



INTERNATIONAL PEN
Writers in Prison Committee

Case List – July to December 2008

INTERNATIONAL PEN
Writers in Prison Committee

HALF-YEARLY CASELIST
To 31 December 2008

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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 June 2008.

AFRICA

ANGOLA

Imprisoned: main case

***José Fernando LELO:**

Journalist. **Date of arrest:** 15 November 2007. **Sentence:** 12 years. **Charge:** “crimes against the security of the state” and “instigating a rebellion”. Lelo was sentenced to 12 years in prison by a military court in Cabinda on 16 September 2008. It is believed that Lelo, a former Voice of America correspondent, was convicted solely for the non-violent expression of his opinions, including articles criticising the Angolan government. There are serious concerns that international fair trial standards were not met and that the charges were politically motivated. **Details of arrest and detention:** Lelo was arrested by members of the Angolan Armed Forces (FAA) at his place of work in Malongo, outside Cabinda, on 15 November 2007, and accused of having paid six soldiers in July 2007 to carry out a rebellion. He was taken to Luanda, where he was held for three months without charge in a military prison. The six soldiers were also arrested and charged with attempted armed rebellion and military crimes. On 28 November 2007, Lelo was questioned by the military judicial police; the six soldiers who were present to testify against the journalist said that they did not know him. Despite this, Lelo remained in detention without charge or trial. **Trial:** In February 2008, the case was transferred to a military court in Cabinda, even though Lelo has never been a member of the military. In March 2008, Lelo was formally charged with crimes against state security and instigating a rebellion. The trial took place between May and June 2008, but Lelo was not convicted and sentenced until September 2008, reportedly to avoid unrest and damage to the ruling MPLA party prior to Angola’s parliamentary elections. The six soldiers were also tried in the same trial, five being found guilty of attempted armed rebellion and military crimes and sentenced to 13 years imprisonment, while the sixth soldier was acquitted. The court was reportedly unable to prove that Lelo had met with the soldiers in July 2007 and the soldiers said that they had been tortured into corroborating the accusations against the journalist. Lelo and the soldiers reportedly have appealed their sentences. **Reporting that may have led to charges:** Lelo regularly criticized the government for arbitrary arrests and other human rights abuses in his journalism. According to Amnesty International, during his time as a VAO correspondent (until January 2007) he wrote articles critical of the Memorandum of Understanding for Peace and Reconciliation in Cabinda and the peace process. **Background:** Cabinda is an oil-rich sliver of land between the Democratic Republic of Congo and the Republic of Congo. It is internationally recognized as Angolan territory but there has been an armed conflict for secession since Angola’s independence in 1975, led by the Front for the Liberation of the Enclave of Cabinda (FLEC). In 2004, FLEC, along with the Church and civil society organisations, set up the Cabinda Forum for Dialogue (FCD) and entered into peace negotiations with the government. On 1 August 2006 the government and the FCD

signed a Memorandum of Understanding for Peace and Reconciliation in Cabinda, but the memorandum was rejected by FLEC and others who claimed it did not represent their views.

On trial

Felisberto DE GRÂÇA CAMPOS: director of the private weekly *Semanário Angolense*, was convicted of ‘insult, slander, calumny and infringement of rights’ and handed an eight-month custodial 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. **Grâça Campos** had missed the previous hearings because he was reportedly not notified of their dates and was out of the country at the time, and therefore did not have the chance to submit his defence. *An appeal was lodged with the Supreme Court requesting the sentence to be suspended and a retrial.* The judge allowed the right to appeal, but sent Grâça Campos to prison to serve his sentence pending the hearing. *On 3 November 2007 he was provisionally released pending the outcome of his appeal.* **New information:** On 23 June 2008, Grâça Campos 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. No further news as of 31 December 2008; PEN is seeking an update. [RAN 43/07 – 26 October 2007; Update #1 to RAN 43/07 – 23 November 2007].

BENIN

Death threats

***Jean-Christophe HOUNGHO:** parliamentary correspondent for the daily newspaper *Le Matinal*, reported on 13 August 2008 that he had been suffering constant threats and intimidation from an army colonel. Houngho said that Colonel Antoine Guy Adjaho, head of the military detachment stationed at the Benin National Assembly, had accused him of being on the opposition’s payroll and threatened to kill him. This was reportedly the third time the colonel had confronted him about his reports. Houngho’s account was confirmed by the President of the Parliamentary Press Corps, who was one of two other journalists present at the time. Colonel Adjaho has denied issuing the threats, saying that he only warned Houngho that he was unhappy with his reporting.

BURUNDI

Imprisoned: main case

***Jean-Claude KAVUMBAGU:** editor/ director of the online press agency Net Press (<http://www.netpress.bi/>). **Date of arrest:** 11 September 2008. **Charge:** Criminal defamation. **Prison:** Mpimba Central Prison, Bujumbura. **Details of arrest and detention:** Kavumbagu has been imprisoned on criminal defamation charges since 11 September 2008. The charges stem from a report on how President Nkurunziza allegedly spent twice the amount allocated to him on his visit to the Olympic Games in Beijing in August 2008, which the article claimed caused some civil servants’ salaries to be paid late. The government has reportedly denied the accusations. Kavumbagu is being held in Mpimba Central Prison in the capital, Bujumbura. He has reportedly appealed against the charges but as of December 2008 no court date had been set and he remained detained. **Background:** Net Press is often critical of the ruling CNDD-FDD alliance, which came into power in 2005.

Kavumbagu was arrested several times under the previous government in 2001 and 2003, and his website was suspended by the media regulatory body in 2005. [RAN RAN 50/08 – 2 October 2008]

CAMEROON

Imprisoned: main cases

Lapiro DE MBANGA (real name: Pierre Roger Lambo Sandjo): a well known singer-songwriter. **Date of arrest:** 9 April 2008. **Sentence:** three years. **Charge:** Incitement to riot and damaging property. **Prison:** New Bell prison, Douala. **Details of arrest:** Mbanga (51), 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. **Prison conditions/ health concerns:** On 9 July 2008 it was reported that Mbanga had been transferred to Nkongsamba principal prison for trial. His health had reportedly deteriorated since the move: he was said to have developed chronic back pain, a chest infection, and had not been given medical attention. According to his wife, the prison food and sanitary conditions were very poor. **Trial:** On 9 July 2008, Mbanga was formally charged with inciting youths to riot during the February strike action and of causing damage to property belonging to a company. He appeared at Nkongsamba High Court in chains. On 24 September 2008, almost six months after his arrest and detention, Mbanga 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. **Appeal:** Mbanga’s defence is appealing the verdict. The hearing was set for 30 December 2008 but was postponed to 27 January 2009. PEN monitoring. [RAN 39/08 – 7 August 2008; Update #1 to RAN 39/08 – 8 October 2008]

***Lewis MEDJO:** journalist and publisher of the Douala weekly *Détente Libre*. **Date of arrest:** 22 September 2008. **Sentence:** three years. **Charge:** “publishing false news”. **Prison:** New Bell prison, Douala. **Details of arrest and detention:** Medjo was arrested by the head of the

provincial judiciary police as he left a dinner organised by a central government representative in Douala on the evening of 22 September 2008. He was taken to the judiciary police headquarters in Douala where he was questioned about 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. Medjo was reportedly also questioned about making copies of a passport of a former official under investigation for corruption. The journalist was charged with “publishing false information” and held in police custody until 26 September 2008, when he appeared before a public prosecutor who issued a formal order for his detention. He was then transferred to Douala central prison in the west of Cameroon. His trial was postponed in October and again in November “for administrative reasons”. **Sentence:** On 7 January 2009, after three and a half months in detention, Medjo was found guilty of “spreading false news” about President Biya for the article mentioned above and was sentenced to three years in prison and a fine of approximately Euro 3,000. He had already been detained for three and a half months. His defence lawyers lodged an appeal but Medjo remains in New Bell prison in Douala. *Détente Libre* has not been published since his arrest. **Health concerns:** Medjo has reportedly suffered two heart attacks and respiratory problems since he was imprisoned in September 2008. [RAN 61/08 – 12 September 2008; Update #1 to RAN 61/08 – 14 January 2009]

Imprisoned: investigation

***Michel MOMBIO:** editor of the bimonthly newspaper *L’Ouest Républicain*, based in Bafoussam, western Cameroon. **Date of arrest:** 4 September 2008. **Charges:** Attempted fraud, blackmail and insult. **Prison:** Nkondengui Central Prison, Yaoundé. **Details:** Mombio was arrested on 4 September 2008 and charged with attempted fraud, blackmail and insult in relation to a 26 August 2008 column that was critical of Scientific Research Minister Madeleine Tchuinté. He was reportedly unable to pay 15 million CFA francs (US\$31,000) in bail for his provisional release in November 2008 and so remains imprisoned in Nkondengui Central Prison in the capital, Yaoundé. His trial was reportedly expected to resume on 19 January 2008.

***Armand ONDOA and Flash Zacharie NDIOMO:** editor of the weekly newspaper *Le Régional*, based in the capital Yaoundé, and editor of the weekly *Zénith*, respectively. **Date of arrest:** 15 and 16 October 2008 respectively. **Charges:** attempted extortion and insult. **Prison:** Nkondengui Central Prison, Yaoundé. **Details of arrest and detention:** Ondia and Ndiomo have been imprisoned since mid October 2008 for attempting to report on allegations of official malpractice. Ondoa was arrested on 15 October at the office of Patrice Tsele Nomo, director of Cameroon’s National School of Administration and Magistracy, whom the journalist was due to interview about allegations of corrupt practices in its admission procedures. **Max Mbida**, editor of the bimonthly newspaper *Le Ténor de L’information*, who was with Ondoa at the time of his arrest, was also detained. The next day, on 16 October, Ndiomo was arrested when he arrived at Nomo’s office to carry out an interview on the same topic. Ondoa and Ndiomo were charged with attempted extortion and insulting Nomo’s character on the basis of a complaint filed by Nomo. The two men were taken to Nkondengui Central Prison in the capital, Yaoundé. The trial was expected to resume on 22 January 2009.

On trial

Marie Noëlle GUICHI (f) and Jean-François CHANNON: journalists for *Le Messager* newspaper, are on trial for a story on a defective presi-

dential aircraft. Both journalists received summonses from the judicial police on 27 May 2008 and on 3 June reported to the police for questioning about a 26 May story about an aeroplane belonging to President Biya which was allegedly in bad technical condition. The plane, named “The Albatross”, narrowly avoided crashing when the president first travelled on the aircraft with his family. According to *Le Messager*, Guichi and Channon are accused of publishing “the report of a judicial investigation not yet judged,” however the journalists say they published the results of their own journalistic investigation. Both have been formally charged and face prison sentences of three months to two years if convicted. Five other journalists have also reportedly been questioned after reporting on the same issue. No further information as of 31 December 2008; PEN is seeking an update.

Wirkwa Eric TAYU: journalist for the local weekly newspaper *The Nso Voice*, based in Kumbo in the region of Bui. On 13 August 2007 Tayu was sentenced to a year in prison and 850,000 CFA franc (US\$1,800) fine on a number of press offences, including criminal defamation. The charges related to a series of stories on alleged corruption in the local government, particularly a 23 April 2007 article based on a central government audit report accusing Kumbo’s mayor of involvement in embezzlement. Neither Tayu nor a defence lawyer was present when the sentence was passed: Tayu had gone into hiding a week before the trial and his lawyer claimed that he had not received a hearing notice. Other charges against Tayu included publishing a supplement without authorisation and not depositing copies of the paper at the offices of the local prosecutor prior to sale and distribution, requirements which are widely disregarded and rarely enforced. *The Nso Voice* has been previously targeted by the authorities because of its critical coverage of local government, and Tayu himself was jailed in 2004 for eight months for allegedly defaming the Kumbo’s mayor. **New information:** After several adjournments, the appeal was reportedly heard in Tayu’s absence at the end of July 2008. He was granted bail with severe conditions but reportedly intended to remain in exile.

CHAD

Case closed

Nadjikimo BENOUDJITA: news editor of the private weekly *Notre Temps*. Arrested in December 2007. After initially being charged with “defamation” and “insulting the head of State”, Benoudjita was eventually charged with “inciting tribal and religious hatred” in December 2007, then released pending his next court summons. The police told the *Notre Temps* editor-in-chief that the information and public security minister intended to close the newspaper down. On 15 February 2008 it was reported that Benoudjita had left the country. No further news as of 31 December 2008 – case closed.

DEMOCRATIC REPUBLIC OF CONGO

Threatened

Donat M’Baya TSHIMANGA and Tshivis TSHIVUADI: President and Secretary General respectively of Journalist en Danger (JED), a Kinshasa-based free press non-governmental organization, have been threatened and harassed on a regular basis since 2005, leading them to take precautionary measures, including not sleeping at home, sending their families away from the capital and temporarily going abroad.

Threats dating from 2005 have been reported to the General Prosecutor’s office but no action has been taken. **New information:** On 7 July 2008, JED reportedly received an anonymous death threat by email and a week later received a threatening phone call from a man who identified himself as the author of the email. On 24 July, Tshimanga and Tshivuadi were summonsed to the National Security Council (Conseil National de Sécurité - CNS) to give details about the threats before an investigation was opened. The official reportedly asked if they had any personal conflicts with security services agents and said that if they had a document critical of President Kabila in relation to the 2005 assassination of journalist Franck Ngyke that they should hand it in. According to JED, the answer to both questions is negative. The CNS has promised to investigate the threats. Both men were taking personal security measures. On 11 November, Tshimanga reported that that JED was continuing to receive numerous threats and insults by telephone and text message, particularly after it revealed in early November that a radio journalist previously reported as killed in the conflict was still alive. A few days after the report in question, JED received phone calls accusing them of defending the insurgency and warning that they would be punished accordingly. JED suspects the government of being behind the threats.

Released

Nsimba Embete PONTE: editor of the Kinshasa-based privately-owned newspaper *L’interprète* was imprisoned for 10 months from March 2008 to January 2009 on charges of publishing false news, threatening state security and insulting the president. He was only formally sentenced after having been detained for eight months. **Details of arrest:** Ponte (57) was abducted by unidentified armed men in the capital on 7 March 2008 and detained in a secret location. After a number of days, his family finally located him in a building used by the National Intelligence Agency (ANR) near the prime minister’s office in Kinshasa, but were unable to visit him. At that point the official motives for Ponte’s arrest or continuing detention were unknown. The editor had reportedly been receiving threats following the publication of a 30 November 2006 article critical of President Kabila’s leadership and a series of February 2008 articles on the President’s health. On 29 March 2008, Ponte’s assistant **Davin Ntondo Nzovuangu** was also arrested. They were held incommunicado until the beginning of June. **Charges:** On 6 June 2008 Ponte and Ntondo were transferred from the ANR to a court in Kinshasa and charged with “publishing false news, threatening state security and insulting the president” on the basis of the articles mentioned above. They had been held incommunicado for 90 and 68 days respectively, during which time they had no access to legal or medical assistance or family visits. Ponte was reportedly in poor health: he was said to be suffering from headaches and fainting fits and was later was reportedly diagnosed with symptoms of meningitis and stomach ulcers. On 7 June both journalists were transferred to CPRK prison (formerly known as Makala) in Kinshasa. At the end of June, a government prosecutor reportedly declared the pre-trial detention of the two men illegal. Under the Constitution, detainees can only be kept in a holding cell for 48 hours. **Trial:** The trial began on 15 August 2008. On 29 August, the charges against the two men were reportedly altered to making “insulting the head of state”. On 27 November, N’Djili court in Kinshasa found Ponte and Nzovuangu guilty of the new charges and sentenced them to 10 and nine months in prison respectively. The court’s decision was only made public a week later. The time already spent in detention was taken into account, meaning that Ntondo was released in November 2008 and Ponte on 7 January 2009. According to national press freedom organiza-

tion Journaliste en Danger (JED), the sentencing of the two journalists is an attempt to cover up a blunder by the national intelligence agency and to justify their lengthy detention. [RAN 21/08 – 11 April 2008; Update #1 to RAN 21/08 – 27 June 2008; Update #2 to RAN 21/08 - 16 December 2008]

Kidnapped – released

***Thomas SCHEEN**: correspondent for the German daily newspaper *Frankfurter Allgemeine Zeitung*, was kidnapped by a pro-government militia group while reporting on the war in eastern DRC on 4 November 2008 and held hostage for three days. Scheen (43), who is a Belgian national, was abducted along with an interpreter and a driver. The three men were travelling to Goma when they were stopped by armed Mai-Mai militiamen, who took them to a militia commander who allegedly demanded US\$800 for their release, which they were reportedly unable to pay. They were then handed over to the Congolese army and picked up by UN peacekeepers on 7 November. All three were said to be in good health. **Background**: At the time of the incident, an estimated 250,000 civilians had fled their homes since fighting began between the Congolese army and the rebel National Congress for the Defense of the People in September 2008. The conflict is fuelled by ethnic tensions between Hutus and Tutsis, stemming from the 1994 genocide in neighboring Rwanda, and struggles over rich mineral deposits.

ERITREA

Imprisoned - main cases

Emanuel ASRAT (editor-in-chief of *Zemen* – ‘Time’), **Temesken GHEBREYESUS** (sports reporter of *Keste Debena* – ‘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*, writer – born 1964), **Date of arrest**: in the days following 23 September 2001. **Sentence**: None of the men are believed to have been sentenced. **Details of arrest and charges**: According to news reports, presidential adviser Yemane Gebremeskel stated that these journalists (and the four others who reportedly subsequently died in custody – see previous case lists) 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 the state newspaper, *Hadas Eritrea*, has been published. 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 its prosecution of the war against Ethiopia. All those detained have had their bank accounts frozen and assets confiscated. In April 2003, Eritrean 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.” **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. In 2006

the Committee to Protect Journalists (CPJ) noted that an anonymous report which first appeared on www.aigaforum.com painted a picture of the brutal prison conditions in which the jailed journalists live. It claimed that jailed opposition leaders and journalists were moved to the remote Eiraeiro prison in 2003. In 2002, the journalists had reportedly gone on hunger strike against their detention. CPJ’s sources said they believed that the description of the place was credible but some of the report’s details were inaccurate. The report had also been posted on <http://www.awate.com> and <http://www.asmarino.com>. In November 2005, Isaac, who has Swedish citizenship, 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 not lead to Isaac’s release: he was returned to prison two days later with no explanation. 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. **Latest information**: As of 31 December 2008, the government had not complied with the ACPHR ruling and all five journalists are still believed to be detained held incommunicado without charge or trial. According to some sources, they are being held at Eiraeiro prison. There are ongoing concerns about severe ill treatment, possible torture, poor health and lack of access to medical care, as highlighted by the four reported deaths above. According to a report by Amnesty International in 2008, the family and friends of the journalists have faced persecution whenever they have tried to speak out against the detentions. **Honorary Members**: American PEN, PEN Canada, Swedish PEN (Dawit Isaac).

