political analyst and a literary critic who wrote for the web sites *Iranian Diplomacy* and *Baran*, was well-known in Iran for the novel *Take Away*

My Laughter. **Details of trial:** Sentenced to 4 years imprisonment on 4 February 2010. No formal charges have been disclosed.

Said MATINPOUR

Profession: Journalist with the Azeri-language weekly *Yarpagh*. **Date of arrest:** 28 May 2007 **Sentence:** Eight years in prison. **Expires:** 27 August 2014 **Details of arrest:** Reportedly arrested on 28 May 2007 at his home in the northwestern city of Zanjan. Reportedly 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 reportedly taken into detention again on 11 July 2009 to serve the remainder of his sentence. **Details of trial:** Convicted by a Tehran revolutionary court behind closed doors on 11 June 2008 on charges of 'maintaining relations with foreigners' and 'publicity against the Islamic Republic'. His lawyer was not present at the hearing. His sentence was upheld on appeal in June 2008. **Health concerns:** Said to suffer from digestive and back problems as a result of ill-treatment in prison.

Reza NOURBAKHSH

Profession: Editor-in-chief of the reformist newspaper *Farhikhtegan*. Also contributed to *Jomhuriyat*, a news Web site supportive of the defeated presidential candidate Mir-Hossein Mousavi. **Date of arrest:** 4 August 2009 **Sentence:** Six years in prison, reduced to three years on appeal. **Expires:** 3 August 2012 **Details of arrest:** Authorities reportedly took Nourbakhsh into custody after searching his home. **Details of trial:** Nourbakhsh was among more than 100 opposition figures and journalists who faced a mass, televised trial which began in early August 2009 on vague anti-state accusations. He was sentenced to six years in prison on 3 November 2009 although the exact charges against him were not immediately disclosed. Sentence reduced to three years on appeal.

Ahmad ZAID-ABADI

Profession: Journalist who wrote a weekly column for *Rooz Online*, a Farsi- and English-language reformist news Web site. **Date of arrest:** June 2009 **Sentence:** Six years in prison **Expires:** June 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 reportedly among more than 100 opposition figures and journalists who faced a mass, televised trial in August 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 deprivation of social and political activities. Sentence upheld on appeal in early January 2010. **Treatment in prison:** His wife reports that he is being held in inhumane conditions.

Imprisoned: investigation

Sassan AGHAEE: Freelance journalist, contributor to a number of newspapers including *Farhikhtegan*, *Etamad*, *Tose'eh*, *Mardom Salari*, and *Etamad e Melli*. Also author of the blog *Free Tribune*. Reportedly arrested on 22 November 2009 when security forces raided his home. Held at Evin Prison, no formal charges have been disclosed. In a letter the journalist asked to be opened in case of his arrest, Aghae said any confessions he might make in custody should be disregarded as coerced, according to the reformist Web site *Jaras*. WiPC checking whether still detained.

Seyyed Massoud HOSSEINI LAVASSANI: Journalist with Mehr News Agency and blogger, reportedly detained on 26 September 2009

and sentenced to eight and a half years' imprisonment. WiPC seeking further details.

Nader KARIMI JUNI: Journalist with publications *Gozaresh*, *Fekr*, *Jahan Sanat*, *Siasat Ruz*, reportedly detained in December 2008 and sentenced to ten years imprisonment in January 2009 for acting against national security, conspiracy and spying. Held in Evin prison as of 31 December 2009. WiPC seeking further details of charges.

Reza RAFT'EE-FOROUSHANI: Freelance journalist, was reportedly sentenced to 7 years imprisonment and 5 years of suspended sentence on charges of espionage. A confession reportedly extracted under duress is said to have been used as evidence against him. WiPC seeking further details.

Keyvan SAMIMI-BEHBEHANI: Editor of the banned *Nameh* magazine and human rights defender, reportedly arrested at his home on 14 June 2009 and held in Section 209 of Evin prison. Said to have been ill-treated in detention. Reportedly sentenced to six years imprisonment and life-long deprivation of political activities on 2 February 2010 on charges of 'Propaganda against the system, congregating and conspiracy to undermine the national security'. WiPC seeking further details of the charges.

***Abdolreza TAJIK:** Journalist for the reformist newspapers, now closed, *Bahar*, *Bonyan* and *Shargh*, activist, and member of the organization Defenders of Human Rights Centre, was reportedly detained on 12 June 2010. Thought to be held in Evin Prison as of 30 June 2010. The reasons for his detention remain unknown. Previously briefly detained on two occasions in the past year.

Bahman TUTUNCHI: Journalist and former member of the editorial board of the banned Kurdish weekly *Krafto*. Reportedly detained on 18 November 2008 at his home in Sanandaj, Iranian Kurdistan. Reports suggest that he has been subject to harassment since the closure of *Krafto* in December 2007. Said to have recently been moved to the section for drug addicts in Sanandaj prison. On 9 April 2009 it was reported that Tutunchi remains detained without charge. WiPC seeking further details.

Sentenced in absentia

Maziar BAHARI: Leading Canadian-Iranian journalist, editor, playwright and film-maker. According to PEN's information, *Newsweek* correspondent Maziar Bahari, aged 42, was released on 17 October 2009 from Evin prison, on a bail of approximately \$300,000. He had been detained since 21 June 2009, and is among around one hundred opposition leaders and dissidents accused of fomenting a 'velvet revolution' following the disputed presidential elections on 12 June. Bahari's arrest was part of a major crackdown on dissent which has seen unprecedented restrictions on the foreign media in Iran. Maziar Bahari was released on humanitarian grounds, two days before his wife gave birth to the couple's first child. He has now been allowed to leave Iran and is reunited with his family. On 9 May 2010 Maziar Bahari was sentenced in absentia by an Iranian Court to thirteen years and six months imprisonment and an extended flogging on charges of 'congregation and mutiny with the intent to commit crimes against national security', for which he received a five year sentence, 'collecting and keeping confidential and classified documents' (four years), 'propagation against the regime' (one year), 'insulting the Supreme Leader' (two years), 'insulting the President' (six months) and 'disruption of public order' (one year and 74 lashes). [RAN 26/09 – Update #2 - 14 May 2010]

On trial

Mahbubeh ABBASGHOLIZADEH (f), Parvin ARDALAN (f), Zhila BANI-YAGHOUB (f) and Shadi SADR (f): Prominent women writers

and journalists. Arrested on 4 March 2007 along with thirty other women activists. All four were released on bail in March 2007 but are still facing charges of 'acting against national security', 'participating in an illegal demonstration' and 'publicity against the Islamic Republic' for organising a demonstration in Tehran on 4 March 2007. **Parvin Ardalan**, winner of Olof Palme Prize 2007 and honorary member of Swedish PEN, is facing two terms of six-month imprisonment. Other women journalists and internet writers facing possible imprisonment in connection with the protest include **Nusheen Ahmadi Khorasani** (6 months), **Jelveh Javaheri** (6 months), **Maryam Hosseinkhah** (6 months), **Nahid Keshavarz** (6 months) and **Delaram Ali** (30 months and 10 lashes (RAN 13/07, 12 March 2007; Update #1, 26 March 2007).

Mohammad Ali ABTAHI: Well known blogger. Reportedly arrested from his home in Tehran on 16 June 2009. Reportedly sentenced to six years in prison at mass trials of opposition activists. Released on bail on 22 November 2009. No further details as of 30 June 2010.

Jila (Zhila) BANIYAGHOUB (f): Editor-in-chief of the *Iranian Women's Club*, a news web site focusing on women's rights, has been reportedly sentenced to one year in prison and 30-year ban from journalism on 8 June 2010. She was arrested on 19 June 2009, with her husband journalist Bahman Ahmadi Amoue, who is serving a five-year prison sentence on security charges (see above 'main cases'). Baniyaghoub was released on bail on 19 August 2009; however, the trial against her continued on charges of 'propaganda against the regime', for her reports in relation to the June 2009 presidential elections in Iran and the protests that occurred afterwards. Her defence filed an appeal on 27 June 2010 and she remains free.