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. The eleven have been held incommunicado ever since and it is not known whether they have been formally charged. **Latest information**: As of 31 December 2008, all 11 men are still believed to be detained held incommunicado without charge or trial. According to a report by Amnesty International in 2008, their family and friends have faced persecution whenever they have tried to speak out against the detentions.

ETHIOPIA

On trial

Staff of *Abbi Weekly* and *My Fashion*: a bilingual weekly newspaper and a monthly non political magazine, respectively. In June 2008 it was reported that 13 staff members, the majority journalists, are on trial for publishing *My Fashion* without the required commercial license from the Ministry of Trade. The case was before the Federal Court in Addis Ababa. If convicted, the defendants reportedly face between 10 days and five years in prison or a fine of up to 10,000 birr (approx. US\$1,045). On 6 June it was reported that the publisher of *My Fashion*, Fiseha Eshtu, had decided to stop publishing the magazine and had dismissed all journalists working for him. **New information:** In August 2008 it was reported that the original charges against the publisher and staff of *Abbi Weekly* had been dropped, however they had been replaced with the charge of owning and running a newspaper without the required commercial press licence. The new charge is reportedly a criminal offence carrying a fine or prison term or both.

***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 has been 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. 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. 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. Niku had previously been arrested and taken to Gondar on 30 June, a few days after the article appeared, but was freed on bail after the judge ruled that he should be tried in Addis Ababa. Aregawi was finally released on bail after being held for six days. No further news on the trial; PEN is seeking an update. **Attack:** On 31 October 2008, Aregawi was reportedly assaulted by unidentified individuals when leaving a parent-teacher meeting at his son's school. He was hit in the back of the head and left unconscious, and was later taken to hospital. According to an eye witness, one of the assailants was apprehended along with a taxi driver whose vehicle was intended to be used as a get-away car. 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 threatens in recent weeks in connection with a series of reports alleging that people close to a Saudi-Ethiopian billionaire had mismanaged his investments. **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 Dasher 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.

Maria KADIM (f), Ezedin MOHAMED and Ibhahim MOHAMED: publisher and editor of the newspaper *Al Kidus*, and editor of the newspaper *Selefa*, respectively, were arrested in Addis Ababa on criminal defamation charges on 16 February 2008. The charges reportedly stem from a letter reprinted by both Islamic newspapers which criticised a proposed government proposal to ban prayers in state schools. The letter, which was originally published on the website Ethiopianmuslims, was purportedly written by Elias Redman, vice president of the Ethiopian Islamic Affairs Supreme Council. However, Redman denied authorship and filed a complaint with police stating that the newspapers had damaged the council's relations with the government. On the day of the journalists' arrest, police confiscated computers and printers from both newspaper premises. On 29 February, after two weeks in detention, all three were released on bail of 20,000 Birr (approx. US\$2,127) each. No further news as of 31 December 2008; PEN is seeking an update.

***Dawit KEBEDE and Wesenseged GEBREKIDAN:** editors of *Awramba Times* and *Harambe* respectively, were charged with "incitement" by police and released on bail on 7 August 2008. 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. As of 27 October 2008, the public prosecutor had yet to file a court case against Dawit and Wosenseged. PEN is seeking an update on the case. **Background:** At the beginning of August, *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, 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 ruling party, EPRDF. Dawit was released bail was expected to appear for a second hearing in December.

***Tsion GIRMA (f):** editor-in-chief of Amharic-language weekly *Enbilta*. On 3 November 2008, Girma was convicted for accidentally misidentifying a judge in the high-profile trial of Ethiopian pop musician Tewodros Kassahun ("Teddy Afro"). Teddy Afro, who is well-known for his songs critical of the government, is on trial for a hit-and-run murder in 2006 and has been detained since April 2008. Girma was arrested alongside deputy editor **Habte Tadesse** and editor **Atenafu Alemayehu** on 22 October 2008 after reporting to police for questioning. On 23 October, she was charged with "inciting the public through false rumours," under Article 486 of Ethiopia's penal code and released on bail. Tadesse and Alemayehu were released without charge on 24 October. On 3 November, Girma was convicted by a Federal High Court judge and was held in Kality prison, outside the capital, Addis Ababa, pending sentencing, which was due to take place on 11 November. She faced up to one year in prison. On 7 December 2008, Addisvoice.com reported that Girma was still being held in Kality prison. PEN is seeking to confirm if the editor has been sentenced and whether or not she is still imprisoned. **Background:** The 3 October edition of *Enbilta* mistakenly identified the judge overseeing the case as Judge Mohamed Amin Sani

but corrected the name to Judge Mohamed Umer in the subsequent edition. It is feared that the offence is a pretext to silence *Enbilita*, which has gained a reputation as a newspaper critical of the government since its launch in January 2008.

Alemayehu MAHTEMWORK: editor of monthly entertainment magazine *Enku*, and three others are on trial for publishing a cover story about imprisoned popular singer Tewodros Kassahun (“Teddy Afro”). Mahtemwork and his three co-defendants, who have not been identified and are reportedly unconnected to the magazine, were arrested on 2 May 2008 and held for five days before being released on bail. The arresting police officers reportedly seized 10,000 copies of the magazine from the van Mahtemwork and the others were travelling in. All four appeared in court on 6 May and were released on bail the next day. The charges against them are still not clear but some sources suggest that the four are accused of publishing “stirring articles that could incite people.” Teddy Afro, who is on trial for a hit-and-run murder in 2006, is well-known for his songs critical of the government. **New information:** On 31 July it was reported that 10,000 issues of the impounded edition of *Enku* had finally been released by the police and was expected to be an immediate sell-out. No further news on the trial; PEN is seeking an update.

Mesfin NEGASH and Girma TESFAW: editor-in-chief and deputy editor-in-chief, respectively, of the newspaper *Addis Neger*, are reportedly facing charges for criminal defamation. They were arrested on 30 May 2008 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). The police forwarded the case to the prosecutor’s office to decide whether there are grounds to take the case to court. No further news as of 31 December 2008; PEN is seeking an update on the case. **Other charges:** Negash reportedly received a one-month suspended prison sentence in August 2008 in relation to another case (see entry below).

Non custodial sentence

***Mesfin NEGASH:** editor-in-chief of the newspaper *Addis Neger*. On 6 August 2008 it was reported that Negash had been given a one-month suspended prison sentence for “contempt of court”, after publishing a 26 July 2008 interview with Million Assefa, the lawyer of imprisoned singer Tewodros Kassahun (“Teddy Afro”). Negash was freed following the sentence. **Girma Tesfaw** and **Abiy Teklemariam**, deputy editor-in-chief and managing editor of *Addis Neger*, were reportedly also summoned to appear before the judge but were released after a few hours. Assefa, whom *Addis Neger* quoted as alleging bias in Kassahun’s case, was given a short prison sentence. *Addis Neger* journalists had reportedly been questioned by police of a number of stories in recent weeks.

GABON

Brief detention

***Léon Dieudonné KOUGOU (or Kougou):** editor of the fortnightly *Tendance Gabon*, was reportedly arrested on 30 December 2008 and detained for a week. Kougou was arrested by intelligence officers and taken to the headquarters of the criminal investigative police. A radio journalist was also detained at the same time. No official reason had been given for the journalists’ arrest, however it was thought that it was prompted by their participation in a meeting with a representative from a French non governmental organization (NGO). The journalists had been covering a complaint brought before the French courts by the French chapter of Transparency International (TI) and a French NGO, Sherpa,

accusing the presidents of Gabon, Congo and Equatorial Guinea of embezzlement and misuse of public funds in connection with the acquisition of luxury property in France. Kougou was released on 7 January 2009. **Background:** *Tendance Gabon* was reportedly suspended for three months in March 2008 for reprinting a report from the French newspaper *Le Monde* about President Bongo’s real estate holdings in France.

Attacked

***Habib Papy BOUBENDJI:** a reporter for the satirical weekly newspaper *Le Nganga*, was severely beaten on the night of 5 December 2008 after being called in to the Gabonese presidential office for questioning over a recent column on President Omar Bongo’s daughter. On arrival at the office, Boubendji was picked up by plainclothes police officers who took him to his house, which they searched, seizing documents and equipment, before interrogating him. The police reportedly demanded a copy of the 27 November edition of *Le Nganga*, which had run a front-page story raising questions about the role of Pascaline Bongo, presidential chief of staff, in the alleged embezzlement of around US\$1.2 million in public funds. A few days earlier, on 1 December, the state-run National Communications Council had called *Le Nganga* managing editor **Loïc Bitéghé Loïc Bitéghé** in for questioning. During his interrogation, Boubendji was beaten with clubs by members of the presidential guard and the next day taken to a military hospital in Gabon’s capital, Libreville, where he was put in intensive care. He remained in hospital until 10 December, unable to walk properly and suffering from broken ribs and severe bruising. The special presidential adviser in charge of media relations reportedly denied any knowledge of the beating, although he acknowledged seeing Boubendji in the office of a presidential guard shortly before the incident and said his office would investigate the matter. The newspaper reportedly shut down following the attack on Boubendji for fear of reprisals.

GAMBIA

Disappeared

“**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 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 the arrest of Manneh – known as “Chief” Ebrimah B. Manneh – 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 reportedly 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. According to PEN’s sources, Manneh has been moved around the country throughout his detention and although the local media has reported seeing him on several occasions, the government has remained silent on the subject. **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), allegedly 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 20 June 2007, it was reported that the Community Court of Justice of the Economic Community of West African States (ECOWAS) in Nigeria had issued a hearing notice for a suit filed against the Republic of Gambia on Manneh's behalf with the aim of forcing the authorities into releasing and compensating the journalist. The Gambian government failed to send a representative to the ECOWAS Court hearings scheduled for 16 July and 26 September 2007. Five state agents - three security agents who are military personnel and two senior police officers - were summoned to appear before the ECOWAS Court on 11 March 2008, to respond to allegations that they had participated in Manneh's arrest. In what was hailed as a landmark decision, on 5 June 2008 the ECOWAS Community Court of Justice declared the arrest and detention of Manneh illegal and ordered the authorities to release him. The court also awarded Manneh US\$100,000 in compensation from the Gambian government. The government, which persists in denying any knowledge of the journalist's whereabouts, refused to cooperate throughout the court proceedings. **New information:** On 3 July 2008, the minority leader in the Gambian Parliament, Momodou Sanneh, called on the government of President Jammeh to respect the ECOWAS court ruling by releasing Manneh, according to a report by the *Daily Observer* (the pro-government newspaper for which Manneh worked before his disappearance). On 10 July it was reported that Manneh's father had renewed his call for his son's release. On 30 July, assistant majority leader to the US Senate, Richard J Durbin, reportedly addressed the Senate about the Gambian government's lack of response to the ECOWAS judgment and to his own appeals for Manneh's release. No sightings of Manneh were reported in 2008, although according to one report some local journalists believe that he was being held outside Banjul.

[International PEN WiPC Africa Free Expression Network (AFEN) action - 27 June 2008].

On trial

***Abdul Hamid ADIAMOH:** publisher and editor of the independent Banjul-based newspaper *Today*, is on trial for "publishing with seditious intention" for an article and photographs about Gambian children who skipped school in order to look for metal scraps in rubbish dumps. Adiamoh, who is a Nigerian national, was arrested on 26 August 2008 and detained overnight by police in Serrekunda. He was arraigned before the Banjul Magistrate court, but the case was then transferred to the Kanifing Magistrate court, which has become notorious for imposing outrageous fines on journalists, such as **Fatou Jaw Manneh** and **Lamin Fatty** (see below). Adiamoh was released on 27 August on bail of approx. US\$9,500. He had reportedly been arrested and detained on two previous occasions, including on 17 July 2008, when the author of the offending article, **Pa Bajjika**, was also arrested but released without charge. At the hearing on 10 September, 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, 11 September, the editor was arrested again by the police's Serious Crime Unit, reportedly for tax evasion, and a ban was placed on the newspaper. He has reportedly been harassed by the authorities since employing journalist **Buya Jammeh** after he was dismissed from the pro-government *Daily Observer* in March 2008 for being an executive member of the Gambian Press Union. PEN monitoring.

Lamin FATTY: reporter for the Banjul-based bi-weekly newspaper *The Independent*, has been on trial for publishing "false news" since 2006. **Arrest:** Fatty was arrested on 10 April 2006 for an article on the arrest of a number of alleged coup plotters which erroneously implicated a former government minister. On 24 March 2006, *The Independent* had run a piece that included a list of 23 well known figures supposedly arrested in connection with an abortive coup plot three days earlier. Samba Bah, former interior minister and former head of the National Intelligence Agency, was mistakenly named. The 27 March 2006 issue carried an article in which Bah refuted the assertion that he had been arrested and an apology by the newspaper. The editor and managing director of *The Independent* were arrested on 28 March and were released without charge on 20 April 2006. Several other members of staff were also detained during the armed raid but released later the same day, also without charge. *The Independent* was forcibly closed by security services on 28 March 2006 and remains banned. **Detention:** Fatty was held incommunicado for two months, eventually being released on bail on 12 June 2006. **Trial:** Fatty was charged under section 181 of the Gambian criminal code for publishing "false news". His trial was extremely protracted due to its frequent adjournment, sometimes for apparently trivial reasons. **Sentence:** On 5 June 2007 the Kanifing Magistrates' Court found Fatty guilty as charged and sentenced him to a D50,000 (US\$1,850) fine or by default one year in prison. Fatty was jailed immediately but was released soon after when the Gambia Press Union (GPU), the country's largest journalists' union, paid the fine. **Appeal:** Fatty's appeal is reportedly suffering repeated delays and on 17 October 2008 was adjourned until 2009. **Current situation:** Fatty is living in exile pending the result of his appeal. He is reportedly unable to work as a journalist and fears persecution by Gambian security agents.

Fatou Jaw MANNEH (f): Gambian freelance journalist (contributor to the US-based opposition website AllGambian.net, former reporter for the private *Daily Observer*), and pro-democracy activist, living in exile in the United States since gaining political asylum in 1994 following the coup that brought President Yahya Jammeh to power. Manneh has been on trial for sedition in the Gambia since March 2007, for articles critical of President Jammeh. She was found guilty in August 2008 and released on payment of hefty fine. The appeal is ongoing. **Arrest and detention:** Manneh, who is understood to have returned to the Gambia to pay tribute to her late father, was arrested by National Intelligence Agency (NIA) officers on her arrival from the USA at the international airport in the capital Banjul on 28 March 2007. She was detained for a week, during which time she was denied access to a lawyer or her family. **Charges:** On 4 April 2007 Manneh appeared before a court in Kanifing, 12 km outside the capital. She was charged on three counts of sedition under Gambia's criminal code: "intention to commit sedition", "publication of seditious words" and "publication of false news intended to cause public fear and alarm to the Gambian public". Each count carries a maximum prison term of two years or a fine or both. Manneh pleaded not guilty and was released on bail. Her travel documents were reportedly confiscated. A fourth charge, "uttering seditious words", was added on 20 June 2007. **Writings that led to charges:** Manneh was prosecuted for articles critical of President Jammeh, particularly an interview with her in which she accused the President of "tearing our beloved country to shreds" and calling him a "bundle of terror". The interview was first published in the now defunct bi-weekly *The Independent* in June 2004 and later published on several websites, including AllGambian.net in October 2005. **Trial:** The trial was dragged out for over 18 months, with counsels reportedly often failing to turn up in court and endless wrangling over which court

should hear the case. These delays prompted speculation that the state lacked evidence for the prosecution and was trying to buy time. **Sentence:** On 18 August 2008, Manneh was found guilty “beyond reasonable doubt” of all counts of sedition against her and sentenced to four years in prison with hard labour or a 250,000 dalasis (approx. US\$15,000) fine, payable the same day. Manneh was able to raise funds to pay the fine from the Gambia Press Union and her family, thus avoiding imprisonment. She reportedly intended to appeal the verdict and to return to the USA pending the outcome. PEN is monitoring the appeal. [RAN 22/07 - 20 April 2007; Update #1 to RAN 22/07 - 26 August 2008]

Attacked

***Justice Momodou DARBOE:** a journalist with the independent Banjul-based daily newspaper *The Point*, was attacked and seriously injured by a man carrying a knife on 1 July 2008. Darboe was reportedly attacked after getting out of a taxi near his home in Serrekunda. His assailant reportedly fled when some passers-by came to the scene. The motive for the attack was not known but the assailant reportedly made no attempt to take any of Darboe’s belongings. Darboe received hospital treatment and reported the attack to the police, who reportedly failed to follow up. On 8 July, it was reported that Darboe had fled the Gambia, fearing that the attack he had suffered was an attempt on his life. He reportedly believed that his assailant was a member of the Gambia Armed Forces. It was also alleged that Darboe and another *The Point* journalist, **Alhagie Mbye**, had received death threats prior to the attack, warning them not to stop supplying stories to the *Freedom Newspaper*, which the Gambian government reportedly dislikes. Darboe had also reportedly received threats from the Speaker of the Gambia’s National Assembly for his articles critical of the government. On 10 July it was reported that the journalist was receiving further medical treatment in exile.

Threatened

Fabakary B. CEESAY: reporter with the opposition newspaper *Foroyaa*, was on 20 and 21 May 2008 threatened by an anonymous caller, who reportedly told the journalist to stop writing articles critical of the government or face the consequences. Ceesay, who is also Communication and Public Relations Officer for the Gambian Network of Human Rights Journalists (NHRJ), reported the threats to the police on 26 May. **New information:** On 22 September 2008 it was reported that Ceesay had left the Gambia after reportedly receiving threatening phone calls from the Inspector General of the Police, Essa Badjie, who reportedly told the journalist that he would be arrested if he did not report to Badjie’s offices in Banjul. It is thought that Badjie was upset with an 8 or 9 September *Foroyaa* article that stated that the police had been holding a suspect for a month without charge. Ceesay is said to have fled the country.

Harassed

***Ousman KAGBO:** editor-in-chief of Banjul-based newspaper *Business Digest*, was reportedly questioned at the National Intelligence Agency (NIA) headquarters on 3 October 2008, after allegedly receiving telephone calls from individuals whom the authorities claimed were a threat to national security. Kagbo, who is a Sierra Leonean national, who claims he was asked to explain numerous international calls he had received, in particular from two Senegalese men allegedly on the NIA’s monitoring list. Kagbo reportedly denied any knowledge of the men and was released without charge.

Case closed

Dida HALAKA (or HALEKE): former managing director of the government-controlled privately-owned *Daily Observer* newspaper, was put on trial for sedition in June 2008 but he was finally cleared of the charges in August 2008. Halaka was arrested on 12 June and detained for almost two weeks in June 2008 before being granted bail. The sedition charges stemmed from some information he allegedly sent via SMS to the Gambian President; details of the alleged communication are not known. Halake, who is a Kenyan-born journalist and reportedly a British national, had refused to be demoted from managing director to editor of *Daily Observer*, and was subsequently dismissed from his post. On 23 June the sedition case was dismissed following a request by Halake’s lawyer, and an earlier request by police who wished to correct an allegedly poorly written charge sheet. However, following the ruling Halake was rearrested and detained at a police station in Serrekunda. He was finally granted bail two days later, on 25 June. On 6 August, Halaka was reportedly cleared of the charges of sedition and providing false information to a public officer, the case having been withdrawn by the police prosecutor.

GHANA

On trial

Albert DWUMFOUR: journalist with Accra-based newspaper *The Independent*, was arrested and briefly detained in the High Court of Cape Coast on 14 May 2008 on the orders of Justice Gyinae. Dwumfour was covering a case involving a chieftaincy dispute, which had been pending for two and a half years. The case was presided over by Gyinae, whom the journalist had interviewed on 13 May. Gyinae invited Dwumfour to come to the court the next day in order to find out whether or not he would still try the case. When Dwumfour appeared at the court, Gyinae ordered his arrest on the grounds that he was unable to produce his identity card, which he had reportedly left in Accra. He was released on bail after being held for six hours. No further news as of 31 December 2008; PEN is seeking an update.

Death threats

***Gina Ama BLAY (f), Abdul Rahman GOMDA and Bennett AKUAKU:** publisher/ chief executive officer, news editor and deputy editor, respectively, of the Accra-based daily newspaper *Daily Guide*, reportedly received numerous telephone death threats in June and July 2008. On 2 July, Blay says she received death threats from a caller claiming to be a soldier in the Ghana Armed Forces who was upset about an article in which former Ghanaian President Jerry John Rawlings criticised the present incumbent. She says this call was followed by three text messages from the same person. On 5 July, Blay reportedly received another death threat on her mobile phone while covering the recent G8 Summit in Japan. The message, from a different person, warned her that the newspaper premises would be burned down in her absence and that one of her sources would be killed. On her return from Japan on 8 July, Blay claims to have received another threat from the second person, this time threatening her son. Gomda and Akuaku have reportedly also received similar threats by text message. On 15 July, the newspaper’s publishers, Western Publications Limited, filed a complaint with the head of the Ghana Police Service’s Criminal Investigations Department (CID). The CID was said to be investigating. **Background:** On 19 January 2008, *Daily Guide* journalist **Halifax Ansah-Addo** and a reporter from another newspaper were attacked by

policemen in Accra, who beat and briefly detained them after the journalists went to cover a police raid on prostitution.

Attacked

***Alhassan Abdul Ganiuw BRIGANDI:** reporter for *The Independent* newspaper, was one of five journalists reportedly attacked by supporters of Ghana's two main political parties on 1 August 2008 while covering the registration of voters in Tamale, Northern Region. Brigandi was violently attacked by a group of supporters of the main opposition party National Democratic Congress (NDC) while giving a live report to a radio station about some minors whom the NDC had allegedly brought to the centre to be registered. The NDC supporters accused Brigandi of being a sympathizer of the ruling New Patriotic Party (NPP), threw stones at him and beat him. The journalist was seriously injured and was taken to hospital. Both parties have since denied responsibility and condemned the attacks.

***Mark-Anthony VINORKOR:** reporter and for the state-owned newspaper *Daily Graphic*, were reportedly attacked by security personnel working for the state-run Tema Development Corporation (TDC) on 22 October 2008. The incident took place when Vinorkor and a photographer were covering a demolition exercise by a team of TDC guards and police officers to rid the town of Community Four of its illegal structures. Vinorkor was reportedly hit in the chest and slapped in the face when he tried to protect the photographer from being attacked by the guards. The guards' supervisor has reportedly denied the attacks. The police were said to be investigating.

GUINEA (CONAKRY)

On trial

Abdoul Azziz CAMARA and Thiernodjo Dayedio DIALLO: directors of newspapers *Libération* and *La Vérité*, respectively, were each given six-month suspended prison sentences and a 50 million Guinean franc (US\$12,781) fine on criminal defamation charges on 13 August 2007. They were also ordered to pay one million francs (US\$256) in costs and to publish the verdict. The charges were filed by a former public works and transport minister who was accused of embezzlement in articles published by the two newspapers in March and April 2007. An appeal was lodged on 14 August 2007. No further news on the appeal as of 31 December 2008; PEN is seeking an update. **New information:** On 18 December 2008, Diallo was arrested at his office and taken to the headquarters of the Criminal Investigation Department (CID), where he was interrogated for several hours before being detained. The detention followed an open letter by Diallo in the 12 December edition of *La Vérité* requesting the country's head of state to dismiss Prime Minister Ahmed Tidiane Souare on grounds of "non-performance and outright incompetence". Following publication of the letter, the police had reportedly placed the newspaper's offices under surveillance and interrogated all members of staff.

Attacked

***Lansana Babara CAMARA:** reporter for the newspaper *La Guinée Actuelle*, was reportedly violently assaulted on 24 August 2008 by a member of the Autonomous Presidential Security Battalion (BASP), the guard for (the now deceased) Guinean President Lansana Conté, in the capital Conakry. A BASP guard reportedly attacked Camara after taking exception to his asking whether the president was in the area. The guard also confiscated Camara's equipment before fleeing the scene. The attack

reportedly left the journalist bleeding and unconscious, with a swollen face. He was taken to hospital for treatment.

GUINEA-BISSAU

On trial

Albert DABO: correspondent for news agency Reuters, was charged on 27 August 2007 with libel, violating state secrets, libellous denunciation, abusing press freedom and colluding with foreign journalists. This followed a complaint lodged against him by the chief of the national navy, who claimed that Dabo had falsely attributed to him the allegation that soldiers were implicated in drug trafficking during an interview for ITN News, a British television station for which Dabo had acted as an interpreter. According to Dabo, none of the media outlets where he works carried this interview. Dabo and another journalist, Agence France Presse correspondent **Allen Yero Emballo**, had briefly gone into hiding on 26 July 2007 after receiving threats linked to their reports implicating high-ranking civilians and military officials in drug trafficking in Guinea-Bissau. The articles followed the publication of a 2007 UN report, which named the country as a major transit and trafficking point for cocaine. Military officials demanded that Dabo and Emballo retract their reports on national radio and, when the journalists failed to do so, ordered them and two other broadcast journalists to report to the nearest police station. As there are no civilian prison facilities in the country, if captured the journalists would have been held in military installations where it was feared they would be at risk of torture. All four went into hiding shortly afterwards, and the death threats against Dabo continued. On 7 January 2008, Dabo reportedly received a death threat by telephone. Earlier that day he says he was threatened in the street by the navy chief. **New information:** On 21 May 2008 it was reported that the trial had been postponed until 24 June due to the plaintiff's failure to appear in court. The plaintiff is reportedly seeking 180 million CFA (approximately US\$ 400,000) in damages. No further news as of 31 December 2008; PEN is seeking an update.

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. Kieffer was last seen at a shopping centre in Abidjan and has made no contact with anyone since that time. 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 contributed occasionally to several magazines. 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* - MPCI). 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. Legré was subsequently charged with 'accessory to kidnapping', 'unlawful confinement' and murder. Non-governmental organizations such as RSF have accused the judicial authorities in the Ivory Coast of making a scapegoat out of an accomplice 'to avoid going after those who are really responsible'. On 13 December 2004, the French investigating judge Patrick Ramaël requested that the main suspect in the case, Michel Legré, be transferred to France for two months of questioning as an attempt to counter the lack of progress. Legré was 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 Oulaï, 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. According to reports, Oulaï has contradicted himself many times in his statements and evidence suggests he could have been the head of a commando group that kidnapped and killed Kieffer. Oulaï was reportedly rearrested on 16 October 2007 for violating his bail conditions and failing to respond to summons. In December 2007 it was reported that judge Patrick Ramaël had again been unable to question witnesses on an eighth mission to the Ivory Coast, allegedly due to obstruction by the Ivorian authorities. **New information:** In July 2008 it was reported that President Laurent Gbagbo's wife, Simone Gbagbo, and former Ivorian economy minister, Paul-Antoine Bohoun Bouabré, had been summoned for questioning in Paris as witnesses in the French investigation into Kieffer's disappearance led by Patrick 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, later denying that they had not received the summons sent to their homes in Côte d'Ivoire via the French embassy there. Kieffer's wife, Osange Silou-Kieffer, reportedly said that the Ivorian judges in charge of Côte d'Ivoire's investigation into the case had not asked to interview her when they were in France in June 2008. On 9 October 2008, it was reported that a witness had claimed to have been put under pressure from within the French presidency not to testify before the judges. A witness reportedly contacted Judge Ramaël on 21 July 2008 and said that he was prepared to reveal information about Kieffer's kidnapping and imprisonment, on condition of anonymity. On 24 July, Ramaël sought and obtained permission from the chief prosecutor and the bail court judge to interview the witness under anonymity. The witness appeared at the court as agreed on 28 July but at the last moment told Ramaël that he no longer wished to give evidence, referring to "pressure" from two people, including Patrick Ouart, who advises French President Nicolas Sarkozy on justice issues. The examining judge summoned Patrick Ouart as a witness on 23 September. At the hearing, Ouart denied having made contact with or putting pressure on any witness. The following day, he brought a complaint for "false accusations." The Prosecutor's Office had not yet ruled on the case.

Released

Antoine ASSALÉ TIÉMOKO: activist and occasional contributor to the daily *Le Nouveau Réveil*, was imprisoned for a year from December 2007 to December 2008. He was arrested on 28 December 2007 for a 14

December opinion piece on judicial corruption published in *Le Nouveau Réveil*. On 4 January 2008, Assalé Tiémoko was sentenced to one year in prison for 'labelling the prosecutor's office' and 'contempt of court' and was taken to Abidjan prison to serve his sentence. A local press report stated that Tiémoko had been released on 26 December 2008 and had been offered work as a journalist with *Le Nouveau Réveil*. [RAN 05/08 – 31 January 2008].

Case closed

Edouard GONTO and Coulibaly SEYDOU: political reporter and managing editor respectively of the privately-owned daily *Le Jour Plus*, were arrested on 12 September 2006 and subsequently charged with "offences against the head of state" for an article stating that President Laurent Gbagbo's wife Simone was partly responsible for the dumping of toxic waste in Abidjan, which had led to the deaths of at least 10 people. The two journalists were released the following day and formally charged a few days later. On 15 September 2006, they and colleague **Frédéric Koffy** were fined 500 million CFA francs (approx. US\$1 million in damages). In March 2007, it was reported that Gonto, Seydou and Koffy would again be put on trial on new charges of criminal defamation this time brought by Marcel Gossio, director general of the Abidjan Post. No further news as of 31 December 2008 – case closed due to lack of information.

Alexis NOUME (journalist for the *Le Jour Plus*), **Paul Arnaud DIGBEU**, **Laure GOZO** and **Assouan N'GUEETA** (reporters for *Le Rebond*): were summoned by the Police Criminal Investigation Department (CID) on 11 September 2007 for various articles that allegedly damaged the reputation of the Ivorian president, including on corruption in the government. No further news as of 31 December 2008 – case closed due to lack of information.

KENYA

Brief detention

***Jerome CORSI:** a US author, was briefly detained at immigration headquarters in Nairobi on 7 October 2008 before being deported on the grounds that he did not have the necessary temporary work permit to remain in Kenya. Corsi was in the country to launch his book *The Obama Nation: Leftist Politics and the Cult of Personality*, which accuses the US President Barack Obama, then a presidential candidate, of supporting an alleged plot to turn Kenya into an Islamic state. In a press release for the launch, Corsi said he would "expose deep secret ties between US Democratic presidential candidate Senator Barack Obama and a section of the Kenyan government leaders". Obama's father was from Kenya and the US President is a highly popular figure in the country. Corsi, who had not previously visited Kenya, has been accused of mounting a smear campaign against Obama. His book, which became a bestseller in the USA, reportedly makes a number of false claims in relation to Kenya, including that Obama contributed US\$1m to Kenyan Prime Minister Raila Odinga during the latter's presidential campaign. It also repeated the rumour that Obama, who is a Christian, was brought up as a Muslim.

On trial

Philo IKONYA (f) and Fwamba N C FWANBA: author and contributor to various print media, respectively, are on trial for taking part in an illegal demonstration. They and nine others were arrested on 7 August 2007 while singing a peace song in a small group outside the headquarters of the Criminal Investigation Department (CID) and in the view of

the media, to protest against arbitrary arrests of members of civil society. Ikonya had previously been arrested on 31 July 2007, when she had paid a hospital visit to two fellow writers and three other activists who had been arrested after taking part in a demonstration and were subsequently injured when the police car they were travelling in was involved in a traffic accident (see entry below). Ikonya was detained overnight and released on bail the following day. The hearing date was set for 3 December 2007 and she was ordered to report to the police on a regular basis. However, the hearing was postponed to 7 February 2008 as the police had failed to serve Ikonya's lawyer with the required file of charges and evidence. **New information:** The case was due to be heard on 25 August 2008. No further news as of 31 December 2008; PEN is seeking an update. Philo Ikonya is President of Kenyan PEN.

Okiya Omtatah OKOITI: writer and journalist, is facing prosecution for taking part in demonstrations against the Kenyan government, and has been arrested three times between July 2007 and July 2008. **Charges:** Most recently, Okoiti was arrested on 8 July 2008 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 (the Minister reportedly stepped down later that day). At the police station Okoiti was reportedly assaulted by Richard Mugwai, the Central Division Deputy OCPD, and two other senior policemen not in uniform. Okoiti 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 and were released on bail. The case was due to be heard on 14 July but was adjourned until 21 July as the police said that they had lost the file. On 5 August, Okoiti's lawyers argued that the Public Order Act under which he and the other six are being charged contradicts the Constitution of Kenya and requested the matter to be moved to a constitutional court. The State was due to respond on 22 August 2008. They were given a copy of the magistrate's earlier ruling ordering the police to investigate the matter, which they intend to try to enforce. The challenge to the Public Order Act has now been referred to the High Court for direction; next hearing due on 19 February 2009. Okoiti says that since the attack he has been informally approached by Mugawi asking him to withdraw his complaint. The writer is currently preparing a criminal lawsuit against Mugawi. **Previous arrests:** Okoiti was previously detained overnight on 17 January 2008 while protesting against the Kenyan police's shoot-to-kill policy in areas where there had been opposition to the rigging of the presidential elections. He was reportedly charged with the "causing a breach of the peace and giving speeches on the streets asking Kenyans to arise and reclaim their democratic rights". Okoiti was released on bail and the charges were later dropped. On 31 July 2007, the writer was arrested with four other individuals taking part in a demonstration protesting about the salaries of Kenyan members of parliament. Omtatah 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. PEN monitoring.

LIBERIA

Death threats

***Moses SONKARLEY and Nathaniel McClIN:** managing editor and reporter respectively of the newspaper *The Renaissance*, reportedly received threats against their lives after publishing a story about an alleged coup plot against the government on 10 September 2008. That day, McClin says he received an anonymous call warning him of the consequences of publishing on "sensitive issues". The next day, Sonkarley also said he received an anonymous call on his mobile phone warning him of dire consequences for having published the story. He claims to have received two more anonymous threatening calls and his family reportedly expressed concern for his safety. According to one report, George Dweh, former transitional government speaker and a former member of the disbanded rebel group Liberians United for Reconciliation and Democracy (LURD), had complained to the newspaper's management about the fact that Sonkarley and McClin's article had linked him to the alleged coup plot.

MALAWI

On trial

Make CHIPALASA and James MPHANDE: journalist and managing editor of the *Daily Times*, were charged with 'publishing false news likely to lead to a breach of public order' on 2 February 2008. The charges are believed to be linked to a 14 January 2008 piece quoting the opposition leader criticizing the government's preparations for the next national elections. Chipalasa was arrested on 2 February and questioned for several hours, before being released on bail the next day. The two men reportedly face up to six months in prison. No further news as of 31 December 2008; PEN is seeking an update.

Maxwell NG'AMBI and Chinyeke TEMBO: senior reporter for *The Nation* and freelance journalist respectively, are on trial. Ng'ambi was arrested on 17 April 2008 on the grounds that police suspected him of intending to conduct an unauthorised interview with Sam Mpasu, an imprisoned former speaker of parliament and cabinet minister. Mpasu was sentenced to six years in prison on 8 April 2008 for abuse of office involving procurement of education materials in 1994. Tembo was detained when he went to enquire about Ng'ambi's arrest; he was reportedly beaten and detained for fondling or complimenting a policewoman. Ng'ambi was charged with providing false information to a public officer (he had allegedly lied that he was a relative of Mpasu's), which he denies. Both men were held without charge for a number of days before being released on bail. **New information:** On 21 November 2008, it was reported that the Magistrate's Court in Lilongwe had acquitted Ng'ambi of the charge of providing false information to a public officer due to lack of evidence. PEN is seeking an update on Tembo's case.