Omid MAMARIAN, Roozbeh MIREBRAHIMI, Shahram RAFIZADEH and Javad GHOLAMTAMIMI: Internet writers. Reportedly sentenced to three years imprisonment, fines and flogging by Tehran Judiciary Court on 3 February 2009, on charges which include 'propaganda against the state', 'disseminating lies, 'disturbing public order', and 'membership of illegal organisations'. They were arrested in September and October 2004, and were allegedly ill-treated while interrogated, spent time in solitary confinement and did not have legal council or family visits. By the end of 2004 the writers were free on bail. Mamarian, Mirebrahimi and Rafizadeh are currently living overseas, only Golamtamimi remains in Iran. The defence announced it would appeal the conviction.

Kaveh MOZAFARI and Jelveh JAVAHERI (f): Journalist for the *FeministSchool.com* and *4equality.info*, both websites dealing with issues regarding women's rights. Reportedly detained on 1 May 2009. Mozafari was detained by intelligence officers in the centre of Tehran, before the beginning of the May Day demonstrations. The officers took him to his home to do a search, and while there, they arrested his wife. On 3 May 2009, a judge set Javaheri's bail for 100 million Toman, but according to her lawyer, she refused to pay the bail as she had not committed any crime. Mozafari was released on 25 June 2009, arrested again on 9 July and released on 15 August 2009. **Previous political imprisonment/problems:** Jelveh Javaheri has been previously detained and charged on several occasions for her writings and activism in support of women's rights (see 'On trial' above), and was sentenced to six months' imprisonment in October 2009 on charges of 'endangering state security' for her participation in a peaceful women's rights protest on 12 June 2008. She was also sentenced to six months in prison in 2008 for 'disturbing public opinion, propaganda against the state, and publication of lies' for her role in publishing the website of the *Change for Equality* campaign. She is thought to remain free on bail. WiPC seeking an update.

Fariba PAJOOH (f): Freelance journalist. Reportedly arrested at her home in Tehran on 22 August 2009. Held at Evin Prison in Tehran and said to be in poor health. Pajooch worked for reformist news outlets such as *Etemad e Melli* and the Iranian Labor News Agency, and for the Persian service of Radio France Internationale (RFI) and Spain's *El Paise*. Reportedly charged with "propagating against the regime" and to have been pressured to make a false confession. Released on bail on 23 December 2009. No further information as of 30 June 2010.

Hengameh SHAHIDI (f): Aged 34. Journalist and opposition activist. 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 sentenced to six years and 3 months imprisonment and released on bail. Thought to remain free pending appeal. WiPC seeking an update.

Brief detention

Following the re-election of Mahmoud Ahmehdinejad in the presidential elections announced on 13 June 2009, widespread peaceful protests by supporters of opposition leader Mir Hossein Mousavi who dispute the election result have been suppressed by the authorities. Scores of journalists and leading reformists are amongst the hundreds to have been arrested, and some have been handed down lengthy sentences in mass trials (see 'main cases' above). Many have since been released but arrests are continuing and over 30 journalists are thought to remain detained as of 30 June 2010, please see www.cpj.org and www.rsf.org for more details.

Conditional release

Emadeddin BAGHI: Prominent Iranian journalist and human rights activist. Reportedly arrested on 28 December 2009 after massive protests in Tehran and other cities to mark the Shi'a religious observance of Ashoura. He is in poor health stemming from his previous imprisonment. Baghi's arrest followed the broadcast by the BBC Persian Service of a two-year old interview Baghi had conducted with the late Ayatollah Hossein-Ali Montazeri, an influential cleric who died in December 2009. The government has sought to clamp down on publicity about Montazeri, who had criticized the conduct of the June presidential election. **Release on bail:** On 23 June 2010 Baghi was released from Evin prison, on bail of 200 million Tomans (approx. US\$ 200,000). He reportedly faces additional charges of undertaking 'propaganda against the state' and 'colluding to commit acts against national security'. He is due to be tried on 7 July 2010. **Other information:** Baghi is the founder of the Association for the Defence of Prisoner's Rights, which had been compiling information on torture and other abuses of detainees. In the late 1990's he exposed the serial murders of Iranian intellectuals. His books *Right to Life* and *Right to Life II* argue for the abolition of the death penalty and have been banned by the authorities. Author of twenty books, six of which have been banned in Iran. Winner of the Martin Annals Award in 2009 and British Press Awards for International Journalist of the Year 2008. **Previous political imprisonment/problems:** Sentenced to a three-year prison term in 2000 on charges of 'endangering national security' for his writings about the serial murder of dissident intellectuals in Iran in the late 1990s. He served two years of that sentence, and one year was suspended. Also handed down a one-year suspended term in 2003 for "endangering national security" and "printing lies" in his book, *The Tragedy of Democracy in Iran*. His newspaper *Jomhouriat* was shut down in 2003. Sentenced to one year in

prison in October 2007 for "acting against national security", 'propaganda against the Islamic Republic' and 'divulging state secret information'. In December 2007 he suffered a heart attack and three seizures in prison, and remained in poor health without adequate medical care until his release in October 2008. He was a main case of International PEN during his previous detentions. (RAN 12/10 – 18 March 2010; Update #1 – 2 July 2010)

Siamak POURZAND

D.o.b.: 1930 **Profession:** Journalist and film critic. **Date of arrest:** 24 November 2001. **Sentence:** 11 years' imprisonment. **Expires:** 23 November 2012 **Details of arrest:** Abducted by the Iranian intelligence services on 24 November 2001. It is thought that his arrest may be connected to his position as manager of the *Majmue-ye Farrhangi-ye Honari-ye Tehran*, a cultural centre for writers, artists, and intellectuals. Pourzand is also known for his articles critical of the Islamic regime, and is said to have worked with Iranian foreign-based media. **Details of trial:** On 6 March 2002, the Iranian authorities began closed and unannounced proceedings against Pourzand. On 13 April 2002 the Tehran General Court reportedly sentenced him to eleven years' imprisonment on charges of "undermining state security through his links with monarchists and counter-revolutionaries". It is widely believed that the charges against him are based on 'confessions' which are thought to have been exacted under duress. The sentence was reportedly confirmed on 21 May 2002 following an appeal by his court-appointed lawyers. **Health concerns:** Pourzand suffers from diabetes and a heart complaint. Said to have been denied necessary medical treatment whilst in detention, and reported by his family to be in a serious condition both physically and psychologically. After a series of hospitalisations in 2004 he was released on medical leave from prison. However according to his family he is denied permission to travel abroad for necessary medical treatment and to visit his family who are living in exile in the US. **Other information:** Siamak Pourzand is the husband of writer and lawyer Mehrangiz Kar. **Honorary Member:** Norwegian, Canadian and American PEN. (RAN 20/04, 27 April 2004)

Dr. Kian TAJBAKSH

D.o.b.: 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. **Expires:** 8 July 2014 **Details of arrest:** According to PEN's information, Dr Tajbakhsh was arrested on charges including 'acting against national security' and espionage for his subscription to Gulf/2000, a cultural and academic internet organization sponsored by Colombia University's School of International and Public Affairs. The organization 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:** Among over 140 defendants including prominent politicians, writers, academics and journalists to be 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, he was sentenced to 15 years in prison on charges of espionage, "contacting foreign elements" and acting against national security. 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 freed on bail on a two-week release order 14 March 2010 in order to spend the Iranian New Year with his family, although the order was extended and he is thought to remain free as of 30 June 2010. **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.

Mashallah SHAMSOLVAEZIN: Prominent Iranian journalist. Editor of many of Iran's first independent newspapers, including *Jame'eh*, *Neshat*, and *Asr-e Azadegan*, all closed between 1998-2000; editor of daily *Kayhan* throughout the 1980s. He currently serves as the spokesman for the Iranian Committee for the Defense of Freedom of the Press, and also as vice president of the Association of Iranian Journalists. Reportedly arrested at his Tehran home on 28 December 2009, in the aftermath of the 2009 Ashura protests. Shamsolvaezin has been imprisoned multiple times for his journalism, including a sentence of thirty months in April 2000 for article criticising the death penalty. Released on bail on 28 February 2010.

IRAQ

Killing: Investigation

***Sardasht OSMAN (aka Dashti Othman):** Journalist for the newspaper *Ashtiname* and for a number of independent websites, was reportedly abducted from the language department of Salahadin University in Erbil city, capital of Iraqi Kurdistan, on 4 May 2010. Two days later, his body was found in Mosul city. It is widely believed that Osman's death is linked to articles he wrote critical of the leadership of the Kurdistan regional government. Osman, aged 23, was a student of English language and literature. The authorities have reportedly appointed a special committee to investigate Osman's abduction and death.

Kidnapped

***Saad Al-AOSSI (Al-AWSI):** Editor-in-chief of the weekly *Al-Shahhi*. Reportedly abducted from his home in central Baghdad on 14 April 2010 by a group of armed men. Unconfirmed reports suggest that the men were security officials linked to the army and police. A week before his abduction, an article alleging official corruption written by Al-Aossi was published in the weekly.

***Hossam Daoud LAZIM:** Journalist for the newspaper *Al-Nassar* and a TV station, was reportedly abducted from his home in Kirkuk on 17 February 2010 by unknown assailants. It is not known whether the kidnapping is linked to the journalist's work. Mazim's brother reported the incident to the authorities. No further information as of 30 June 2010.

On trial

***Shwan MOHAMED and Rebwar Karim WALI:** Editor and reporter respectively of the independent weekly *Awene*. Reportedly on trial for criminal defamation after charges were filed against them by the Kurdistan Prime Minister on 10 February 2010. The case is linked to an article published in the weekly which allegedly is critical of the Prime Minister. Mohamed and Wali remain free as of 30 June 2010 while the trial is ongoing.

Brief detention

***Ihsan Mullah FUAD:** Journalist for the independent Kurdish newspaper *Awene*, was reportedly detained by the police in Iraq Kurdistan in late January 2010. Fuad was allegedly investigating a piece for *Awene* when he phoned the electricity company asking for additional information. The head of the company refused to answer the questions, and instead, filed a complaint with the police. After his arrest, Fuad was taken to court where a police officer allegedly said that some of Fuad's articles on police human rights violations were regrettable. The head of the electricity company withdrew his complaint soon after, and Fuad was released.

Attacked

***Khaled QURAGHULI:** Journalist with the newspaper *Al-Anbar* and professor at the University of Al-Anbar. Reportedly attacked by gunmen on 8 May 2010 who searched his home in the central city of Ramadi and beat him.

ISRAEL

Imprisoned: Investigation

Ata FARAHAT: Golan Heights correspondent for the daily newspaper *Al Watan*, and a Syrian broadcaster, was reportedly arrested for 'espionage' and taken to Al-Jalama prison, southeast of Haifa, on 30 July 2007. Farahat is a Syrian national. In early October 2008 Farahat's family reported that he is being held in Al-Jalbou prison, in Beit Shean, 120 kilometres from Jerusalem. The trial against him opened on 2 March 2008 in a court in Tel Aviv, and all the hearings have taken place behind closed doors. On 1 February 2009 Farahat was sentenced to six years in prison, three of which were suspended. The media, defence lawyers and Farahat's family are banned from providing information on the trial because the case was designated a 'defence secret'. WiPC seeking information as to whether Farahat is detained for his writings.

***Anat KAMM (f):** Journalist with the Israeli news portal Walla. 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 include 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 receive 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

ensor, Kamm was arrested by the Shin Bet (secret police) and placed under house arrest. Blau has since been living in London while his lawyers negotiate a way for him to return to Israel without facing charges. [Kamm's trial started on 20 July 2010].

Deported

***Jared MALSIN:** Editor of the English language website *Ma'an News Agency*, and American citizen, was reportedly detained by Israeli authorities upon his arrival at Ben Gurion International Airport, on 12 January 2010. Malsin was returning from a trip to the Czech Republic when detained, and was reportedly interrogated by the authorities regarding his work as a journalist. He was deported to the United States on 20 January 2010.

***Henning MANKELL:** Swedish writer. Aboard one of six ships in a flotilla carrying aid to Gaza which was attacked by the Israeli army on 31 May 2010. Mankell was among scores of activists to be taken into custody by Israeli security forces before being deported.

JORDAN

Case closed

Islam SAMHAN: Poet and journalist for the newspaper *Alarab Alyawn*. Reportedly sentenced to one year in prison on 23 June 2009 for allegedly ridiculing religion and divine doctrines, offending prophets and failure to register his publication at the Jordanian department of printing and publishing. The case dates back to March 2008, when Samhan published his book *Rahaqet Dhel (Gracefulness of a Shadow)*, some verses of which were considered to be blasphemous by the Jordanian Grand Mufti, Jordan's highest religious authority, who accused him of 'apostasy and being an enemy of religion'. The Muslim Brotherhood called for the book to be recalled and for Samhan to be punished. As a result of this campaign he was briefly detained for 15 days on 19 October 2008. In early September 2009 it was reported that the Court of Appeal will take a decision on Islam Samhan's conviction by the end of the month. No further information as of 30 June 2010, case closed.

KUWAIT

On trial

***Mohammed Abdulqader Al-JASSEM:** Founding editor of the Arabic editions of *Newsweek* and *Foreign Policy*, and well-known journalist, was reportedly arrested on 11 May 2010 and charged with 'instigating to overthrow the regime', 'slight to the personage of the Emir', and 'instigating to dismantle the foundations of Kuwaiti society'. The charges are said to be based on articles Al-Jassem published on his website since 2006. He was released on bail on 28 June. The trial starts on 12 July 2010. Al-Jassem is facing five other complaints brought by the Prime Minister and the Information Minister for his articles critical of the government, and on 1 April 2010 was sentenced to six months in prison for slandering the Prime Minister. He is appealing the sentence and remains free on bail.

LIBYA

Released

Mohamed Al-SAREET: Journalist, was charged with criminal defamation for an article for the independent news website *Jeel Libya*. The piece was published on the Internet on 21 October 2009, and concerns allega-

tions of sexual harassment in a residential centre for orphans. On 22 October 2009 the journalist was summoned by the police, and charged with defaming the centre's director. On 31 October, however, the General Prosecutor's Office charged the centre's director with sexual harassment and reportedly dropped all charges against al-Sareet.

Jamal EL-HAJI: Human rights advocate and online contributor. Arrested on 9 December 2009 and charged with 'insulting judicial authorities' for writing and making public a five-page complaint sent to the Justice Secretary on 24 May 2009 about alleged violations of human rights, including torture and inhumane conditions, during his two years as a political prisoner from 2007-2009. El-Haji was acquitted by the state security court and freed on 14 April 2010. Case closed.

MOROCCO

Imprisoned: main case

Chehib EL-KHAYARI: human rights activist and contributor to international news media, was arrested on 17 February 2009 and sentenced on 24 June 2009 to three years in prison for 'gravely insulting state institutions'. El Khayari (30) was also convicted of minor financial violations. He was ordered to pay a fine of approx. US\$90,000. His detention apparently came shortly after he made statements critical of governmental policy on drug-trafficking to international media. He had also recently criticised the mistreatment of migrants by Moroccan and Spanish security forces at the border with the Spanish enclave of Melilla in his capacity as activist for Amazigh (Berber) rights. El-Khayari's conviction for infractions of currency regulations related to a payment he received from the Spanish newspaper *El Pais*, after he published an essay in the 4 July 2006 issue of the newspaper. He received 225 Euros for the essay deposited in a foreign bank account, and reportedly withdrew the money without using a Moroccan bank as an intermediary or informing the Office of Currency Exchange. It has been suggested that the allegations of financial violations, which were not added to the charge sheet until late in the process, were filed by the authorities in order to discredit the journalist and to allow for a longer prison sentence than that permitted under the main charge of "gravely offending state institutions". El Khayari was being held at Oukacha Prison, in Casablanca. On 24 November 2009, his sentence was confirmed by the Casablanca Appeal Court. Apparently still imprisoned as of 30 June 2010; PEN is seeking an update.