MALI

On trial

Diaby Makoro CAMARA and Oumar BOUARÉ: director and editor respectively of the private monthly *Kabako*, were handed criminal defamation convictions on 5 March 2007 by a court in the capital, Bamako, for a December 2006 story that criticised a government minister. They were sentenced to four-month suspended terms, fined 50,000 CFA francs (US\$100) and ordered to publish the court decision.

The charges stemmed from a defamation suit brought by Planning and Land Development Minister Mariamantia Diarra on 19 February 2007 over a story headlined "Consumed by jealousy: Marimantia Diarra raids his ex-fiancée with the police," which described Diarra's alleged attempts to stop the wedding of his former fiancée, to another man by sending policemen to surround her house with the intention of assaulting her. It has been reported that the ruling was politically motivated due to the influence of Diarra, secretary-general of the former ruling party ADEMA and an ally of President Amadou Toumani Touré. Camara and Bouaré reportedly planned to appeal. As of 31 December 2007, a hearing date had yet to be set. **New information:** Bouaré reportedly died in a road accident on the night of 30 July 2008. PEN is seeking an update on the status of Camara's appeal.

Case closed

Hameye CISSE, Seydina Oumar DIARRA, Ibrahima FALL, Alexis KALAMBRY and Sambu TOURE: editor for *Le Scorpion*, journalist for *Info-Matin*, editor for *Le Républicain*, editor for *Les Echos* and editor for *Info-Matin* respectively. All arrested in June 2007 after Diarra published a story on a hypothetical presidential sex scandal, reprinted by the other four later that month. All charged with insult against the head of state and given suspended prison terms and fines on 26 June 2007. They planned to appeal the sentences. No further information as of 31 December 2008 – case closed.

MAURITANIA

Imprisoned: main case

Abdel Fettah Ould ABEIDNA: managing editor of the daily Arabic-language newspaper *Al-Aqsa*. **Date of arrest and detention:** 30 November 2008. **Sentence:** one year in prison. **Charge:** Criminal libel. **Prison:** Nouakchott's civilian prison. **Details:** Abeidna was detained in Nouakchott on 24 May 2007 on libel charges brought against him by a businessman whom the editor had linked in a 16 May article to a recently uncovered large-scale cocaine racket in which a number of politicians had been implicated. The article reportedly did not present firm evidence. Abeidna was granted bail four days later, on 28 May 2007. On 7 November 2007 he was sentenced in absentia to one year in prison. He was also fined for making false allegations with the intention of harming the plaintiff's reputation, and ordered to publish the sentence in the four newspapers in the area. The editor, who was out of the country when the judgment was passed, appealed against his conviction. On 11 February 2008, the appeal court confirmed one-year imprisonment sentence and fine. **New information:** On 30 November 2008, Abeidna was extradited from Dubai, where he had spent the last year, and jailed on arrival in Mauritania. He reportedly arrived at Nouakchott airport in handcuffs and accompanied by a Mauritanian police officer. Relatives and journalists who had come to the airport were not allowed to see him and he was taken straight to Nouakchott's civilian prison.

On trial

***Mohamed Ould ABDELLATIF and Mohamed Nema OUMAR:** editor and managing editor respectively of the Arabic-language weekly newspaper *Al-Houriya*, were detained for around four weeks in July/August 2008 and are now on trial for allegedly defaming some judges. The two men were arrested on 21 July 2008 over an article on judicial corruption in that day's edition of the newspaper. The article in question had claimed that some judges had collected bribes in order to close a case

involving some 43 people suspected of involvement in drug trafficking, including a businessman and a police officer. In response, three judges at the criminal appeal court filed a defamation suit against Abdellatif and Oumar. The journalists were both given conditional release on 17 August. During his detention, Abdellatif reportedly required hospital treatment for a lung problem aggravated by alleged police mistreatment intended to make him reveal his sources for the story. **Other charges:** Oumar was previously arrested and detained in June 2008 on defamation charges brought by a senator. The editor was arrested by plainclothes police officers at Nouakchott international airport on 12 June after accompanying the President as press representative on an official visit to Libya. He was taken in an unmarked car to a police station in Nouakchott and held for 30 hours before being released on the evening of 13 June. Two days later, on 15 June, he was charged with "libel and insult" and was ordered to report to the police twice a week pending trial. His passport was confiscated and a two-month international travel ban imposed. The case was brought by Senator Mohcen Ould El Hadj, representative for Rosso, on the basis of an article by Oumar that was very critical of Hadj's participation in celebrations for the 60th anniversary of the creation of Israel. The case had reportedly been dropped by the deputy public prosecutor after Hadj failed to appear in court for a hearing, but on 9 June 2008 the charges were reinstated by the public prosecutor and an order was issued for Oumar to be placed in pre-trial custody. No further news on either case; PEN is seeking an update.

MOZAMBIQUE

Non custodial sentence

***Fernando VELOSO, Luís NHACHOTE and Alvarito de CARVALHO:** editor-in-chief, sub-editor and senior reporter respectively for the newspaper *Zambeze*, were found guilty of defaming the Prime Minister of Mozambique, Luís Diogo, and of threatening state security on 29 August 2008. The charges stemmed from an article questioning the Prime Minister's nationality, insinuating the Prime Minister was Portuguese and not Mozambican. The three journalists were sentenced to six months in prison, converted to a fine of 30 Mozambican Meticals (around US\$1.20). The court dismissed the state's request that the journalists be fined US\$400,000. The journalists' lawyer said that he would appeal. The trial reportedly took place behind closed doors.

NIGER

On trial

***Moussa AKSAR and Aboubacar SANI:** editor and reporter for the weekly newspaper *L'Évènement*, were sentenced to three months in prison for criminal libel by a court in the Nigerien capital, Niamey, on 18 November 2008. The journalists were also ordered to pay a fine of 50,000 CFA francs (US\$100) each and 500,000 CFA francs (US\$1,000) in damages. The charges stemmed from a 29 September 2008 editorial by Sani raising questions about management at the country's electricity supplier, NIGELEC. Aksar and Sani were questioned by police on 12 November and the next day appeared in court, where they were charged and detained, held for six days and then released pending appeal. Sani was charged as the author of the piece and Aksar as the editor. A date for the appeal had not been set. **Other charges:** Aksar also faces separate criminal charges of "divulging national security secrets" after *L'Évènement* published a story in July 2008 linking an army colonel to a weapons cache and possible coup attempt; the colonel was reportedly

arrested the following month. Aksar was arrested and detained incommunicado by the Criminal Investigation Department (CID) from 30 July to 1 August before being charged and released. **Background:** In 2007, *L'Évènement* was one of three newspapers charged with publishing false information which could affect the honour of the Libyan President Colonel Mouammar Gaddafi (see entry below).

Ibrahim MANZO DIALLO: publisher for the weekly privately-owned newspaper *Air Info*, is on trial for alleged links with an armed rebel group. Manzo was arrested at an airport on 9 October 2007, when he was about to travel to France. He was held by the General Directorate for External Security (the Niger foreign intelligence agency), and interrogated by the police, on suspicion of links with Radio France Internationale (RFI). RFI was temporarily suspended from broadcasting in Niger in July 2007 for its reporting on the country's Tuareg rebellion. On 29 October 2007, Manzo was charged with criminal association on the basis of his alleged links with the Niger People's Movement for Justice (MNJ), a rebel group which operates in the northern area of Niger, and was placed in pre-trial detention in Agadez prison. No date was set for his trial. A few months earlier, on 12 July 2007, Manzo had been questioned and briefly detained at the headquarters of the National Gendarmerie. Security agents questioned him for an hour, and released him once they had verified registration papers to re-launch his newspaper, which had been suspended. On 6 February 2008, an appeal court in Zinder, southern Niger, granted Manzo bail after almost four months in prison; the trial was ongoing. No further information as of 31 December 2008; PEN is seeking an update.

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 on 4 and 5 December 2007 respectively, after the Minister of Economy and Finance filed a libel complaint against the newspaper. On 7 December 2007, both appeared before the Niamey Special Magistrates Court and were released on bail. The charges stem from articles published on 19 November 2007 alleging that the Minister was involved in granting state projects illegally and encouraging mismanagement of public finances. **New information:** 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 are appealing the decision. No further information as of 31 December 2008; PEN is seeking an update. [RAN 09/08 - 15 February 2008]

Harassed

***Abdoulaye TIÉMOGO:** managing editor of the Niamey-based newspaper *Le Canard déchaîné*, reportedly went into exile on 26 August 2008, fearing for his life following police harassment. Police officers from the Criminal Investigation Department (CID) in the capital Niamey were allegedly seeking to arrest him and the journalist had also received death threats from an unknown group. The harassment was apparently linked to Tiémogo's open criticism of President Mamadou Tandja's attempts to amend the Nigerian Constitution in order to be able to run for a third term in office. In an article published on 25 August, *Le Canard déchaîné* claimed that President Tandja intends to handover to his son Ousmane Tandja, currently trade attaché to the Niger consulate in China. In the same issue, Tiémogo also accused the national security minister of being responsible for "underhanded dealings in many cases." Two days earlier, on 23 August, Tiémogo took part in a television debate and called on Nigerians to thwart any attempts to amend the Constitution.

Non custodial sentence

***Zakari ALZOUMA:** editor of weekly newspaper *Opinions*, was given a three-month suspended prison sentence for allegedly libelling the Nigerian interior minister, Albadé Abouba, on 11 November 2008 in an article claiming corruption. Alzouma was released following sentencing on 11 November, having been detained for 13 days. It is not clear whether or not he appealed against his sentence.

Case closed

L'Évènement, *Canard Déchaîné* and *L'Action:* three Niamey-based independent weekly newspapers, have been charged with publishing false information which could affect the honour of the Libyan President Colonel Mouammar Gaddafi. The charges were brought by Gaddafi himself. The editors of these newspapers could face imprisonment for up to three years, as well as damages. The newspapers reportedly referred to alleged financial and logistical support on the part of the Libyan president for the rebel group *Mouvement des Nigériens pour la Justice* (MNJ). Hearings were scheduled for September 2007. No further information as of 31 December 2008 – case closed.

NIGERIA

Killed

***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. Nothing was removed from his car. According to an eyewitness account, the journalist was shot at close range by men in police uniform manning a roadblock who then fled the scene. The police reportedly claimed that Ogundeji had ignored orders to stop at a police checkpoint and had been shot as a result. The autopsy report reportedly stated that he had been "professionally" shot from behind. The murder has yet to be solved. **Background:** Ogundeji, who had recently joined the editorial board of *ThisDay*, 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. His killers have yet to be found. [International PEN WiPC Africa Free Expression Network (AFEN) bulletin - 20 October 2008]

Imprisoned: investigation

Jerome IMEIME: editor of the privately-owned weekly *Events*, based in Uyo in south-eastern Nigeria, was arrested by the State Security Service on 10 October 2007. Imeime's arrest is thought to have been linked to his critical reporting on a local state governor, specifically the alleged misuse of funds for an electoral campaign, and alleged corruption in the awarding of contracts for road construction. He was held for over two weeks and charged with sedition on 16 October 2007. After numerous adjournments, the hearing was set for 5 February 2008. In February 2008 it was reported that Imeime had been tried and imprisoned for sedition. PEN is seeking confirmation of his conviction and sentence.

On trial

Mallam Saidu Sarki USMAN: former political editor of the Abuja-based daily newspaper *Leadership*, is reportedly on trial for publishing an “injurious falsehood” against a former senator. He was remanded into prison custody by a court in Minna, the capital of Niger state, on 20 June 2008. Usman was accused of publishing an “injurious falsehood” against Alhaji Isa Mohammed, a former senator representing Niger South constituency. On 27 June it was reported that Usman had been granted bail. No further news as of 31 December 2008; PEN is seeking an update. (See other related *Leadership* cases below).

Brief detention

***Emmanuel Emeka ASIWE:** US-based Nigerian editor of the blog HuhuOnline, was held incommunicado by the Nigerian State Security Service (SSS) for a week in October/ November 2008, before being released without charge. According to the SSS, Asiwe was arrested on 31 October after he arrived from the USA, but Asiwe’s lawyer says that he was in fact taken into custody at Lagos airport three days earlier, on 28 October. The SSS reportedly stated that it was questioning the blogger “over matters of national security”. Asiwe was reportedly released without charge on 4 November. His passport remained confiscated.

Background: HuhuOnline is based in Massachusetts, USA. Asiwe was the second US-based online journalist to be held for questioning in Nigeria in a two-week period. Earlier in October, blogger **Jonathan Elendu** was arrested on his arrival in Nigeria from the USA and detained incommunicado for 11 days before being provisionally released without charge (see below). Both detentions were in contravention of Nigerian law, which stipulates that anyone arrested must be charged in court within 48 hours. They were reportedly part of a government crackdown on foreign-based Nigerian political websites since the publication of controversial photos of President Umaru Yar’Adua’s son by a popular news blog. [Update #1 to RAN 57/08 - 4 November 2008; Update #2 to RAN 57/08 - 25 November 2008].

***Jonathan ELENDU:** a US-based Nigerian news writer for the website Elendureports.com, was detained incommunicado without charge in Abuja for 11 days in October 2008. Elendu was arrested by the State Security Service (SSS) on his arrival in Abuja for a family visit on 17 October and provisionally released without charge on 29 October. His travel documents remained confiscated, meaning he was unable to return to the USA. Initially investigated for “money laundering”, Elendu was then reportedly accused of unspecified “acts of sedition” and questioned for five days about his alleged links to another US-based Nigerian news website, Saharareporters.com, his sources and funding and his opinions on the Nigerian President, and articles Elendu had written on the president’s health. He was denied access to both legal and medical assistance for most of his detention, only gaining access to his lawyer on the tenth day of his arrest. Some reports suggested that Elendu was ill treated during his detention. **Background:** Elendureports.com, set up by Elendu in Michigan state, USA, in 2005, is one of a number of diaspora-run websites on Nigeria that publish frequently controversial stories about Nigerian politicians, corruption, the situation in the conflict area of the Niger Delta, and other subjects which are sensitive in Nigeria. The site’s articles are reportedly often based on anonymous sources. During the 2007 Nigerian election campaign, Elendureports.com erroneously reported that President Umaru Yar’Adua had died during a medical trip to Germany. Saharareporters.com, to which the Nigerian authorities accused Elendu of being connected, reportedly denied that Elendu works

for them. [RAN 57/08 - 29 October 2008; Update #1 to RAN 57/08 - 4 November 2008].

Attacked

***Adewale AJAYI, Emmanuel OLADESU and Bimbo OGUNNAIKE (f):** reporters for the *Nigerian Tribune*, *The Nation* and *Nigerian Compass*, respectively, were reportedly assaulted and threatened by policemen at a political rally in Lagos on 3 August 2008. The police officers, who were escorting a politician of the Action Congress (AC), the ruling political party in Lagos state, were allegedly angered when they saw the journalists at the rally, which they believed was for party members only. The three reporters explained that they had been invited to cover the event but were all severely beaten by the police. One officer reportedly pointed his rifle at Ajayi and threatened to “eliminate” him; party leaders intervened to protect the journalist. The AC publicity secretary for Lagos state reportedly apologized to the journalists for the attack.

***Luka BINNIYAT:** reporter on energy matters for the Lagos-based daily newspaper *Vanguard* was reportedly beaten by security personnel of the Nigerian National Petroleum Corporation (NNPC) in Abuja on 20 August 2008. They reportedly used rifle butts, leaving the reporter with injuries to his ribs and elbow. Binniyat had questioned the managing director of NNPC about accountability and transparency during a press conference on 16 August which appears to have led to his ill treatment.

Harassed

***National Standard:** weekly magazine based in Lagos, was subjected to an attempted raid by six men suspected to be operatives of the State Security Service (SSS), Nigeria’s intelligence police, on 18 August 2008. The raid was prevented by the newspaper’s security guards; the men said they would return. The magazine suspected the attempted raid was connected with a cover story entitled ‘Turai Yar’Adua: The Secret life of Nigeria’s First Lady’.

***Abraham NDAH ISAIAH, Lara OLUGBEMI (f) and Sam NDAH-ISAIAH:** executive director, weekend editor and chairman/publisher respectively of the Abuja-based daily newspaper *Leadership*, were in November 2008 detained and harassed by the police and the State Security Service (SSS), Nigeria’s intelligence police, for a 9 October article suggesting that the President was in poor health. The Presidency denied the story and on 8 November announced that it had instructed its lawyers to sue the newspaper for “libel, defamation of character and publication of falsehood”. Following police questioning, the newspaper published a retraction and apology on 11 November, even though it believed that the story was essentially true. However in the following days the newspaper faced further questioning by the police, who reportedly wanted to know the source for the story. Ndah Isaiah was questioned by the SSS headquarters on 14 and 15 November, Olugbemi (the author of the offending article) on 15 and 17 November and Sam Ndah-Isaiah on 15 and 16 November.

RWANDA

On trial

Bonaventure BIZUMUREMYI: editor of the independent weekly *Umuco* (previously listed as ‘Disappeared’), is reportedly facing criminal defamation charges for “insulting the president”. The editor reportedly went into hiding on 18 March 2008, a day before a police raid on his residence in Kigali. On 19 March, police surrounded Bizumuremyi’s home, seized documents, compact discs and mobile phones and questioned

Bizumuremyi's mother and sister about his whereabouts. On 20 March, a police spokesman reportedly went on air on Radio Rwanda to call on citizens to help security services track down Bizumuremyi. The defamation charges reportedly stem from three articles in the 12 March edition of the newspaper that were critical of national leaders. One editorial on allegations of genocide involving President Paul Kagame claimed he would face an international criminal court and be forced to live in exile or commit suicide "like Adolf Hitler", and carried a picture of Kagame and the German dictator side by side. The other articles criticized senior military officials and ruling party members' alleged roles in the deaths of some Spanish priests. The High Press Council had reportedly suspended Bizumuremyi's press card for six months and recommended that his newspaper be suspended for one year. Bizumuremyi previously went into hiding on 5 August 2006 following a police summons and official criticism of articles that were highly critical of President Kagame and of Rwanda's judicial system. No further information as of 31 December 2008 – PEN is seeking an update.