On trial

***Ali AMAR:** journalist and author, is on trial for theft of a computer and other materials in a case brought by a former business associate. Amar was arrested in Rabat on 7 June 2010, transferred to police custody in Casablanca and released on bail the next day after being charged with theft. He had reportedly suffered harassment by the authorities in the days leading up to his arrest. On 4 June, police reportedly broke into and searched the apartment of journalist and activist **Zineb El Rhazoui** without a warrant before detaining her and Amar, who was present at the time, for 12 hours. The police told El Rhazoui they were investigating a complaint of theft against Amar but devoted most of the time to questioning the two journalists about their writings and private lives. The police told Amar to report to them for further questioning on 6 June but he refused to do without a written summons. Amar believes the case is retaliation for his book *Mohamed VI, Le Grand Malentendu (Mohammed VI: The Big Misunderstanding)*, a critical account of the Moroccan king's rule that was published in France in 2009 but was banned in

Morocco. **Background:** Both Amar and El Rhazoui worked for the outspoken weekly newspaper *Le Journal Hebdomadaire* before it closed in January 2010 following mounting government-backed pressure, including politically driven libel cases. Amar continues to write on controversial subjects; for example, in May 2010 he published an article in the French magazine *Marianne* criticizing the Moroccan authorities for persecuting gays in an attempt to placate Islamists. As well as a journalist, El Rhazoui is also co-founder of the Alternative Movement for Individual Liberties (MALI), and has reportedly been twice arrested while taking part in demonstrations, most recently on 2 May 2010. **Trial:** Amar's trial began in Casablanca on 10 June but was adjourned twice at the defence's request; the next hearing was scheduled for 22 June.

Ali ANOUZLA, Mohamed BRINI, Mokhtar Al-Ghizeawy, Rachid NINY, and Younes MESKINI: respectively, editor of the daily newspaper *Al-Jarida Al-Oula*, editor of the daily *Al-Ahdath Al-Magreb*, reporter for *Al-Ahdath Al-Magreb*, editor of *Al-Massae*; and former reporter for *Al-Masae*. All five are reportedly facing charges of 'publicly harming' Libyan President Muammar Qaddafi, and 'hurting his dignity', over articles published in late 2008 and early 2009. The various pieces were critical of Qaddafi, including his political paper *Green Book*. The journalists were summoned to court in Casablanca on 22 May 2009 and the trial was adjourned until late June 2009. If found guilty, the journalists could face up to one year in prison. **No further information as of 30 June 2010.**

***Taoufik BOUACHRINE:** editor of the independent daily newspaper *Akhbar al-Youm*, was sentenced to six months in prison on charges of real estate and sales fraud on 10 June 2010, in what was said to be a politicized trial. He was also fined 500 Moroccan dirhams (US\$56) and ordered to pay 10,000 Moroccan dirhams (US\$1,120) in damages. The charges stem from Bouachrine's purchase of a house in Rabat three years before. The new owner claimed Bouachrine failed to honour the agreed price and sued. Bouachrine was reportedly cleared of the charges in 2008 and 2009 but the owner filed another complaint in April 2010, despite the fact that under Moroccan law, it is illegal to re-open a civil case that has been closed. Bouachrine was free pending an appeal. **Background:** On 31 October 2009, Bouachrine and cartoonist Khalid Gueddar were given a four-year suspended prison sentence on charges of "disrespect to a member of the royal family" for publishing a cartoon depicting the wedding of Prince Moulay Ismail, King Mohammed VI's cousin. They were also ordered to pay 270,000 Euros in damages to the Prince. *Akhbar al-Youm* was shut down but was re-launched in December 2009.

Released

***Boubaker AL-YADIB:** internet writer, was sentenced to six months in prison and a fine of 500 dirhams (approx. US\$62) on 2 February 2010 for "degradation of state property", "threatening a public official" and "participation in an illegal demonstration". Al-Yadib was arrested and detained in police custody in Guelmim, south of Agadir, on 26 January, accused of posting news the previous day of a strike organised by the Association of Moroccan Bloggers, which was intended to be "a week of mourning for freedom of expression in Morocco." The writer was freed on appeal on 5 April, having spent two months and a week in prison in Tiznit.

***Mohamed ATTAOUI:** correspondent of the Arabic daily newspaper *Al-Monataf*, as well as president of a local environmental NGO, the Association for the Preservation of Cedar and Bighorn Sheep, and an employee for the rural municipality of Tounfite. On 22 March 2010, Attaoui was sentenced to two years in prison for allegedly extorting

1,000 dirhams (90 euros). His arrest on 8 March came shortly after he exposed a "cedar mafia" and the illegal trafficking of the wood in the Midelt region, in both an article and a press release issued by his NGO. Attaoui was released on 15 April after paying a fine of 10,000 dirhams (890 euros). [RAN 30/10]

Driss CHAHTAN: managing editor of the independent weekly newspaper *Al-Michael*, was arrested at the papers' headquarters in Casablanca on 15 October 2009. The same day he was sentenced to one year in prison and a fine for 'intentionally publishing false information' in various articles published in early September 2009, relating to King Mohamed VI's health. The trial reportedly did not comply with standards of fairness, as the judge did not let witnesses be heard. Chahtan's sentence was confirmed on appeal on 10 November 2009. Two journalists of the weekly *Al-Michael* were given suspended sentences on the same charges. On 13 November 2009, the general Prosecutor issued an order banning the publication of *Al-Michael* on the grounds that its managing editor was serving a prison sentence. In March 2010, it was reported that Chahtan had been found guilty in two defamation cases filed against him by a group close to some relatives of the King and a former employee of the intelligence services. An appeal was pending. **Release:** Chahtan was released from Oukacha Prison on 11 June 2010, one day before his wife gave a birth to their second child, after receiving an unexpected royal pardon. During his imprisonment he was reportedly held in harsh conditions despite his need for medical care and suffered harassment by prison guards.

El Bachir HAZZAM: internet writer, was arrested on 7 December 2009, three days after posting a news item, which had been released previously, in relation to the crackdown on a student demonstration in the Taghjiyt region. Hazzam was sentenced to four months in prison on charges of 'spreading false information about human rights that undermined the Kingdom's image'. He had reportedly also been questioned about another of his postings from September 2007, entitled 'Electoral promises: truth or fiction'. Reportedly released on 8 February 2010, after having spent more than two months in prison.

PALESTINE AUTHORITY

Imprisoned: investigation

Farid HAMAD: Editor of the newspaper *Al-Ayyam*. Hamad was reportedly arrested on 29 July 2008 on charges of 'possession of weapons' and 'membership of an illegal organisation', although there are fears that the charges may be linked to his reporting. In late September 2009 it was confirmed that Farid Hamad remains detained. WiPC seeking further details about the charges against Hamad.

Brief detention

***Paul MARTIN:** British freelance journalist. Reportedly arrested by Hamas in Gaza on 14 February 2010. Martin was detained while attending the trial of a former Hamas militant who has featured in one of Martin's documentaries. He was there to testify on behalf of the militant. The former militant was accused of collaborating with the Israeli army during the January 2009 conflict. Martin was believed to be implicated in the militant's actions; however, he was never officially charged with any crime. At a press conference held on 12 March 2010, Martin's release was announced by a Hamas leader who said that Martin had been found guilty of being an agent for Israel.

Mustafa SABRI: Freelance journalist. Reportedly arrested on 4 January 2010 by the Preventive Security Service on charges of forming a military cell. He was released on 9 March 2010 without charge. **Previous arrests:** Sabri was previously arrested on 31 July 2008, and despite a 10 September 2008 release order issued by the Supreme Court, Sabri remained in detention for some time. Later, on 25 April 2009 he was detained again by the Palestinian military intelligence, and once more, a Supreme Court order instructing his release on 15 June was not enforced until 25 July. Reportedly arrested at his home in Qalqilya, northern West Bank, on 29 July 2009 and released after a brief detention. There are reports that Sabri's previous arrests were related to his reporting.

Harassed

***Nufouth Al-BAKRI (f):** Correspondent for the newspaper *Alhayat Aljadidah*, was reportedly harassed by a group of civilians at her home on 25 April 2010. The civilians, who identified themselves as working for the ministry of information, raided Al-Bakri's home and told her that she should stop sending reports to the newspaper from her home, unless she obtains a licence to work there as 'press office'. The journalist explained that the reason for her to work there is that the newspaper's office is currently closed. She reportedly contacted the ministry of information asking for the reason for the raid, but they denied knowing anything about it.

Case closed

Sri Abdul FATTAH SAMMUR: Correspondent for the newspaper *Ahhqa Aldawliya* and contributor to news websites, was reportedly arrested by intelligence services on 20 June 2009. His relatives believe his arrest is linked to his articles published in websites including *Alhaqaeq* and *Arab Times*. Case closed for lack of further information.

SAUDI ARABIA

Imprisoned: investigation

***Abdul AZIZ KEMAL:** Egyptian academic and journalist, has been reportedly detained since 13 June 2009. Reports say that Dr. Aziz's family decided to remain silent about his detention whilst diplomatic negotiations were underway to secure his release. For the last 30 years, Dr Aziz has been working in Saudi Arabia, after receiving his Master's degree in Islamic Law. He is a professor at Al-Azhar University in Cairo, and has been writing for various newspapers, including *Al-Bayan*. Thought to remain held without trial or charge against him as of 30 June 2010. WiPC seeking further information.

***Shaikh Mikhlif bin Dahham Al-SHAMMARI:** Human rights activist and internet writer. Reportedly detained at his home in Jubali on 15 May 2010 over six articles he had published on various Saudi websites critical of conservative religious views. He was released on bail but re-arrested on 15 June 2010 and charged with 'annoying others'. Held in Dammam General Prison as of 30 June 2010.

Case closed

Rafaat Al-GHANEM: Internet writer. Reportedly detained at the passport office in Riyadh by the Saudi Investigative Police on 29 July 2009. Al-Ghanem, aged 25, is a Syrian national living in Saudi Arabia. He writes in his blog *Defat*, and contributes to Syrian and Saudi blogs. Reports say that the last article Al-Ghanem posted in his web blog is

entitled 'Eunuchs Playing Heroes', and that he signed a petition for the release of another internet writer prior to his arrest. Case closed for lack of further information.

SYRIA

Imprisoned: Main cases

Husam 'Ali MULHIM

D.o.b.: c.1984 **Profession:** Student, dissident writer and poet **Date of arrest:** March 2006 **Sentence:** Five years in prison **Expires:** March 2011 **Details of arrest:** One of seven student activists to be arrested between 26 January and 18 March 2006 by the Air Force Intelligence (AFI) in Harasta, near Damascus, apparently for developing a youth discussion group and publishing pro-democracy articles on the internet. Trial started in November 2006 and on 17 June 2007 they were convicted on charges of 'taking action or making a written statement or speech which could endanger the State or harm its relationship with a foreign country, or expose it to the risk of hostile action' under Article 278 of the Syrian Penal Code. PEN became aware of this case in 2009. He is a friend and associate of Karim al-Arbaji (see 'released' below). **Place of detention:** Sednaya prison, near Damascus. **Treatment in prison:** Reportedly tortured during pre-trial incommunicado detention, claims that 'confessions' reportedly extracted under duress used as evidence in the trial.

Firas SAAD

D.O.B. 1975 **Profession:** Writer and poet **Date of arrest:** November 2006 **Sentence:** Four years' imprisonment. **Expires:** November 2010 **Details of arrest:** Reportedly arrested in November 2006, for articles posted on various websites, in particular an article entitled 'What did the Syrian army do in Israel's war against Lebanon' dated 16 July 2006, posted on an Iraqi internet website <http://www.ahewar.org/debat/show.art.asp?aid=70127> (in Arabic).

Details of trial: Saad was taken to the state security court on 24 June 2007, but his trial was postponed twice. He was convicted on 7 April 2008, under Article 286 of the Criminal Code, for disseminating false or exaggerated information, which is liable to weaken national morale. **Place of detention:** Saydnaya prison, north of Damascus. **Professional details:** Saad had been writing articles on political and economic issues in Syria. Some of these pieces were posted on websites banned in Syria. He has also published two collections of poems in Arabic, *A Syrian Requiem: A Text on Love and Death* (Dar al-Balad House, Damascus, 2003) and *Spirit, speckled defeats* (Dar Amwaj House, Beirut 2004).

Habib SALEH

D.o.b.: 1948 **Profession:** Internet writer and political analyst. Writes regularly for the website *Elaph.com* (<http://elaph.com>), heavily censored in Syria because of its outspoken news reporting. **Sentence:** 3 years in prison **Expires:** 5 May 2011 **Details of arrest:** Reportedly arrested on 6 May 2008. Saleh, aged 61, had recently posted online articles critical of the Syrian authorities. **Details of trial:** His trial began on 1 December 2008 on charges of 'spreading mendacious information aimed at weakening national sentiment', 'inciting civil and sectarian strife', and 'attacking the president', under articles 285, 374 and 277 of the criminal code, for his critical writings. On 15 March the Damascus Criminal Court found Habib Saleh guilty of "weakening national sentiments" (Article 285 of the Penal Code) and "broadcasting false or exaggerated

news which could affect the morale of the country” (Article 286). The charges on which he was convicted related to several articles on domestic political issues which he had written and published on the internet and in which he had criticized policies of the Syrian government and expressed support for a prominent opposition figure, Riad al-Turk. The court dropped other charges against him. **Previous political imprisonment/problems:** Twice detained for his critical writings: sentenced to three years in prison in 2002, released on 9 September 2004; re-arrested on 29 May 2005 and sentenced to three years in prison for ‘spreading mendacious information’, released on 12 September 2007 after completing three-quarters of his sentence.

Fayez SARA, Yasser al-‘EITI and Ali al-ABDULLAH

Professions: Journalist for the Arabic language publications *Assafir*, *Al-Hayat* and *Al-Arab Al-Yom*, poet, and writer, respectively. **Date of arrest:** 12 December 2007-3 January 2008. **Sentence:** Two and a half years in prison. **Expires:** July 2010. **Details of arrest:** Amongst thirteen prominent activists to be arrested after attending a meeting on 1 December 2007 of the National Council of the Damascus Declaration for Democratic Change, an umbrella group formed in August 2005 by secular opposition parties calling for ‘radical democratic change’ in Syria. Over 40 activists were reportedly arrested in a crackdown on signatories of the Damascus Declaration, and most were freed after a brief detention. **Details of trial:** These men are among thirteen to be charged on 28 January 2008 with ‘weakening national sentiment’, and ‘spreading false news’. On 29 October 2008 the First Damascus Criminal Court sentenced the detainees to two and a half years in prison for ‘publishing false information with the aim of harming the state’, ‘membership of a secret organisation designed to destabilise the state’ and ‘inciting ethnic and racial hatred’. Their defence announce they would appeal the sentence. **Place of detention:** Held in ‘Adra prison in harsh conditions. **Treatment in prison:** Said to have been ill-treated, but to have access to family visits. **New information:** Writer Ali Al-Abdullah was reportedly due to be released on 17 June 2010, after serving his sentence. However, he remains detained as he is said to face a new trial for ‘broadcasting false or exaggerated news that could affect the morale of the country’ and ‘spoiling Syria’s relations with another country’, after writing a critical article while in jail.