Case closed

Gérard MANZI: editor of the privately-owned weekly *Umuseso*, was arrested on 22 August 2007, along with an unidentified young girl, and was charged with her rape the following day. Manzi denies the charges which some press freedom groups believed may have been fabricated in retaliation for his newspaper's reports. No further news as of 31 December 2008 - case closed due to lack of information.

SENEGAL

Imprisoned: main case

***El Malick SECK**: editor of the Dakar daily *24 Heures Chrono*. **Date of arrest and detention**: 28 August 2008. **Sentence**: Three years. **Charges**: Offending the head of state, publishing false news and threatening public order. **Prison**: Dakar's civil prison. **Details of arrest and detention**: Seck was arrested on 28 August 2008 after police stormed the premises of *24 Heures Chrono* and seized that day's edition of the newspaper. On 12 September 2008, he was sentenced to three years in prison on charges of offending the head of state, publishing false news and threatening public order. The newspaper, which first appeared in July 2008, was also banned from circulation for three months. The charges reportedly stem from an editorial that alleged that President Wade and his son Karim, a special adviser, were involved in laundering money stolen from a bank in the Ivory Coast. Seck was denied bail pending an appeal. On 2 December 2008, Seck's application for bail was rejected. **Background**: Seck's arrest followed an attack on the premises of *24 Heures Chrono* and another newspaper, *L'As*, in mid-August, days after the then Transport Minister Farba Senghor threatened retaliation against the papers for publishing critical stories. Government officials were allegedly involved in the attack. Senghor has since been dismissed and questioned by a judge over the incident, and 12 individuals, including three who were previously working for Senghor, were given prison sentences on 11 September for their involvement in the raids. **New convictions**: On 23 December 2008, Seck was sentenced to a further six months in prison term for defaming Interior Minister Sheikh Tidiane Sy. The charges reportedly arose from a 14 July 2008 article which reported on a United States Agency for International Development (USAID) document which apparently confirmed that Sy had worked for the Diané brothers, who were reported to have murdered a French judge in Djibouti, despite his having denied such links. Seck was also ordered to

pay a fine of FCFA 250,000 (approximately US\$560) and FCFA 20 million (around US\$66,600) in damages to the minister. In yet another defamation case against Seck and *24 Heures Chrono* reporter **Maké Dagnokho** brought by the Ministry of Culture's secretary general, Pape Massène Sène, the two were each sentenced to a one-year suspended prison term and a FCFA 250,000 fine. [RAN 51/08 - 3 October 2008]

On trial

Abdou Latif COULIBALY: author and journalist, is on trial for defamation following the publication of his book revealing alleged embezzlement of funds in the state-owned national lottery. The lottery and some employees are now suing him for defamation and public slander. The trial started on 11 September 2007 but proceedings were postponed until 25 January 2008. Coulibaly has previously got into trouble over others books, including death threats and publications blocked at customs, and the restricted circulation of his books within Senegal. **New information**: As of July 2008 the trial was apparently ongoing, Coulibaly having reportedly been prevented from travelling to the USA due to a court appearance scheduled for 19 July. No further information as of 31 December; PEN is seeking an update.

Pape Amadou GAYE: publisher of the newspaper *Le courrier du jour*, based in Dakar, was arrested by plainclothes police officers on 1 November 2007 and taken to the headquarters of the Criminal Investigation Division (DIC). On 6 November, he was charged with 'insulting the president, action liable to threaten State security and action liable to result in disobedience by the army'. The charges are reportedly linked to an editorial on the rise of prices and social tension in rural areas of Senegal, which raised questions about the role of the army in the crisis. Gaye was then placed in pre-trial detention. He was reportedly released on 8 November 2007 pending trial. He reportedly faced five to 10 years in jail if convicted. As of 31 December 2007, the charges had not officially been dropped. No further news as of 31 December 2008; PEN is seeking an update.

SIERRA LEONE

Killed – official investigation ongoing

Harry YANSANEH: acting editor of the daily *For Di People*, died of kidney problems in hospital on 27 July 2005. His death was apparently a direct result of an assault he suffered on 10 May 2005. In a letter that Yansaneh (34) sent before his death to the Sierra Leone Association of Journalists (SLAJ), he explicitly accused Member of Parliament Dr Fatmata Hassan of ordering the 10 May attack. According to Yansaneh, one of Hassan's sons threatened him and vandalised the *For Di People* office – of which Hassan was reportedly the landlady – in the early evening of 10 May 2005. When the editor was on his way to the police station to make an official complaint about the incident, he claimed he was set upon by a group including Hassan's two sons. Yansaneh also accused Hassan herself of being present during the attack. The motives for the assault appear to be Hassan's apparent desire to evict *For Di People* from their offices, coupled with the Member of Parliament's dislike of the newspaper's criticism of the government. Yansaneh took over the editorship of *For Di People* in October 2004, when former editor Paul Kamara was imprisoned for "seditious libel". After the attack, Hassan's sons are alleged to have returned to London, UK, where they are apparently resident. A coroner's inquest into the killing of Harry Yansaneh announced its findings on 26 August 2005, concluding that the killing amounted to "involuntary manslaughter". The coroner issued

arrest warrants the same day against suspects Fatmata Hassan, three of her children and two others. In August 2006, the director of public prosecution requested the extradition of Hassan's three children from the UK following media attention centring on Yansaneh on the anniversary of his death. On 18 January 2007, Sierra Leone's Ministry of Foreign Affairs was reportedly instructed to officially request the British Government to extradite Hassan's children, Ahmed Komeh, Bai Bureh Komeh and Aminata Komeh, from the UK. **Recent information:** According to Amnesty International, the Minister of Justice stated in February 2008 that he would not pursue charges of manslaughter in the case. No further information as of 31 December 2008; PEN is seeking to confirm whether or not the investigation and extradition process are ongoing.

On trial

Jonathan LEIGH: editor of *The Independent Observer*, was charged with libel under the 1965 Public Order Act in early February 2008. The charges are linked to a story which revealed the construction of two houses very soon after the Minister of Aviation of Sierra Leone took office, allegedly using his office to obtain property. On 15 February 2008, Leigh was briefly arrested, and released on bail. No further information as of 31 December 2008; PEN is seeking an update.

Death threats

***Emmanuel Saffa ABDULAI and John Baimba SESAY:** director and information officer at media advocacy group the Society for Democratic Initiatives (SDI), reported receiving repeated death threats in October 2008. They received threatening anonymous phone calls on an almost daily basis after publishing a report on press conditions on 30 September 2008 which attracted widespread news coverage. The callers reportedly specifically cited the recent report and in some calls threatened to kill Abdulai's mother, who had recently come to the capital, Freetown, for medical treatment. SDI lodged a complaint with the police. **Background:** SDI's report, entitled "The State of the Sierra Leone Media: A Year of Velvet Glove," praised developments in press freedom in the country but also identified impunity in attacks against journalists and criminal defamation laws as problems. SDI helped to draft Sierra Leone's Freedom of Information bill and helped prepare a lawsuit filed with the Supreme Court in February 2008 seeking to overturn the 1965 Public Order Act, a colonial criminal libel law.

Attacked

***Boima J. BOMIA (Pool), Alima FOFANA (Exclusive), Haruna TURAY and Sitta TURAY (Awareness Time), Edie Tayo G. TEMPLE (For Di People) and Sheikh BAWOH (New Vision):** journalists for the afore-mentioned newspapers, were reportedly assaulted by security personnel at the State House in the capital Freetown on 13 August 2008. The journalists were covering a meeting between the ruling All Peoples Congress Party and the main opposition Sierra Leone Peoples Party when they were attacked by security personnel, including policemen, who confiscated their work equipment. Two radio journalists were also assaulted. According to Bomia, he was badly beaten before being rescued by some civilians. The journalists received medical treatment for injuries following the attack.

SOMALIA

Brief detention

***Hadis Mohammed HADIS (or Hadith):** freelance journalist for a number of Somali news websites, was detained for two weeks by the Criminal Investigations Department (CID) in Hargeisa, capital of the breakaway region of Somaliland, in November 2008. Hadis was arrested by CID officers at Igal International Airport on 3 November. His arrest reportedly came after local residents witnessed Hadis filming the aftermath of bombings in the city on 29 October and later talking on his phone about the incidents. Hadis had also visited a house that had been raided by Somaliland police after the bombing. The residents reported the journalist's activities to the CID, who allegedly considered Hadis to be a threat to national security. Hadis was reportedly released on 18 November. He said that he had been well treated by the police while in custody. The authorities did not provide any explanation for his detention.

Kidnapped – released

***Colin FREEMAN:** reporter for the UK-based newspaper *The Daily Telegraph*, was kidnapped by unidentified armed men in Bossasso in the semi-autonomous region of Puntland in November 2008 and held for more than a month. Freeman was abducted alongside a Spanish freelance photographer, **José Cendon**, also working for *The Daily Telegraph*, as they left their hotel in Bossasso. Two Somali freelancers who were said to be assisting the foreign journalists as fixer and interpreter were also kidnapped. Freeman and his Spanish colleague had been in the region for a week to report on piracy and were planning on leaving for Djibouti that day. On 4 January 2009 it was reported that Freeman and Cendon had been released.

SUDAN

Killed: official investigation ongoing

Mohamed Taha Mohamed AHMED: editor-in-chief of the daily *Al-Wifaq*, was charged with "insulting the prophet Mohamed" following an article in *Al-Wifaq* about a 15th Century Islamic manuscript which posits the theory that the prophet Mohamed's father was not Abdallah but a man named Abdel Lat. Ahmed's trial opened on 4 May 2005 and prompted demonstrations from thousands of people in Khartoum calling for him to be put to death under Sudanese law. The charges against Ahmed were later quietly dropped, although his paper was closed for three months and he was fined 8 million Sudanese pounds (US\$3,200). **Killing:** On 6 September 2006, Ahmed was abducted from his home by an unknown group of armed men and killed. **Investigation:** An investigation into Ahmed's death was launched but although suspicion has fallen on Sudan's hardline Islamist groups, nobody claimed responsibility for the killing. Since Ahmed's death, a number of suspects have reportedly been arrested but the government has banned all reporting on the case. A number of journalists were questioned in the course of the investigation, with one reporter for *Al-Rai al-Aam* being held for two weeks at the end of October 2006 and another for *Al-Sahafa* held for 12 days in December 2006. A daily newspaper, *Al Sudan*, which violated the ban on publication of the case, was indefinitely suspended in February 2007 and the paper's publisher and editor briefly imprisoned in May. **Trial of suspects:** On 11 November 2007 it was reported that 10 people had been convicted of the assassination and sentenced to death.

They were mostly from the war-torn region of Darfur. The court had originally detained nine others but released them for lack of evidence. The defence lawyer reportedly called the ruling “weak and hasty”, saying that it had relied on confessions extracted under torture, mistreatment and use of violence and had failed to take into account statements made by the accused. All 10 men appealed their sentence. On 8 March 2008 the appeal was rejected. On 7 April 2008 it was reported that the appeal had been taken to the constitutional court, the final recourse. **New information:** In November 2008, it was reported that the Constitutional Court had ordered a stay of execution of the death penalty against Ahmed’s alleged killers pending the outcome of the final appeal.

On trial

***Nhial BOL:** editor of *The Citizen* newspaper, is reportedly facing criminal defamation charges for a 7 October 2008 article about corruption in the Ministry of Legal Affairs and Constitutional Development of the government of Southern Sudan. The article in question compared the salaries of officials at the ministry to the equivalent salaries in Khartoum, and found that salaries were higher in the south. Bol was arrested in Juba, the regional capital of Southern Sudan, on 11 October and detained for three days before being released on bail on 15 October. A date for the trial had yet to set. **Background:** On 2 September, *The Citizen* was suspended after the editor-in-chief refused an order from the National Publication and Press Council to dismiss the paper’s managing editor, **Izzadine Abdul-Rasoul**, because he was from Darfur. The newspaper resumed publication on 27 September.

Sid Ahmed KHALIFA and Adil Sid AHMED: editor-in-chief and deputy editor of the daily *Al-Watan*, were summoned and questioned overnight on 18 February 2008. The summons stemmed from an article on changes in the high ranks of the police force. Both men were released the following day. The Office of the Prosecutor has reportedly opened a file against them for libel and false reporting. On 19 February, **Mustafa Abu al-Azayim**, editor of the daily *Akhir Lahza*; **Kamal Hassan Bakhiet**, editor of Al-Ra’y al-Aam; and **Mohamed Sid Ahmed**, managing editor of Al-Wifaq, were also summoned for questioning to the Prosecutor’s office, regarding similar articles. No further information as of 31 December 2008; PEN is seeking an update.

Hussein KHOGALI: editor of the daily newspaper *Alwan*, was reportedly charged with “violating state security” in May 2008 on the grounds that he had published confidential military information. The charges appear to be linked to a raid on the company that publishes and prints *Alwan* on 14 May by the National Intelligence and Security Service (NISS), as a result of which all property was confiscated and the company offices and newspaper were closed down indefinitely. NISS reportedly said that it took these measures under articles 6 and 8 of the National Security Forces Act, which states that it is responsible for “maintaining Sudan’s security and preserving its unity” and empowers it to “place persons in custody and seize property.” Censorship in Sudan had reportedly been stepped up following armed attacks by the Justice and Equality Movement near Khartoum on 10 May 2008. No further information as of 31 December 2008; PEN is seeking an update.

Brief detention

***Salah BABALLAH:** journalist for the Khartoum-based newspaper *Al Entibaha*, was arrested at the newspaper’s premises by security and intelligence forces on 1 November 2008 following publication of a news article about an outbreak of hemorrhagic fever in the El Fula area in Kordofan region, western Sudan. Official censors had told Allah to drop

the article, but he published it on the front page. During his detention security forces refused to disclose his whereabouts or state what charges had been brought against him and his wife was not allowed to visit him. He was reportedly released on 8 November.

***Murtada EL-GHALI:** editor-in-chief of the newspaper *Ajras al-Hurriya*, was among 60 to 70 journalists, including senior editorial staff from around 13 publications, who were arrested during a demonstration against media censorship outside parliament in Omdurman on 17 November 2008. The journalists, along with politicians and members of civil society groups, were rounded up by armed riot police and taken to a police station, where some had mobile phones and money confiscated. All of the detainees were released a few hours later. El-Ghali was told that they would face questioning and court appearances at a later date. A number of journalists and newspapers said that they would go on strike in protest at the arrests. **Background:** The arrests followed weeks of protests against media censorship led by *Ajras al-Hurriya* and two other papers. Demonstrators said they had been protesting against a press crackdown underway despite guarantees of media freedom included in the 2005 peace agreement that brought Sudan’s north-south civil war to an end. Laws guaranteeing media freedom have reportedly not been passed and newspapers are now subject to daily censorship by the security forces.

Al-Ghali Yahya SHEGIFAT: freelance journalist, including for the privately-owned daily *Ray Al-Shaab*, and president of the Association of Darfur Journalists, was detained without charge for over two months between May and July 2008. Shegifat (32) was arrested in Khartoum on 14 May as part of a government crackdown which saw over 200 people detained between 9 and 16 May. He was previously arrested by national security agents on 12 May, during which he is said to have suffered physical ill treatment. After his second arrest, Shegifat was held incommunicado for around two weeks, until 29 or 30 May, when a lawyer was finally able to visit him. Possible reasons for arrest: All those arrested are understood to have been accused of supporting the armed opposition group, the Justice and Equality Movement (JEM), which has been fighting Sudanese government forces in Darfur since 2003 and launched an attack on Khartoum for the first time on 10 May. However, there was apparently no credible evidence for these accusations. The arrests were reportedly arbitrary, made on the basis of people being or appearing to be from the Darfur region or on suspicion of having sheltered JEM members. Some 50 of the arrestees were released shortly after while others were reportedly held incommunicado at Kober prison and other national security detention facilities in Khartoum or at unknown locations. One of the detainees reportedly died in detention on 19 May as a result of internal bleeding caused by severe injuries. Release: Shegifat was reportedly released on 22 July 2008 following international pressure, including from the USA, where a relative of Shegifat’s lives. During his detention he had reportedly been beaten, shackled in stress positions in overcrowded cells, deprived of medical attention, food and sleep and been burned with cigarettes during violent interrogations. He reportedly received death threats following his release and subsequently fled to the USA, where he received medical treatment and claimed asylum. [RAN 29/08 – 2 June 2008; Update #1 to RAN 29/08 – 27 October 2008]

***Nour Al Din Mohamed SULEIMAN BAIMA:** the Darfur correspondent for the newspaper *Ajras Al Hurriya*, was reportedly detained by security agents for two weeks in October 2008. Suleiman Baima was arrested on 11 October after taking part in a dialogue held in Nayala concerning a Qatari initiative between Sudanese political forces and local civil society organisations. A group of plainclothes security personnel

reportedly took him by force to an unidentified location where he was held until his release by security forces in Nayala, southern Darfur, on 25 October.

SWAZILAND

On trial

Bheki MAKHUBU: editor of the privately-owned magazine *The Nation*, was sued by Member of Parliament Marwick Khumalo for defamation of character on 9 July 2007. The charges are based on an article by Makhuby published in the magazine in June 2007, which accused Khumalo and his business associates of trying to win a pharmaceutical tender through corrupt means. **New information:** As of April 2008 the case had yet to go to trial. No further information as of 31 December 2008; PEN is seeking an update.