Imprisoned – Investigation

***Raghdah Sa’id HASSAN (f):** Writer, was reportedly arrested on 10 February 2010, after writing her first unpublished novel. Since then, Hassan, aged 38, has been held incommunicado at the Political Security Branch in Tartus. The novel *The New Prophets* is said to discuss the political situation in the country in the 1990’s through a love story involving two Syrian prisoners. She was arrested on the Syrian side of the Al’Arida border crossing with Lebanon, while travelling by car to Lebanon. There are reports that on 13 February, Hassan’s flat was ransacked by the security forces when nobody was there. There were no signs of a break-in. A paper print-out of her unpublished novel was confiscated, as were several publications by various Syrian opposition political parties. Hassan was reportedly questioned by Political Security on several occasions during the last three months of 2009, was summoned to their branch in Tartus twice demanding she sign a statement that she would not publish the novel, but she refused. Still thought to be detained as of 30 June 2010. **Health concerns:** Hassan suffers from kidney stones, and requires daily medication. [RAN 29/10 – 1 April 2010]

Mustafa ISMAIL: Poet, internet writer, contributor to various Arabic language websites and lawyer, was reportedly arrested on 12 December 2009. Ismail reportedly writes on issues about the treatment of Kurds in Syria and in Turkey. Ismail has been summoned for questioning a number of times since 2000, particularly since October 2009. The Syrian authorities did not acknowledge his detention for some months. In late June 2010 it was reported that Mustafa Ismail has been charged by the Second Military Court in Aleppo with making plans aimed at damaging Syrian relations with foreign countries and being a member of an illegal organisation aiming to divide Syria. There are reports that Ismail is currently held in Central Aleppo Prison, after being held incommunicado at an unknown location for three months. His lawyers have requested Ismail’s release on bail, but it has been denied. If found guilty he could face up to five years in prison.

Ahmed MUSTAFA (pen name: Pir Rustem): D.o.b.: 1963. Kurdish writer and member of the National Council of the Damascus Declaration, was reportedly arrested on 18 November 2009 by the Syrian security forces. According to an online report, Mustafa was initially detained on 24 October 2009 while in Beirut, Lebanon, and was then sent to Damascus. The precise location of Mustafa’s detention is unknown, but his family fears he is in one of Syria’s high security prisons. He is said to be the author of fourteen of novels in Kurdish and Arabic languages. Member of the ‘KAD Kurdish Committee for Human Rights’ and the Central Committee of the ‘Democratic Kurdish Party in Syria (Alparty)’, both banned in Syria. WiPC seeking further details.

Brief detention

Ma’an AQIL: Journalist for the government daily *Al-Thawra*, was reportedly arrested in Damascus on 22 November 2009. Aqil is known for his writings about government corruption, and prior to his arrest had criticised the recent appointment of a high member of staff at the state’s publication *Tashrin*. On 24 November 2009 the government organisation that deals with state-owned media announced Aqil’s dismissal. On 23 February 2010 Aqil was released from prison without charge.

Case closed

Karim al-ARBAJI: Internet writer and moderator. Arrested on 7 June 2007 by the Syrian military intelligence for reportedly being the moderator of the online forum www.akhawia.net (Brotherhood). On 13 September 2009 Arbaji was sentenced to three years in prison by the State Security Supreme Court in Damascus for ‘spreading false news that weakened the national sentiment’, in accordance with Article 286 of the Syrian penal code. Presumed released on expiry of sentence on 6 June 2010.

Faruq Haji MUSTAFA: Syrian-Kurdish journalist and writer, reportedly detained by security officers on 5 April 2009. Mustafa has written for various regional publications, including *Al-Watan*, based in Syria, *Al-Safir*, based in Lebanon, and *Al-Hayat*, based in London. There are reports that before his arrest, the journalist had received several summonses to go to the political security office in Aleppo. Thought to be held incommunicado without charge as of end June 2009, no further information as of 30 June 2010. Case closed.

Emjad OSMAN: Syrian Kurdish journalist, editor of the Kurdish magazine *Hogir*. Reported by his family in mid-July 2009 to have been missing since 17 May 2009. Has reportedly been arrested on numerous occasions in connection with his publication, which is banned in Syria and published underground. No further information as of 30 June 2010, case closed.

TUNISIA

On trial

***Fahem BOUKADDOUS**: correspondent for Al-Badeel news website and TV journalist, was sentenced to four years in prison on 13 January 2010 for “belonging to a criminal association” and spreading materials “likely to harm public order”. The charges reportedly stem from video reports he made of demonstrations in the Gafsa mining region in 2008. His lawyers appealed the ruling. **Background**: Boukkadous was previously sentenced to six years in prison on the same charges in December 2008 but was not present at the hearing, as he had been in hiding since July that year when he discovered he was wanted by the authorities. In November 2009, Boukaddous emerged to challenge the sentence on the basis that he had been tried in absentia. A court overturned the previous ruling, but said that Boukaddous would be tried again on the same charges. **Appeal**: The appeal hearing was set for April 2010 but was postponed several times due to Boukaddous’ ill health: he required hospitalization for acute respiratory problems. A ruling was expected on 6 July 2010.

Threatened

***Mouldi ZOUABI**: journalist for the online magazine *Kalima*, internet writer (runs a blog named ‘Pour un peuple tunisien libre’, or ‘For a free Tunisian people’) and human rights activist. On 2 April 2010, Zouabi reported that he had received a telephone call from an unidentified individual who threatened to assault him and to rape his sister if he did not retract his articles and stop criticising the political regime. Zouabi believes the threats stem from an article on corruption which led to his blog being censored two weeks before and from critical comments he had made on Facebook about the President’s wife on 23 March. On 30 March, Zouabi was reportedly stopped by police officers in Gabes who warned him about the consequences of working with *Kalima* and its editor, **Sihem Bensedrine** (see below). In December 2009, police confiscated Zouabi’s radio equipment and International Federation of Journalists membership card. He reportedly feared for his safety and that of his family.

Harassed

***Mohamed ABBOU**: human rights lawyer, was threatened and harassed by plainclothes policemen at the airport in Tunis on arrival from Morocco on 27 February 2010. Abbou was reportedly strip searched and several texts were confiscated from him, including the Committee to Protect Journalists’ annual report. Police also confiscated books from **Lotfi Hidouri**, journalist for the London-based news agency Al-Quds Press and the online magazine *Kalima* (see below), who was with Abbou at the time. The books were a study of the Moroccan political situation by the Moroccan historian and novelist Abdallah Laroui and *Do we deserve democracy?* by the Egyptian novelist and essayist Alaa al-Aswani; a copy of the Moroccan newspaper *Al Ayam* was also confiscated from Hidouri. The officers also physically and verbally assaulted Abbou and one of them threatened to send him back to prison. **Background**: Abbou was imprisoned from March 2005 to July 2007 for articles posted on the internet. Since his release he has been subject to state harassment, including police surveillance, being followed and friends and colleagues being prevented from visiting his home.

***Mohamed el Boussairi BOUEBDELLI**: author and founder of Tunisia’s first private university, Université Libre de Tunis (ULT), has

reportedly been subject to harassment by the authorities for a number of years, in particular since his publication in July 2009 of a book critical of President Ben Ali’s regime. Bouebdelli describes his book, *Le jour où j’ai réalisé que la Tunisie n’est plus un pays de liberté* (The day I realized that Tunisia is no longer a free country), which he published on his website (http://www.bouebdelli.org/mon_livre.php), as an analysis of the President’s regime since 1987 and the failure of his political programme. The book also includes details of the problems the Bouebdelli family have suffered at the hands of the state. Bouebdelli was abroad at the time the book was published. When he returned to Tunisia a week before the October 2009 presidential elections, he was searched at the airport. Since then he has reportedly been subject to constant police surveillance, his internet service has been cut and his telephone lines interfered with. In December 2009, the Ministry of Higher Education (MES) sent an inspector to the ULT. According to Bouebdelli, the inspector admitted that he had been sent because of the book; however, his report stated that the university was not registered and accused it of other various other irregularities. In January 2010, the ULT’s activities were severely restricted via a ministerial edict: for example, the authorities have sacked key members of staff - including members of the Bouebdelli family -, barred ULT from accepting any new students for the next three years, and banned all new admissions to its largest faculty. As a result of this harassment, Bouebdelli went to Paris where he held a press conference with the League of Human Rights and gave interviews to international media. On his return to Tunis, he was reportedly called for questioning in Tunis. In February 2010, Bouebdelli published a report on his website detailing the state harassment his educational institutes have suffered, entitled ‘White paper on the killing of the Free University of Tunis: how the law is flouted in Tunisia’. As of late April, the harassment was ongoing. Bouebdelli says that the authorities are persecuting him for having expressed his opinions not because of any irregularity in the ULT. **Background**: Since 2007, the Bouebdellis have reportedly been denied permission to open any further educational institutions. They have also been subject to numerous audits - including for tax, health and social security - and police investigations, where the authorities have tried and failed to find evidence of fraud or other irregularities.

***Sofiène CHOURABI**: contributor to the Tunisian opposition newspaper *Attariq Al Jedid* and the Lebanese daily newspaper *Al-Akhabar*, was reportedly harassed by Tunis airport police who confiscated some books from him on his arrival from Cairo on 24 March 2010. The books included an annual report by the Cairo Institute for Human Rights Studies, *The Left and the Palestinian Cause*, *The Strategic Handling of Arts and From Dictatorship to Democracy: a Liberation Vision for Progress*. According to Chourabi, it was the third time that the Tunis airport police had confiscated texts from him.

***Lotfi HIDOURI**, **Slim BOUKDHIR**, **Mohamed HAMROUNI**, **Ismail DEBARA**, **Rachid KHECHANA** and **Lotfi HAJJI**: Hidouri is a journalist for the London-based news agency Al-Quds Press and the online magazine *Kalima*; Boukdhir is a freelance journalist; Hamrouni writes for the opposition weekly newspaper *Al-Mawkiif* and Debar for the news website *Elaph*; Khechana is editor of the newspaper *Al-Mawkiif*; Hajji is a correspondent for Al Jazeera. The six were among numerous journalists harassed and otherwise attacked in late March 2010. For example, Hidouri and Boukdhir were reportedly ordered by the police not to leave their homes in Tunis on 24 March, while the same week plainclothes police reportedly assaulted Hamrouni and insulted Debara. Khechana and Hajji were prevented from meeting with representatives from Human Rights Watch and accessing public venues on several occasions. Earlier

in March, Khechana was prevented from covering a meeting of the Tunis-based Council of Arab Interior Ministers, despite the fact that he had been covering the council's meetings since 1988. Hidouri has also had books and other publications confiscated from him on arrival at Tunis Carthage airport in 2010. The first time was on 27 February with lawyer **Mohamed Abbou** (see entry above). The second time was on 10 June, when customs officials confiscated two books on Islam - *The Future of Islam* by John Esposito of Georgetown University and *Radical Reform: Islamic Ethics and Liberation* by Swiss academic Tariq Ramadan - and a Lebanese journal. No explanation was offered by the officials on either occasion.

Sihem BENSEDRINE (f) and Omar MESTRY: respectively editor and managing editor of the online magazine *Kalima* and human rights activists, are subject to ongoing harassment by the Tunisian authorities. In January 2010, it was reported that Bensedrine was one of a number of human rights defenders who had been the target of smear campaigns orchestrated by the Tunisian government. The smears had reportedly accused the human rights defenders along with opposition journalists of being Israeli spies and allegedly contained incitement to murder. Mestry reportedly received a summons to appear at the judicial police in relation to Radio Kalima, of which he is the director, on 12 March 2010. He did not appear as he and Bensedrine are now living in exile. Before leaving Tunisia, on 16 November 2009, Mestry was reportedly arrested and beaten before being abandoned on the outskirts of Tunis. **Honorary member:** Swiss Romande PEN Centre. Both Bensedrine and Naziha Rejiba (see below) are leading members of the Tunisian PEN Centre.

Naziha REJIBA (aka Um ZIAD) (f): editor of the independent online news journal *Kalima*, blocked in Tunisia, has been the target of repeated intimidation and harassment since November 1987, when President Zine Abidine Ben Ali came to power in a coup. Her home is under constant surveillance, her phone lines are monitored, she has been summoned for interrogation repeatedly and is under threat of legal action. Subject to a smear campaign in 2007. **Update:** As of May 2010, Rejiba reported that in addition to the harassment listed above, her internet service has been cut off, she receives calls in the middle of night from strangers who insult and threaten her and she is currently the target of another smear campaign against her in the media. **Background:** Rejiba co-founded *Kalima* in 2000 with journalist **Sihem Bensedrine** (see above). The pair also co-founded the press freedom group Observatoire de la Liberte de la Presse, de L'Edition et de la Creation (OLPEC) in 2001. Both are banned in Tunisia. Rejiba and Bensedrine are leading members of the Tunisian PEN Centre.

Released

Taoufik BEN BRIK: journalist and writer, served a six-month prison sentence in 2009-10 for assault, damaging property, harming public decency and defamation. However, it is widely believed he was targeted for having published articles critical of President Ben Ali in the foreign press during the presidential election campaign of October 2009. Ben Brik was sentenced to six months on 26 November 2009 at the conclusion of an unfair trial; his sentence was confirmed on appeal on 30 January 2010. He was held incommunicado until mid-January 2010 then detained at Siliana prison, in northwestern Tunisia. His health reportedly deteriorated as a result of poor treatment and lack of adequate medical care in prison. Ben Brik suffers from Cushing's Syndrome, a chronic ailment that weakens immunity and requires that he be under medical supervision. He reportedly turned down repeated offers to sign an agreement promising not to "harm President Ben Ali and his family in his arti-

cles" in exchange for his immediate release. Ben Brik was released on 27 April 2010, having served his sentence in full. He described conditions at Siliana prison as "prehistoric" and said his plans were to continue writing and to cause trouble for President Ben Ali or "*emmerder le Président*," as he put it. The writer has reportedly suffered further harassment since his release, including a permanent police presence outside his home in Tunis. On 26 May, a group of policemen reportedly stopped him outside his house as he was leaving for a doctor's appointment and subjected him to verbal abuse and threats, including a death threat.

***Zouhayr MAKHLouF:** journalist (correspondent for the Tunisian news website *Assabil Online* and the opposition weekly *Al-Mawkiif*) and human rights activist, spent almost four months in prison for his reporting in 2009-10 and remains subject to harassment by the authorities. Makhlof was arrested on 20 October 2009 and charged with 'insulting others via a public telecommunications network' after reporting on environmental problems in the industrial district of Nabeul. However, Makhlof believes his arrest was actually triggered by items he posted on the internet about the deaths under torture of two political prisoners in 1991. On 1 December, Makhlof was sentenced to three months in prison. An appeals court refused to release him on 20 January 2010 despite completion of his prison term. Makhlof went on hunger strike in protest. On 10 February, an appeal court confirmed his conviction and added one month to his sentence and a fine of 6,000 dinars (around 3,165 Euros). Makhlof was eventually released on 12 February, six days before the expiry of his four-month prison sentence. He had been denied access to his lawyers on a number of occasions in December 2009 and January 2010. **Police assault/ brief detention:** On 24 April 2010, Makhlof was severely assaulted by police in front of his family and neighbours and then briefly detained. The police reportedly questioned him about his posting on the internet of an interview with the mother of an activist who was assaulted by the police and then imprisoned. However, Makhlof believes that this may have been a pretext to prevent him from meeting with a prominent French lawyer later that evening. Makhlof said he would take the police to court on the basis of the medical certificate showing the extent of his injuries from the attack, which included a broken nose. **Background:** Makhlof previously spent two years in prison between 1991 and 1993 for belonging to an illegal group.

YEMEN

Killed: Motive unknown

***Mohammed Shu'i Al-RABU'I:** Correspondent for the newspaper *Al-Qahira*, among various other news outlets, was shot dead at his home in Beni Qais, northwest of the country, on 13 February 2010. Reports say that a group of five unknown assailants burst into the journalist's home and shot him several times. In late 2009, Al-Rabu'I was previously attacked by a group of individuals, who were caught and released without any charges. It is thought that he could be targeted for his reporting on criminal activities, mainly child trafficking. Al-Rabu'i had previously received death threats in relation to some of his journalist work. The authorities are investigating the killing and have arrested five individuals.