TANZANIA

Attacked

Saed KUBENEA and Ndimara TEGAMBWAGE: editors for the weekly Kiswahili-language newspaper *Mwanahalisi*, were assaulted by three unknown men in their newsroom in Dar es Salaam on 5 January 2008. The assailants beat the editors with machetes and poured acid on their faces, causing them severe injury. Kubenea was taken to India for treatment for persistent eye pain while Tegambwage required 15 stitches for a machete wound to the head. Kubenea reported that prior to the attack he had received various death threats on his mobile phone, and that his car had been burnt by unidentified individuals in June 2007. It is suspected that the incident is related to the newspaper's reporting on public corruption and government mismanagement. On September 2007, *Mwanahalisi* was the first newspaper to publish the so-called 'list of shame', in which many members of the ruling party, including the Tanzanian president, are accused of corruption. On 24 January 2008, Kinondoni Regional Police arrested five Dar es Salaam residents, who appeared before the Kisutu Magistrate's Court on charges of conspiracy and attacking the two editors. A sixth suspect was reportedly arrested on 29 February. All six were granted bail but were unable to meet the conditions. Update: In July 2008 it was reported that the police were still investigating the attack; PEN monitoring. New attack: On 18 July 2008, uniformed police inspectors with a search warrant arrived at the newspaper offices, seized a computer and questioned Kubenea, who was still recovering from the January attack, before carrying out a search of his home. According to the head of the criminal investigation department, the raids came in response to a complaint by the National Bank of Commerce about the paper's publication of bank data of some of its clients.

UGANDA

On trial

Joachim BUWEMBO and Bernard TABAIRE: managing editors of the *Daily Monitor*, were charged with defaming the Inspector General of Government, Justice Faith Mwendha, on 28 January 2008. The charges are based on a 17 August 2007 article on alleged irregular salary claims made by Mwendha. Three other *Daily Monitor* journalists, news editor **Robert MUKASA**, chief parliament reporter **Emmanuel GYEZAHO** and special projects writer **Angelo IZAMA**, had already been named in the law suit. All five were released on bail pending trial. No further news

on the case as of 31 December 2008; PEN is seeking an update. Bernard Tabaire is also on trial for sedition (see case below). **New charges:** On 2 January 2009 it was reported that Izama, managing editor **Daniel Kalinaki** and **Grace Matsiko** had been charged by the Criminal Investigation Department (CID) of publishing materials prejudicial to national security and released on bail. They were ordered to report back to CID on 5 January 2009 to be taken to court. The charges reportedly stem from a 28 December 2008 piece about Operation Lightening Thunder, a joint state operation in the DRC to capture Lord's Resistance Army rebels. The journalists face up to seven years' imprisonment if convicted. **Honorary Member – Bernard Tabaire:** English PEN.

Andrew MWENDA, Odobo BICHACHI and John NJOROGÉ: publisher/ political journalist, consulting editor and journalist respectively for bimonthly news magazine *The Independent*, have been charged with sedition and publication of false news. Mwenda, Bichachi and Njoroge were arrested during a Chieftaincy of Military Intelligence (CMI) 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. On 30 May it was reported that the High Court had issued a stay on the case earlier that month. 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. PEN is seeking further information. **New information:** On 20 November 2008, Mwenda and Bichachi received police summons for questioning about coverage deemed "prejudicial" to state security. Mwenda is now reporting facing a total of 21 criminal charges. He has challenged the constitutionality of the charges in court.

***Ssemujju Ibrahim NGANDA:** investigative journalist and political editor for *The Weekly Observer*. In October 2008 it was reported that Nganda had been charged with "promoting sectarianism" and "incitement to violence" for the second time in two years. The journalists were arrested and interrogated by Criminal Investigation Department (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. **Background:** Nganda was reportedly 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.

Bernard TABAIRE, Henry OCHIENG and Chris OBORE: managing editor, Sunday editor and journalist respectively, for the newspaper *Daily Monitor*, were charged with sedition on 30 September 2007. The charges 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 bail the same day. The charges reportedly stood as of February 2008. No further information as of 31 December 2008; PEN is seeking an update. Bernard Tabaire is also on trial for defamation (see also case above). He is an Honorary Member of English PEN.

ZAMBIA

Threatened

***Nigel MULENGA:** acting deputy editor of the state-owned newspaper *Zambia Daily Mail* and secretary general of the Zambia Union of Journalists (ZUJ), was threatened by Mbita Chitala, Zambia's former ambassador to Libya, on 29 August 2008. Chitala reportedly approached Mulenga and four of his colleagues outside the newspaper offices demanding to know why his articles were not being published, and threatened to have Mulenga fired. He then claimed that he was on Vice President Rupiah Banda's campaign team for the presidency as the ruling Movement for Multi-party Democracy (MMD) candidate, and warned the journalists that the succession of President Mwanawasa – who had died on 19 August – was a matter of life and death. He then left a copy of his press statement in the newsroom. The *Zambia Daily Mail* demanded an apology from Chitala, who later denied issuing the threats.

ZIMBABWE

On trial

Bright CHIBVURI: editor of the Zimbabwe Congress of Trade Unions (ZCTU) magazine *The Worker*, is on trial for practicing journalism without accreditation. He was arrested on 3 March 2007 and spent two nights in police custody. He was released on 5 March 2007 after being charged with contravening Section 83 (1) of the Access to Information and Protection of Privacy Act (AIPPA), which deals with practising journalism without accreditation. Chibvuri pled not guilty. At the time of his arrest he had reportedly already applied for accreditation but had not had a response; he has reportedly since received the accreditation. The trial began in the south-western border town of Plumtree on 26 September but was adjourned to 5 November 2007. It was reportedly postponed indefinitely as a result of a magistrates' strike over poor salaries and working conditions. It was reported that the case was closed on 28 February 2008 after it was ascertained that Chibvuri did in fact have accreditation in the form of a press card, and that a ruling on the discharge application was to be made on 20 March. However, according to a subsequent report, on 29 April 2008 Chibvuri was convicted as charged and ordered to pay a fine of Z\$2 billion (approx. US\$6) or serve 10 days in prison. An appeal against the conviction and sentence was lodged with the High Court on 15 May 2008 on the basis that Chibvuri was in fact duly accredited in 2007. No further news as of 31 December 2008; PEN is seeking an update on the status of the appeal.

Frank CHIKOWORE: freelance journalist for publications including the private weekly *The Standard*, who also ran a popular blog covering the 2008 elections, is on trial for 'public violence' after being detained for over two weeks in April/May 2008. **Arrest and detention:** On 15 April 2008, Chikowore (28) reportedly went to cover a strike called by the opposition party Movement for Democratic Change (MDC) to demand the release of the 29 March election results. He was arrested along with around 15 other people, said to be MDC supporters. Chikowore was then brought home by the police, who searched his house

without a warrant and confiscated his equipment before taking him to an unknown location. Although the police initially denied holding the journalist, he was later discovered at Harare Central Police Station. Chikowore's lawyer and wife were not allowed to see him until 16 April. On 17 April, his lawyer unsuccessfully filed an urgent High Court application to have the journalist taken to hospital due to abdominal and chest pains. **Charges:** On 21 April 2008, six days after his arrest, Chikowore was finally charged with 'public violence', in relation to the burning of a bus on the morning of 15 April (under Zimbabwean law individuals should be charged within 48 hours of their arrest). The police had previously made a number of other accusations, including reporting without accreditation (later dropped), arson and attempted murder. There are concerns that the arson charges were fabricated. **Trial:** Chikowore was remanded in custody on 22 April 2008. On 2 May Chikowore was granted bail on the grounds that the state had yet to establish a prima facie case against them due to the police's failure to produce the necessary evidence. However, the charges of public violence stood and Chikowore was ordered to report to the police twice a week pending trial. **Further harassment:** Chikowore was arrested again on 27 June while covering the opening of the presidential election run-off at a school in Harare where President Mugabe was expected to cast his vote. Chikowore and a cameraman arrested at the same time were detained overnight and released without charges after the voting ended. **New information:** On 14 July 2008 Chikowore was removed from remand along with 13 alleged Movement for Democratic Change (MDC) supporters. No further news as of 31 December 2008; PEN is seeking an update. [RAN 22/08 – 22 April 2008; Update #1 to RAN 22/08 – 22 April 2008].

Davison MARUZIVA: editor of the popular 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'. He was released on bail on 9 May. The author of the piece in question, Arthur Mutambara, the leader of a breakaway faction of the opposition party the Movement for Democratic Change (MDC), is 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. **New information:** 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. The matter was postponed to 12 November 2008. PEN is seeking an update.

Brief detention

***Rutendo MAWERE** (f): reporter for weekly newspaper *The Standard*, was arrested and briefly detained in Gweru, Midlands province, on 21 August 2008. Mawere was arrested while watching police officers beat people who had been queuing outside a food store and taken to Gweru police station. She was held for a few hours before being released without charge.

Attacked

Cast and crew [Company] of *The Crocodile of Zambezi*: a satirical play, were attacked and the play banned in Bulawayo in May 2008. Production manager **Lionel Nkosi** was tortured and threatened with death by police,

while actor **Aleck Zulu** has reportedly also received a police beating. On the afternoon of 29 May, police officers came to Bulawayo City Hall, where rehearsals were taking place for the second performance of the play. Nkosi and Zulu were taken to the central police station, where they were told that they play could not go on. The police reportedly stated that they had been told to 'censor or stop any suspicious performances'. Nkosi and Zulu agreed to stop the show, returned to City Hall and packed up. When they were about to leave, four men in a car parked outside, unmarked and without registration plates, stopped them and asked Nkosi to get in. He was driven to an isolated location, where the men questioned him about the play and its backers, accusing it of aiming to ridicule President Mugabe. They threatened to kill Nkosi, then placed a sack over his head and beat him severely, at one point shoving a gun into his mouth. The attack left Nkosi covered in blood and with a fractured ankle, bruised ribs and gums and a loose tooth. According to some reports, his assailants were members of the secret service. Aleck Zulu was reportedly also beaten by police; the details are not known. **Background** *The Crocodile of Zambezi*, set in a fictional country along the Zambezi River, is a satire on the Mugabe regime in Zimbabwe and is the result of a two-year collaboration between playwright **Raisedon Baya** and **Christopher Mlalazi**. Another satirical play about Zimbabwe's political situation was also banned in May. *Sahwira* (Spirit of Friendship) by **Elton Mjanana**, was banned in Harare on the grounds that the police had not been given advance notice as allegedly required by the Public Order and Security Act (POSA). No further news as of 31 December 2008; PEN is seeking to confirm whether the individuals associated with the play are still at risk. **Honorary members:** Baya and Mlalazi are Honorary Members of Danish PEN. [RAN 33-08 – 20 June 2008]

Harassed

***Bhekinkosi NCUBE:** editor for the vernacular tabloid magazine *Umthunywa*, which belongs to the government-owned Zimbabwe Newspapers Group (Zimpapers), was subjected to harassment by Zimpapers disciplinary committee between August and December 2008 for allegedly insulting President Robert Mugabe in an email. The case began in August 2008 when Zimpapers editors were allegedly put under surveillance to check their commitment to the policies of the ruling Zimbabwe African National Union - Patriotic Front (ZANU-PF) party. As part of the surveillance, the editors' private email accounts were hacked into in the first half of August. Ncube was subsequently accused of insulting President Mugabe and the government in private emails to friends about the political situation in Zimbabwe, and was suspended from his post pending investigation. On 20 December it was reported that that Zimpapers' disciplinary committee had cleared Ncube of all charges and ordered his reinstatement. Although the committee had issued its ruling on 18 November, Ncube had reportedly still not returned to work for fear of government reprisals.

Non custodial Sentence

Blessed MHLANGA (f), James MUONWA and Wycliff NYAROTA: journalists for the weekly *Network Guardian* based in Kwekwe, Central Zimbabwe, are on trial for 'abuse of journalistic privileges' in contravention of Section 80 (a) (ii) of the Access to Information and Protection of Privacy Act (AIPPA). The charges, of unlawfully, intentionally or recklessly falsifying information injurious to the reputation, rights and freedoms of others, relate to a 26 March 2008 story on a couple who were allegedly caught having sex in a vehicle parked at a shopping centre in

Kwekwe. The defendants have pleaded not guilty. The trial began on 24 April 2008. Mhlanga was acquitted on 11 June; however the charges against Muonwa and Nyarota stood. **New information:** On 29 July 2008, Muonwa and Nyarota were found guilty of "publishing falsehoods" under Section 80 (1) (a) of AIPPA and sentenced to a fine of Z\$20 billion or 20 days' imprisonment. The Magistrate ruled that although Muonwa had investigated the story it was unprofessional of him to write it. Nyarota was convicted as the editor of the newspaper. The two journalists reportedly intended to appeal to the Zimbabwean High Court.

AMERICAS

ARGENTINA

Death threat

***Roberto CARRIGALL:** editor of the online newspaper 'El Mástil Digital', based in Quilmes, Buenos Aires, was reportedly assaulted and threatened on 29 December 2008 by two individuals thought to be linked to a former local transit system director. According to Carrigall, he was at a petrol station when he was approached by two individuals who got out of a vehicle allegedly belonging to the former director and then insulted and threatened to kill him, telling him to stop commenting on the former director in his reports. They also referred to Carrigall's brother, also a journalist, who had died a year and a half before. According to Carrigall, the former director was watching the assault from inside his car. He believes that one of assailants may be a former police officer. Carrigall filed a complaint with the police and the case was taken on by the Quilmes Prosecutor's Office. The former director had previously filed a complaint about Carrigall and his brother following a critical article about him but had lost the case in court.

BOLIVIA

Attacked

***Staff at the daily newspaper *El Potosí*,** based in Potosí, suffered a bomb attack at the newspaper offices in the early hours of 1 December 2008. No one was injured. There was reportedly some damage to the building and computers. The police were investigating but had, as of December, not identified the assailants or their motives.

Threatened

Adriana BARRIGA (f): journalist with the newspaper *La Razón*, was reportedly threatened by a group of supporters of the governing party Movement For Socialism (Movimiento Al Socialismo - MAS) while covering a public demonstration in the capital La Paz on 6 March 2008. While Barriga was listening to a speech, she was approached and threatened by a MAS activist, Adolfo Cerrudo. When she moved away, Cerrudo and nine other men followed her, asking her if she was a journalist and surrounding her. Cerrudo reportedly shouted insults at her and threatened to take her film and rape her. Barriga managed to escape when a policeman happened to pass by. **New information:** On 24 July 2008 it

was reported that Cerrudo had been arrested and charged with threatening to rape and kill Barriga and several of her colleagues, as well as threatening and attacking other journalists during a demonstration he organised in La Paz on 4 June. He was released pending trial but was banned from going near Barriga and had to report to the police on a weekly basis. As of November he had reportedly been involved in numerous further attacks on journalists, and was placed under house arrest on 14 November. The investigation into his alleged threats against Barriga continues.

***Raphael RAMÍREZ and Juan Carlos VÉLIZ:** editors of the *La Prensa* newspaper. On 24 December 2008, it was reported that they had been had been receiving frequent telephone threats since 9 December. The threats are thought to be related to the newspaper's reporting on goods smuggled to Brazil which implicated a number of individuals close to President Evo Morales. Véliz reportedly received a threatening call on the same day that President Evo Morales publicly criticised his colleague Ramírez for the newspaper's informative style. Since then, both Véliz and Ramírez say they have received further telephone threats. Morales has requested that the government take measures to ensure that the newspaper will be able to continue its work, specifically requesting protection for Ramírez.

BRAZIL

Brief detention

***Beth PRATA (f):** journalist for the newspaper *Sol de Búzios* and an online radio station, was arrested and detained overnight on 30 October 2008 for publicising a letter criticizing the conduct of a judge who is prosecuting her in several defamation cases. Prata, who handed out copies of the letter to passersby on the street, was released on 31 October after intervention by her lawyer. The arrest warrant against her was issued by the local prosecutor, who stated that Prata had violated regulations by revealing details of an unfinished trial. According to her lawyer, the letter handed out was a summary of a lawsuit brought by Prata against the judge in March 2007 in which she alleges he was biased. Following the accusation, the judge filed defamation a suit against Prata, which is still open. The same judge has also been in charge of a number of defamation suits against Prata brought by politicians she has criticized in her reports. Prata was reportedly also facing another defamation trial brought by her former business partner and owner of the newspaper *Primeira Hora*, where she used to work.

Attacked

***Jeso CARNEIRO:** political editor for the weekly newspaper *Gazeta de Santarém*, internet writer and presenter of a political TV show. On 20 July 2008, Carneiro's house in Santarém, Pará state, was set on fire. No one was injured but the house suffered considerable damage. The arson attack was reportedly filmed by a security camera inside the house: footage showed a man getting off a motorcycle and pouring an unknown liquid over the front walls and roof of the house before setting it on fire. Another arsonist was reportedly injured by the fire before the two men fled. Carneiro believes he was attacked for his critical coverage of local politicians. He has also been the subject of a number of defamation lawsuits, some in relation to his blog. Police were investigating the attack as of December 2008.

***Rubens COUTINHO:** journalist and editor of the 'Tudo Rondônia' and 'Jurídico Rondônia' websites, had a bomb thrown at his house on 29 September 2008. The windows were destroyed in the blast but no one

was hurt. Coutinho believes the attack is related to his reporting on political affairs. More than 30 lawsuits have been filed against him by politicians who occupy or have occupied positions in the regional legislature and the executive. An official investigation has been launched.