Main case

Anis MANSOUR HAMIDA

DOB: 1978 **Profession:** Journalist with the independent daily *Al-Ayyan*,

currently suspended. **Date of arrest:** 15 July 2009 **Expiry date:** 14 September 2010 **Sentence:** 14 months imprisonment **Details of the trial:** The case was reportedly filed in February 2009, by the Society to Defend the Unity of Yemen, and was linked to Mansour's reporting of the ongoing conflict in the country between local residents and security forces in Saada, northern Yemen. The sentence was passed on 15 July 2009 by a court in Al-Qabitta, Luhj province, on charges of 'separatism' and 'attacking national unity'. The prosecutor reportedly used a CD as 'material evidence' against the journalist. Mansour was taken to prison as soon as the verdict was read. There are reports that public officers whom Mansour cited in his articles testified against him.

Sentenced in absentia

Mounir Al-MARAWI: Washington-based Yemeni contributor to the independent weekly *Al-Masdar*, was reportedly sentenced in absentia to two years in prison on charge of defamation, on 31 October 2009. He was also banned from practicing journalism for life in Yemen. The case was dealt with by a special press tribunal and stems from an article written by Al-Marawi criticising the president's leadership on the conflict with a Shi'ite group in the north of the country. The article was published in *Al-Masdar*, on 25 November 2009.

***Anisa Mohammed Ali OTHMAN (f):** Journalist for the weekly *Al-Wasat*, was reportedly sentenced in absentia to three months in prison and a fine for 'insulting the president' on 16 January 2010. The charges are said to be linked to articles alleging government corruption written by Othman in July 2007. She was also banned from working as a journalist for one year. According to reports, neither Othman nor her lawyer were notified about the hearing of 16 January. She has filed an appeal against her conviction and remains free as of 30 June 2010.

Suspended sentenced

***Sami Ghaleb, Abdel RAHMAN Al-Qiyadi, Abddel Aziz Al-MAJIDI, Fuad MA'SAD, and Shafee' Al-ABD:** Editor, writer and contributor, and reporters for the independent weekly *Al-Nidaa*, respectively, were reportedly handed down a three-month suspended sentence for 'publishing false reports liable to incite violence', on 24 May 2010. It is said that the verdict was issued by a court in Sana'a without the reporters' knowledge. The case started in late November 2009, when the Minister of Information ordered an investigation regarding various issues of the weekly *Al-Nidaa*, allegedly because some articles and editorials referred to the conflicts in the south of the country.

Brief detention

***Moaz Al-ASHIHABI:** Journalist for the newspaper *Al-Thaqafieh*, was reportedly detained on 17 January 2010 for an article Al-Ashihabi wrote which allegedly 'infringed on the Islamic faith'. He was also banned from writing for one year. Reportedly released on 10 May 2010.

***Hisham BASHRAHEEL, Hani BASHRAHEEL and Mohammed BASHRAHEEL:** Editor-in-chief, managing editor and director of the independent daily *Al-Ayyam*, respectively, were reportedly detained by security forces following a protest at the newspaper's offices in the southern city of Aden, on 6 January 2010. The arrests followed a 4 January 2010 sit-in at the newspaper's offices to the protest the closure of the daily, which has been suspended since May 2009. Hisham Bashraheel was released on medical grounds on 24 March 2010, while Hani and Mohammed were released in late April 2010 following an order issued by the Yemeni president.

***Hussein Mohammed Al-LESWAS:** Journalist, former editor of the <http://sanaapress.net/>, and owner of the Al-Tajdid newspaper, was reportedly sentenced to one year in prison by the Press Court in the Yemeni Capital Sana'a, on charges of 'defamation of a public official'. The verdict was handed down on 2 May 2010, and Al-Leswas was taken to Sana'a's main prison. The charges were based on articles written by the journalist in early 2009 in which he allegedly referred to mismanagement at the electricity company, and raised concerns regarding corruption within the local administration. On 22 May 2010, marking the 20th anniversary of the reunification of North and South Yemen, Mohammed Al-Leswas was pardoned by the Yemeni president and he was released from prison.

Released

Samir JUBRAN: Editor of the independent weekly *Al-Masdar*, was handed down a one-year suspended sentence on charges of defamation on 31 October 2009. He was sentenced by a special press tribunal over a piece authored by Mounir Al-Marawi published on November 2009. (See above 'Sentenced in absentia'). Jubran was also banned from writing and running *Al-Masdar* for one year. On 8 June 2010, Jubran was included in a presidential amnesty and the charges dropped.

Mohamed al-MAQALIH: Editor of the website *al-Eshteraki*, affiliated to the Socialist Party, was reportedly taken from his home by plainclothes officers on 17 September 2009. It is said that the website reported on the military strike that killed about 87 civilians and injured over a hundred people in the conflict between government forces and Shia rebels in Sa'ada province, northern Yemen. On 30 January 2010 al-Maqalih appeared before the prosecutor for the Specialised Criminal Court. On 25 March 2010, Al-Maqalih was released from prison for humanitarian reasons. On 22 May 2010, Mohamed Al-Maqalih was pardoned by the Yemeni president and the charges against him were dropped.

Fuad RASHID: Journalist, owner and publisher of the news service www.mukallapress.com, was reportedly arrested in the city of Al-Mukalla, Hadramoot province, south of the country, on 4 May 2009. Reports say that the website had been reporting on the clashes between local residents and security forces, which started in late April 2009. Rashid was taken to a high security prison where he was reportedly assaulted by other inmates during his detention. On 6 April 2010, the Yemeni president instructed the release of detainees in connection with the protests in Hadramoot province, and Rashid was freed on 26 May 2010 on the orders of the Ministry of Justice.

Salah Al-SAQLADI: Journalist, editor of the website *Adengulf.net* and human rights defender, was reportedly arrested at his home in Aden city in July 2009. Reportedly charged in mid-November 2009 with 'insulting the president', 'stirring up strife and inciting against unity', and being in contact with secessionists abroad. On 26 May 2010 Salah Al-Saqladi was released from prison on the orders of the Ministry of Justice.

Case closed

Salah JALAL: Editor-in-chief of the newspaper *July 17*, was reportedly kidnapped on 4 May 2009 by a group of unknown assailants. Local media reports allege the abduction is part of a state-run campaign against the media, after the clashes between residents of the southern region of Yemen and the security forces in late April 2009. Case closed for lack of further information.

PEN Centres with Writers in Prison Committees

African Writers Abroad, Algeria, All India, America, Armenia, Austria, Bangladesh, Basque, Belarus, Belgian Flanders, Belgian French, Bolivia, Canada, Catalan, Colombia, Cuban Writers in Exile, Czech, Denmark, Egypt, England, Ethiopia, Finland, France, Galicia, Germany, German Writers Abroad, Ghana, Guatemala, *Hong Kong Chinese, Hong Kong (English), Iceland, Independent Chinese PEN Centre, Iranian Writers in Exile, Italy, Israel, Japan, Korea, Kenya, Kurdish, Lichtenstein, Lithuania, Malawi, Melbourne, Mexico, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Palestinian, Pakistan, Paraguay, Poland, Portugal, Quebecois, Russia, San Miguel de Allende, Scotland, Sierra Leone, Slovakia, South Africa, Suisse Romande, Sweden, Swiss German, Swiss Italian, Sydney, Tibetan, Turkey, Uganda, USA, US Writers in Exile, Venezuela, Vietnamese Writers Abroad

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Half Year Figures

January to June 2010

Killed	6
Killed – Motive Unknown	18
Disappeared	10
Imprisoned - Main Case	148
Imprisoned - Investigation	67
Judicial Concern	3
On Trial (not imprisoned)	184
Non Custodial Sentence	13
In Hiding	0
Brief Detention	35
Death Threat	15
Other Threat/Harassment	56
Attacked/Ill-treated	28
Kidnapped	2
Deported/Fled	2
Total	587
Released	59