Staff of *O Dia*: a daily newspaper based in Rio de Janeiro. A reporter, photographer and a driver who were conducting an *O Dia* undercover investigation into paramilitary groups in Batan, a Rio shantytown, were reportedly kidnapped and tortured on 14 May 2008. The *O Dia* employees have not been named for fear of retaliation. It was alleged that a paramilitary group with links to the local police was responsible for the attack. **Details of the attack:** The photographer and driver were reportedly kidnapped at a local bar by armed men in masks and driven to their rented house in Batan, where the reporter was forced into the car at gunpoint. The three were then taken to a nearby house, where they were repeatedly beaten, given electric shocks, had plastic bags put over their heads and threatened with murder. At least one of their assailants reportedly identified himself as belonging to the local police. The *O Dia* team was held for about seven hours before being released on the condition that they would not identify their attackers. They subsequently required medical and psychological treatment. **Investigation:** On 4 June 2008 a man was arrested on suspicion of being the second in command of the paramilitary group responsible for the attack. He was serving a prison sentence but was allowed periodic outside visits. He however claimed he was in prison at the time of the abduction. On 16 June a former prison guard and current civilian police inspector, who is accused of heading the Batan militia, was also arrested but denied any involvement in the abduction and torture. According to the Delegation for Repression of Criminal Actions and Special Investigations it was also investigating the possibility that members of the military police were involved in the Batan group. The two alleged militia heads - civilian police inspector Odinei Fernando da Silva and Davi Liberato de Araújo - were reportedly arrested later in June. **New information:** On 12 December 2008 it was reported that three military police officers wanted in connection with the case - Fabio Gonçalves Soares, Marcos Antonio Alves da Silva and André Luiz de Mattos - and a fourth man identified as Nilson Bueno had been arrested in a major operation in Rio de Janeiro the previous day. Items seized during the operation included equipment belonging to an elite Rio state military police unit known as the BOPE. The four men were reportedly to be charged with "forming a militia." Police were also said to be looking for four other members of the military police. ***Graciliano ROCHA:** correspondent for the newspaper *Folha de S. Paulo*, based in Porto Alegre, was reportedly attacked by two supporters of the newly re-elected mayor of Rio de Janeiro state on 26 October 2008. Rocha was hit in the face and fell on to the pavement, where he was then kicked. The assault took place in front of the mayor's campaign committee facilities as Rocha was waiting to attend a press conference. The reporter for the attack is thought to have been a recent report by Rocha on alleged gifts given to voters shortly before the mayoral elections. The journalist, who suffered only slight injuries, filed a complaint with the police. The mayor's campaign coordinator subsequently issued a statement denying the attack.

Harassed

***Paulo Cezar DE ANDRADE PRADO:** internet writer for 'Paulinho's Blog' (<http://blogdopaulinho.wordpress.com>), which specializes in sports coverage, has reportedly suffered police harassment. According to Prado, two detectives from the 78th Police Precinct forced their way into the building where he lives in São Paulo on 20 October 2008. After

threatening the building's janitor and doorman, the policemen knocked at Prado's door. Seeing armed men through the peephole, Prado called the Military Police. On hearing the Military Police arrive, the two detectives immediately left, leaving the subpoena order for Prado on the doorman's desk. The subpoena was reportedly unusual in that it did not mention what it was about and had not been signed by a police commissioner. According to Prado, the same detectives came to his building again on 22 October, but he was not at home at the time. He believes the incident was prompted by statements on his blog alleging accounting fraud by the administration of a football team. He also stated that he often receives threatening telephone calls. On 27 October, Prado was sent a new subpoena by mail, this time signed by the police commissioner. The deputy secretary of the São Paulo State Department for Public Security was reportedly investigating the incident with the Civilian Police.

COLOMBIA

On trial

Ernesto McCausland SOJO: writer and journalist with the daily newspaper *El Heraldo*, is facing a criminal defamation suit brought by the city council of Barranquilla, Atlántico department, northern Colombia for having published comments critical of the council. The charges arise from a 20 June column entitled "The Angels and the Carnival" where McCausland expressed concern that the councillors were using the Barranquilla carnival for their own political gain. The lawsuit is believed to still be under way as of December 2008. **Background:** McCausland has published two novels, *Febrero escarlata* (Planeta, 2004) and *El alma del acordeón* (Intermedio, 2006) and several collections of his journalism have also been published.

Alfredo MOLANO BRAVO: d.o.b. 1944, sociologist, author and journalist, is 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. The piece, entitled 'Araújo et al', gives a brief account of the economic, political and social power from Colonial times until the present day of the Araújo family of Valledupar and Cartagena, Atlantic coast region, northern Colombia, and another family from the same region. It also alludes to some family members' alleged involvement in contraband coffee and cattle trading, drugs trafficking and election fraud. The offending article was published at a time when investigations were being carried out into the alleged links between some regional leaders' and paramilitary groups; these leaders reportedly include some of the plaintiffs' relatives. **Charges:** Soon after the article appeared, various members of the Araújo family from Valledupar brought a defamation suit against Molano before the Public Prosecutor (Fiscalía General). A hearing on 10 December 2007 aimed at conciliation between the two parties failed to bring about any agreement. The plaintiffs demanded that Molano retract the allegedly defamatory statements by writing a new article to be approved by themselves prior to publication; Molano refused, considering this to be an attack on press freedom. On 24 February 2008, he was charged with criminal defamation under various articles of the Penal Code, on the basis that he had alleged that the Araújo family was involved in illicit activities. On 8 July 2008 the charges were upheld. The penalty for libel under the Colombian Penal Code is one to four years in prison and a fine, with provision for an increase if the libellous statement was disseminated in the media. **New information:** At the preliminary hearing on 12 August 2008, both sides proposed documentary and expert evidence and witnesses. Molano's witnesses included a former director of the Administrative Department of

Security (Departamento Administrativo de Seguridad, DAS) and a former president of the Colombian constitutional court. His defence had reportedly been unable to find any witnesses from Valledupar willing to appear, reportedly out of fear of reprisals. On 5 December, the Araújo's appeal against the evidence requested by the defence was overturned. The trial continues. **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 travesía* (1996) and *Desterrados: Crónicas del desarraigo* (2001).

***Alejandro SANTOS RUBINO:** director of the national weekly news-magazine *Semana*, is on trial for allegedly defaming Judge José Alfredo Escobar Araújo, former president of Colombia's Superior Council of the Judiciary. Escobar claims that *Semana* and Santos, as the magazine's director, damaged his honour and reputation and invaded his privacy in a 28 April 2008 article that described the close friendship between an individual with alleged ties to drug trafficking and various public personalities, including Escobar. On 11 August 2008, a Bogotá judge ruled in favour of Escobar and ordered *Semana* to print a correction. The magazine did so but on 12 September, the Superior Tribunal of Bogotá's Judicial District ruled that that the correction was insufficient and ordered a second correction. *Semana* published a second correction but reportedly failed to follow the exact guidelines specified by the court, which stated that the magazine should publish the changes on its front cover. As a result, on 20 November 2008, Judge Amanda Vargas de Norato of the Penal Circuit of Bogotá charged Santos with contempt of court and issued a warrant for his arrest. The judge ordered that Santos should be held for three days at the police precinct closest to his home or at the headquarters of the Colombian national intelligence service, the Administrative Department of Security (DAS), and to pay a fine of approx. US\$1,200. The Superior Tribunal of Bogotá's Judicial District was due to review Judge Vargas' order within the following three days. PEN monitoring. **Background:** *Semana* has played a key role in exposing a series of scandals that have undermined the government of President Álvaro Uribe. In late 2006, the magazine published a series of investigative articles on the alleged links between far-right paramilitary groups and officials and politicians, as a result of which more than 50 politicians and officials were reportedly arrested.

Death threats

***María Victoria BUSTAMANTE (f):** journalist for the legal section of the newspaper *El Meridiano de Sucre*, reportedly received anonymous telephone death threats in Sincelejo municipality, Sucre department, on 23 October 2008. Bustamante said the threats began after the newspaper investigated an attack on a relation of former Sucre governor, Salvador Arana, who has been detained for his alleged links with paramilitary groups. She reported the threats to the authorities, which as of 11 November 2008 had yet to identify the callers. The Department of the Interior was assessing whether Bustamante requires protection.

***Jazmín ROMERO (f):** reporter for *Vanguardia Liberal* newspaper, reportedly received death threats on her mobile phone in Socorro municipality, Santander, on 13 and 14 November 2008. On 13 November an anonymous caller told her that she had eight days to leave Socorro and threatened her daughter and other family members. The next day another caller allegedly repeated the death threats and said that she had seven days to leave. It is thought that the threats may be linked to Romero's attempts to persuade a demobilised paramilitary group member to comment on a story which may have implicated local people in criminal

activities. Romero reportedly received similar threats during an election campaign in October 2007, as a result of which she temporarily left the city, but the recent threats are thought to be unrelated.

Harassed

***Patricia ARIZA (f):** renowned playwright, dramaturge, poet, actress and political and human rights activist, has been subjected to a campaign of harassment since late 2008, including an alleged investigation seeking to link her to the Colombian Revolutionary Armed Forces (FARC) guerrilla group. Ariza is the founder of La Candalaria theatre group and co-director of the Colombian Theatre Corporation (Corporación Colombiana de Teatro), based in Bogotá. **Details of investigation:** Ariza was reportedly named in a document produced by the antiterrorism division of the Public Prosecutor (Fiscalía General) as a promoter of the Bolivarian Movement for a New Colombia (Movimiento Bolivariano por la Nueva Colombia) and the Clandestine Colombian Communist Party (Partido Comunista Colombiano Clandestino, PC3), which is allegedly linked to the FARC. The document, said to be based on police and army intelligence, lists Ariza's past affiliations including her membership of the Communist Youth (Juventud Comunista, JUCO) group and of the Colombian Nadaísta poetry movement and as a former 'hippy'. It goes on to allege that her current theatre activities and a project she runs with abandoned children, the elderly, young women and rappers could be related to 'mass work' for the PC3.

Ariza acknowledges her past affiliations but dismisses the allegations of collaborating with guerrilla groups. She suspects that her human rights work and leftwing views, including her activism for the opposition political party Democratic Pole (Polo Democrático), are behind the charges, and has stated: 'They cannot take away my right to have an opinion and to be creative.' Ariza's lawyer, who has reportedly not been allowed full access to Ariza's file, has described the investigation as 'crazy' and sees it as the criminalization of certain opinions. In December 2008 and January 2009, a group of more than 800 artists and intellectuals, including Laura Restrepo and Eduardo Galeano, signed an open letter to President Uribe and other ministers in support of Ariza, which was widely circulated in the media. On 7 January 2009, *El Tiempo* reported that the Public Prosecutor had denied that there was an investigation into Ariza. **Other threats:** Ariza and her colleague **Carlos Satizábel**, co-director of La Candalaria theatre group, have also reportedly received threatening letters. **Background:** Ariza has won numerous prizes for her plays, poetry and other work, including the 2006 María Mercedes Carranza national poetry prize and an award from the Colombian Congress for a lifetime's service to culture and theatre.

***Evelin COBA VIDES (f):** editor of the Barranquilla daily newspaper *La Libertad*, was reportedly threatened by Carlos Roca Roa, the mayor of Sabanalarga Atlántico department, at the newspaper's offices on 10 October 2008. Roca was protesting about an article published that day about a penalty imposed on his municipality for failing to submit a report to the National Planning Department (Departamento Nacional de Planeación, DNP) on the distribution of bonuses in 2007. The mayor reportedly stormed into the premises and stated his objections to Coba and her colleagues in an angry and threatening manner, claiming that the article was published in bad faith and that his political rivals were behind it. According to Coba, the source of the information was the DNP website. Roca was escorted from the premises. Three days later he demanded that *La Libertad* rectify the information, stating that he was not consulted before publication of the article to explain that the required information had indeed been submitted to the DNP on time. However in

a TV appearance on 14 October, he reportedly admitted that the municipality had been penalised for failing to submit information. *La Libertad* published the mayor's version of events on 17 October.

***Daniel CORONELL:** columnist for the magazine *Semana* and the daily newspaper *El Espectador*, and TV network editor, has been threatened with a criminal investigation at President Uribe's instigation, for not immediately disclosing a videotaped interview that allegedly links the Uribe administration to a corruption scandal. On 21 August 2008, Uribe appeared before a congressional committee responsible for investigating allegations that government officials offered bribes to former congresswoman Yidis Medina in exchange for her vote in favour of a constitutional amendment that allowed Uribe to seek election to a third presidential term in 2006. During the closed hearing, Uribe reportedly claimed that Coronell had broken the law by not airing a 2004 interview with Medina in which she spoke of the alleged bribe until 20 April 2008, thus failing to inform the public of a crime in a timely manner. The President urged the committee to forward the matter to the Attorney General for criminal investigation. According to Coronell, Medina, who is now under house arrest after being convicted of taking bribes, had asked him not to reveal the information until this year. The move came at a time when a number of broadcast journalists have been summoned for questioning by the congressional commission and the Supreme Court's criminal chamber with regards to investigations into the alleged bribes as well as links between politicians close to Uribe and paramilitary groups (known as 'parapolitics'). **Previous attacks:** On 11 October 2007, Uribe referred to Daniel Coronell as a "coward, liar, swine, and professional slanderer" during a radio interview. This incident followed Coronell's latest column in *Semana* regarding alleged Uribe's ties with the deceased drug trafficker Pablo Escobar. The allegation came from the book *Loving Plablo, Hating Escobar* (Amando a Pablo, odiando a Escobar), written by a former lover of Escobar's, Virginia Vallejo. On 2 January 2006, Coronell and two other journalists from *Semana* were informed that they faced charges of "libel" and "calumny" brought by former senator Carlos Náder, who was named in a piece written by Coronell. In the article, Coronell claimed that he had received e-mail death threats sent from Náder's computer, and his two colleagues wrote opinion pieces in support of Coronell. Coronell went into exile in the United States having received threats, apparently from other sources. In October 2006, it was reported that Luis Fernando Uribe Botero had been sentenced to 16 months in prison for threatening Daniel Coronell and his family.

CUBA

Imprisoned - main cases (22)

March 2003 Crackdown Trials The following 22 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, 14 of those sentenced have been conditionally released, seemingly for health reasons. **Background** An official statement 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 Raul Castro’s offer on 18 December 2008 to release political prisoners in exchange for the Five Heroes. The Five Heroes 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).

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. **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 has reportedly been on hunger strike on at least two occasions in 2007 and 2008 to gain access to medicines and periodicals with religious content. **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. **Prison** Kilo 5 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. **New information:** On 23 or 24 August 2008 Arroyo was reportedly transferred from Holguín prison, eastern Cuba, where he had been held since October 2005, to Kilo 5 prison in Pinar del Río, which means that he is now closer to his family. Arroyo’s wife reported that he had been attacked by other prisoners in late 2008. **Honorary member:** Finnish PEN

Mijaíl BÁRZAGA LUGO: journalist (Agencia Noticiosa de Cuba); brother of well known human rights activist Belkis Bárzaga Lugo. **Date of birth:** 25 April 1967. **Sentence:** 15 years. **Prison:** 1580 prison,

Havana. **Charge** Law 88. **Concerns:** In March 2008, it was reported that Bárzaga was sharing a cell with 16 other prisoners. According to his sister, the authorities allow the family to give him medicine during visits but not always food to supplement the poor prison diet. **New information:** In August 2008, Bárzaga was reportedly transferred from the maximum security Agüica prison in Matanzas province to 1580 prison in Havana, which means that he is now closer to his family. **Honorary Member:** Netherlands PEN

Juan Adolfo FERNÁNDEZ SAÍNZ: journalist (correspondent for independent news agency Patria). **Date of birth:** 30 November 1948. **Sentence:** 15 years. **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. In late 2008 it was reported that his wife had to travel 400 kilometres for their two-monthly visits. **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. **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 experience 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. **Honorary Member:** Sydney PEN Centre.

Julio César GÁLVEZ RODRÍGUEZ: freelance journalist from 2001; previously worked for the official media for 24 years. **Year of birth:** 22 August 1944. **Sentence:** 15 years. **Prison:** Combinado del Este, Havana. **Charge:** Law 88. **Concerns:** Gálvez is said to suffer from a number of health conditions including hypertension, arthrosis (a degenerative disease of the joints) and serious respiratory problems which he has developed since his imprisonment. He was operated on for kidney stones in early 2004 and was hospitalised in September 2007. In December 2008 it was reported that Gálvez continues to write from prison.

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. **Sentence:** 24 years. **Prison:** Las Mangas prison, Granma. **Charge:** Law 88 and Article 91. **Concerns:** García Paneque is reported to have suffered mental illness during his imprisonment and to have been held in a prison psychiatric unit from November 2004 to November 2005. He is also said to suffer from acute intestinal illness, which led to malnutrition, diarrhoea and weight loss, as well as chronic pneumonia and a kidney tumour. Despite his worsening health, in 2008 he was reportedly deprived of medical treatment. His wife and children are said to have fled to the USA in June 2007 due to constant harassment. As of December 2008, still being held

at Las Mangas prison, where he is reportedly allowed one family visit every 45 days. **Honorary Member:** English PEN.

Ricardo Severino GONZÁLEZ ALFONSO: journalist, librarian and poet. **Date of birth:** 19 February 1950. **Sentence:** 20 years. **Prison:** Combinado del Este, Havana. **Charge:** Article 91. **Concerns:** González has reportedly suffered numerous health problems since his imprisonment, including hypertension, arthritis, a heart condition, chronic bronchitis, digestive and circulatory problems and allergies. He is understood to have had three operations and also to have spent some time in a prison psychiatric ward in 2005. González was hospitalised from September 2007 to January 2008 and continued to be in very poor health once returned to his cell. Despite this he was reportedly denied medical treatment on several occasions in 2008, including not receiving the medicine he had been prescribed for his heart condition. As of early December 2008, González was said to be sharing a cell with 36 criminal convicts, which had reportedly flooded on several occasions, worsening the already unsanitary conditions. González has reportedly been granted a humanitarian visa to travel to Costa Rica, but the Cuban authorities have refused to allow him to leave the island. **Biographical details:** Having previously worked as a scriptwriter for the state TV agency, González joined the independent press in 1995, working for the news agency Cuba Press. In 1998 he established the Jorge Mañach Library, an independent library specialising in journalism. He went on to set up the Manuel Márquez Sterling Journalists Society with poet Raúl Rivero to provide training to independent Cuban journalists in 2001; many of the Society's members were arrested along with González and Rivero in March 2003 (Rivero was released in 2004). González was also director of the now defunct fortnightly magazine *De Cuba*, which tackled subjects such as racism in Cuba and the Varela Project (a petition calling for a referendum on legal reform with the goal of greater personal, political and economic freedoms and an amnesty for political prisoners). Unfortunately only two issues of *De Cuba* were produced before González' arrest, one in December 2002 and the other February 2003, the latter of which was confiscated. **Publications:** *Historia Sangrada* (A Bloody History) (Hispano Cubana, Spain, 2005 - poetry) and *Hombres sin Rostros* (Men without Faces) (2005 and 2006, Miami; SEPHA, Spain; Buchet Chastel, France; Ediciones Il Foglio, Italy) and *Con Fines Humanos* (Human Purposes), the last of which was written in prison. His work has been published in Cuba, Spain, the USA, Belgium, France, Italy and Puerto Rico. **Honorary member:** Finnish PEN and German PEN.

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. **Sentence:** 20 years. **Prison:** La Pendiente provincial prison, Santa Clara. **Charge:** Article 91. **Concerns:** González has reportedly been diagnosed with chronic gastritis, sinusitis and back pain, and anxiety. He has been hospitalised on several occasions and had a number of operations in 2008. He went on hunger strike in 2004, 2005 and 2006 against poor prison conditions and is reportedly harassed and threatened by prison guards on a regular basis. **Honorary Member:** American, English and Sydney PEN Centres.

Iván HERNÁNDEZ CARRILLO: journalist (Agencia Patria news agency) and librarian (Juan Gualberto Gómez Library). **Date of birth:** 24 May 1971. **Sentence:** 25 years. **Prison:** Guamajal Prison, Villa Clara. **Charge:** Law 88. **Concerns:** Hernández reportedly suffers from hypertension and gastritis and has frequently complained about prison conditions. He went on hunger strike in 2003 to demand decent food and medicine for seriously ill prisoners and again in 2007 in protest at

mistreatment by guards. In 2008 he reported being denied visits, letters and newspapers and being threatened and **attacked by other prisoners. He also complained** about unsanitary conditions, rotten food and dirty water. **Honorary Member:** Catalán and Scottish PEN Centres.

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. **Sentence:** 25 years. **Prison:** Kilo 7 prison, Camagüey. **Charge:** Article 91 and other provisions of the Criminal Code, reportedly for criticising the government on Radio Martí. **Concerns:** Hernández has reportedly suffered numerous medical complaints since his imprisonment, including hypertension, heart, stomach, digestive and respiratory problems and significant weight loss. Latterly he has also experienced mental health issues related to his long illness and ill treatment in prison. It is reported that Hernández has also suffered maltreatment, including assaults by staff and harassment and attacks by other inmates, and being held with prisoners with acute psychiatric disorders, some of whom are extremely dangerous. Hopes of Hernández' imminent release were dashed when on 7 May 2008 he was discharged from Carlos J. Finlay military hospital in Havana, where he had been receiving treatment since September 2007, and returned to Kilo 7 prison. The move came without explanation and in secret. Following the transfer, Hernández was reportedly kept in solitary confinement and in very poor conditions, with inadequate food and medical attention. In June 2008, his wife stated that Hernández was being held in the prison's infirmary, and at the end of 2008 said that her request medical parole for that July had been met with no response. **Honorary Member:** English & American PEN. Recipient of the 2007 American PEN/Barbara Goldsmith Freedom to Write Award.

Juan Carlos HERRERA ACOSTA: journalist (Eastern Free Press Agency - Agencia de Prensa Libre Oriental or APLO). **Sentence:** 20 years. **Prison:** Holguin. **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. **New information:** In July 2008, Herrera reportedly went on hunger strike again to demand better prison conditions, including better food, the right to religious attendance, longer phone calls to his family and a transfer to a prison in his home province of Guantanamo. At the end of 2008 it was reported that he was suffering from psychological stress. **Honorary Member:** German PEN Centre.

Régis IGLESIAS RAMÍREZ: poet, writer and member of the pro-democracy Varela Project. **Date of birth:** 18 September 1969. **Sentence:** 18 years. **Prison:** Combinado del Este, Havana. **Charge:** Article 91. **Publications:** 'Historias gentiles antes de la Resurrección' (Aduana Vieja, Cádiz, 2004) (poetry). No further news as of December 2008.

José Ubaldo IZQUIERDO HERNÁNDEZ: freelance journalist (independent news agency Grupo de Trabajo Decoro and CubaNet) and bookseller. **Date of birth:** 6 November 1965. **Sentence:** 16 years. **Prison:** Guanajay, Havana. **Charge:** Article 91. **Concerns:** Izquierdo has reportedly suffered from numerous ailments since his imprisonment, including pulmonary emphysema (an irreversible lung condition), stomach and intestinal problems and asthma. His health has worsened since 2007, when he was reportedly twice hospitalised for circulation and gastro-duodenal problems, and went on hunger strike in protest at the lack of medical attention at the prison. At the end of 2008 it was reported that Izquierdo was suffering from depression.

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. **Year of birth:** 1963. **Sentence:** 13 years. **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.

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. **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). In March 2007, Maseda's wife reportedly made a complaint to the Interior Ministry about the inhumane way in which he had been transferred from his prison to a hospital where he was due to undergo surgery. Despite being extremely weak, Maseda had allegedly been left in a punishment cell for three hours before being shackled for the transfer. 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. **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 rights 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.

Pablo PACHECO ÁVILA: freelance journalist (independent news agencies Agencia Patria and Cooperativa Avileña de Periodistas Independientes). **Date of birth:** 4 April 1970. **Sentence:** 20 years. **Prison:** Morón, Ciego de Ávila. **Charge:** Law 88.

Concerns: Pacheco has reportedly suffered from a number of ailments since his imprisonment, including hypertension, kidney problems, acute gastritis, severe headaches and joint problems in both knees.

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. **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:** In July 2008 it was reported that Prieto had been denied medical treatment for a week. **Honorary Member:** English PEN Centre.

Alfredo Manuel PULIDO LÓPEZ: human rights activist and freelance journalist (director of El Mayor news agency, Camagüey). **Date of birth:** 14 November 1960. **Sentence:** 14 years. **Prison:** Kilo 7, Camagüey. **Charge:** Article 91. **Concerns:** There was serious concern for Pulido's health in 2008. He was reportedly suffering from chronic bronchitis, high blood pressure, hypoglycaemia, osteoporosis, vision loss, gastritis, severe headaches and depression. According to his wife, he was thin and weak, dragged his feet when walking and had difficulty eating, however her request for him to be released on health grounds had been refused.

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. **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. **Honorary Member:** Sydney PEN Centre.

Omar RODRÍGUEZ SALUDES: director of the independent press agency Nueva Prensa Cubana. **Date of birth:** 11 July 1965. **Sentence:** 27 years. **Prison:** Toledo, Havana. **Charge:** Article 91. **Concerns:** In 2008 Rodríguez had reportedly been diagnosed with gastrointestinal problems and hypertension but his health was otherwise stable. According to his son, who has lost his job because of his father's imprisonment, Rodríguez is determined not to let prison break his will. In September 2008, in a case brought under the US Alien Tort Claims Act, a Miami judge reportedly ruled that Rodríguez' arrest, trial and imprisonment had violated his human rights and that the treatment and conditions that he has experienced in prison amounted to torture. **Background:** The Alien Tort Claims Act allows non-US claimants to bring suit in a US court for any violation of "the law of nations or a treaty of the United States." In recent years the Act has increasingly been used to bring human rights actions against foreign officials on behalf of alleged victims of rights violations. **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. **Sentence:** 18 years. **Prison:** Nieves Morejón, Guayos, Sancti Spiritus. **Charge:** Article 91. **Concerns:** Ruiz has reportedly suffered from poor health since his imprisonment, including hypertension, a detached retina, pneumonia, and prostate, kidney and circulatory problems. Prison conditions are said to be crowded and noisy, which has reportedly caused Ruiz mental distress and insomnia. He is also understood to have endured maltreatment such as solitary confinement, being held in punishment cells and harassment. **New information:** As of late 2008, reportedly receiving adequate treatment for his medical problems and said to be sharing a small cell with 11 other prisoners. **Honorary Member:** Swedish PEN

Imprisoned - other main cases (3)

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. **Prison:** Sancti Spiritus. **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. **Concerns:** Fears that Perdigón may suffer reprisals since complaining in April 2007 about food poisoning arising from negligence on the part of prison staff and his general concerns about inmates' health. No further news as of December 2008; PEN is seeking an update.

Oscar SÁNCHEZ MADAN: Matanzas correspondent for the Miami-based website CubaNet. **Year of birth:** 10 December 1961. **Date of arrest:** 13 April 2007. **Sentence:** four years, reduced to three years on appeal. **Prison:** Combinado del Sur maximum security prison, outside Matanzas. **Charge:** Article 72 ("social dangerousness"). **Details of arrest and trial:** Following repeated warnings by local authorities to stop working as a journalist, Sánchez was arrested on 13 April 2007 and convicted the same day at a closed trial where he reportedly had no access to legal counsel. **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 (see previous case lists), and had been repeatedly warned by local authorities to stop working as a journalist. **Concerns:** Since his imprisonment Sánchez has complained of maltreatment, including being attacked and threatened by other inmates, restricted communications and inadequate medical attention. **New information:** Sánchez reportedly fell and broke his leg in June 2008 and was only given treatment almost four weeks later. In November, he reported that he had stopped writing a year previously after a number of his letters were confiscated. In December it was reported that he was again being denied medical attention.

Ramón VELÁZQUEZ TORANSO: journalist for the independent news agency Libertad. **Date of trial:** 23 January 2007. **Sentence:** 3 years. **Prison:** Forced-labour camp in Las Tunas province. **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. **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. No further news as of December 2008.

Harassed

***Bernardo ARÉVALO PADRÓN:** independent journalist and director of *Linea Sur Press*, an independent press agency based in Cienfuegos, was reportedly attacked for taking part in an event celebrating the 60th anniversary of the United Nations Universal Declaration of Human Rights on 10 December 2008. According to PEN's information, crowds threw stones at Arévalo's house, causing some damage, and shouted insults, while policemen threatened to send him back to prison. Arévalo was imprisoned for six years from 1997 to 2003 for "insulting and contemptuous behaviour" for articles considered damaging to Fidel Castro and the President of the National Assembly. **Honorary Member:** American, Canadian, Catalan, English, Italian, Peruvian and USA PEN

Centres. Winner of the 2003 American PEN/Barbara Goldsmith Freedom to Write Award.

Released

Jesús ALVAREZ CASTILLO: a *Cuba Press* journalist, was held without trial for around six years between 2002 to 2008. He faced a prison sentence of between six to 12 months for his refusal to testify in the trial of the six activists involved in a hospital protest on 4 March 2002. He also faced a second sentence of between three and eight years for having the reported on the events that resulted in his arrest. **New information:** On 28 July 2008, PEN learned that Castillo had been released and is now in the USA. Date and details of release not clear.

Léster TÉLLEZ CASTRO: director of the Agencia de Prensa Libre Avileña (Avileña Free Press Agency). **Date of trial:** 27 April 2004. **Sentence:** three years and six months. **Charge:** Articles 144 and 200-1 of the Cuban Penal Code ("insulting President Fidel Castro" and "disorderly and disrespectful behaviour"). **Details of trial:** At the one-day trial, it was apparently revealed that Téllez Castro was a former state security operative who had become a genuine dissident after being imprisoned in 2002. He had been part of a group of human rights activists who staged a peaceful protest at a hospital in support of a reporter assaulted by police. **New information:** Reportedly free as of December 2008 – date and details of release not clear. His sentence ended on 27 October 2007, but as of the end of July 2008 he was reportedly still detained.

Alberto Gil TRIAY CASALES: correspondent for the Miami-based website CubaNet. **Date of arrest:** 9 November 2005. **Sentence:** 7 years. **Prison:** Valle Grande prison, west Havana. **Charge:** "Subversive propaganda". **Details of arrest and trial:** Triay was arrested on 9 November 2005 and held for 20 days. After several heart attacks he was hospitalised and in December 2005 was transferred to Valle Grande prison. His trial reportedly took place on 22 June 2006. **New information:** Reportedly free as of December 2008. Date and details of release not clear but Triay was reportedly expecting to be granted conditional release on completion of half of his sentence in November 2008.

ECUADOR

Imprisoned: main case

***Milton CHACAGUASAY FLORES:** editor and director of the weekly newspaper *La Verdad*, based in Machala, southern Ecuador. **Date of arrest:** 30 November 2008. **Sentence:** 10 months. **Prison:** a maximum security prison in Quito. **Charge:** criminal libel. **Details of trial:** In late 2007, a judge brought a libel suit against Chacaguasay, claiming that the editor had accused him of corruption in a report published in *La Verdad* in September that year. According to Chacaguasay, the report in question was not written by him or his staff but by a third party who had paid for its publication. The piece reportedly requested the National Judiciary Council to review a sentence issued by the judge, who was not named, that was considered to be unfair. Chacaguasay was acquitted of the charges in May 2008, but was found guilty on appeal before a different court on 15 November 2008 and sentenced to 10 months' imprisonment. He was arrested and jailed on 30 November. In February 2008, the same court had given the editor an eight-month prison sentence for allegedly libelling the leader of the Christian Social Party, whom Chacaguasay had reportedly linked to corruption in Machala municipality. The first sentence is pending appeal by the National Court of Justice. Chacaguasay was transferred to a maximum security prison in Quito on 5 December 2008, reportedly due to fears for his safety. According to

Chacaguasay's son, on 1 December the politician who brought the first libel case left a death threat on the editor's voicemail. [RAN 65/08 - 15 December 2008]

Threatened

***Daisy PICO (f):** correspondent for the newspaper *Diario Expreso*, reported on 13 November 2008 that she had been threatened and harassed by a suspected criminal and assassin since May that year. Mauricio Montesdeoca Martinetti, is said to have begun threatening Pico after she refused to give him information relating to April 2008 articles about hired killers, drug trafficking and people smuggling in Manta, Manabí province, which he said he needed for "criminal cleansing" raids he intended to carry out in the province. Pico refused to provide the information on the grounds that it was confidential. Since then, unidentified individuals have warned her to stop investigating criminal activities in Manabí because Montesdeoca Martinetti is watching her and that she and her family should be careful. Montesdeoca Martinetti has also sought to discredit Pico, accusing her in November 2008 of conspiring against him with a police officer to implicate him in a series of murders that have taken place in Manta. Pico filed a complaint with the Manabí Police when the threats started in May 2008. The police offered her protection but this was withdrawn after six weeks.

GUATEMALA

Killed: official investigation ongoing

Hugo ARCE BARRILLAS: 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 filed criminal defamation charges against Arce in December 2007. **New information:** 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.

Death threats

***Danilo LÓPEZ:** Suchitepéquez department correspondent for the newspaper *Prensa Libre*, was reportedly threatened with death by the department's ex-governor in July 2008, who reportedly called López on his mobile phone and warned him to stop writing about his administration. The threat related to an 18 July 2008 article in which López reported that the national government had removed the ex-governor from office for abuse of authority, lack of understanding of and failure to carry out duties and for stealing blank cheques from the Treasury.

José PELICÓ PÉREZ: reporter and editor for the Centre for Reporting on Guatemala (Centro de Reportes Informativos sobre Guatemala - CERIGUA), which is a member of the International Freedom of Expression Exchange (IFEX), reportedly received anonymous threatening telephone calls on 11 and 12 April 2008. The caller told Pelicó that he knew the journalist's movements and warned him to "watch out". It is thought that the threats are related to Pelicó's work for CERIGUA, where he specialises in covering topics such as corruption, organised crime and drug-trafficking. Pelicó reportedly lodged a complaint with the Human

Rights Ombudsperson's Office (Procuraduría de los Derechos Humanos) and the Public Ministry (Ministerio Público). **New information:** On 5 October 2008, Pelicó was reportedly followed as he drove home with his wife and son and then threatened with death by men carrying sub-machine guns. The men are said to have pointed guns at Pelicó and said that the next time they would kill him. He says that a week earlier, armed men had passed his house shooting in the air and shouting: "We've found you, you are going to die." Pelicó has supposedly been under police protection since the threats in April, yet there was reportedly no National Civil Police (PNC) officer on hand to intervene. The journalist says that the police had only come to his house twice since April and seemed unaware of the protection measures organised for him when they arrived after the latest incident. Little progress had been made in the investigation into the threats, according to Pelicó.

Attacked

***José Rubén ZAMORA and Óscar IXMATUL:** president and investigative journalist respectively for the newspaper *elPeriódico*, were attacked in two separate incidents on the same day. On 21 August 2008, Zamora was assaulted and abducted in Guatemala City before being freed some 10 hours later near a hospital in Chimaltenango department, 56 kilometres west of the city. He was admitted to hospital with weak vital signs; blood tests later showed he had been given a high dose of a powerful barbiturate. Zamora's kidnappers abandoned his car in Guatemala City after taking a briefcase with various *elPeriódico* documents and his credit cards, which were later used. Later that day, Ixmatul was followed and threatened by several unidentified individuals in a car. Three heavily armed individuals got out, pushed the journalist against a wall and told him to "shut up", before taking his mobile phone and some documents related to his work. The two incidents were believed to be connected and were being viewed as attempts to silence the two journalists and the newspaper. A complaint about the attack on Ixmatul was filed with the Public Ministry (Ministerio Público). **Background:** Ixmatul specialises in government corruption and anomalies in the granting of contracts. Zamora was previously attacked in 2003, when his house was raided by armed government security service agents who threatened him and his family with murder. This followed the publication of a column suggesting that General Efraín Ríos Montt was a key figure in Guatemala's unselected "parallel powers" that hold undue influence in the country.

HAITI

On trial

***Joseph Guylor C. DELVA:** local correspondent for the BBC and Reuters and president of the local press group SOS Journalistes, was sentenced to one month in prison on 10 December 2008 for allegedly defaming former senator Rudolphe Boulos. The journalist has appealed the decision and is free pending the outcome of the appeal. **Charges:** According to CPJ, Boulos had brought defamation charges against Delva earlier in 2008, alleging the journalist had defamed him by stating that he had failed to testify on the 2000 unsolved murder of Haitian journalist Jean-Léopold Dominique. According to Delva, who is also president of an independent committee responsible for evaluating stalled investigations into unsolved journalist killings, he based his statement on the official investigation into Dominique's death. Delva has reportedly encouraged Boulos to testify on a number of other occasions since November 2007. After postponing the legal process against Delva for

two months, Boulos was allowed to present his case to a Port-au-Prince court on 3 December 2008, when neither Delva nor his lawyer were present. **Related threats:** Delva also reported having received death threats which he believes are linked to the legal case. On 10 December, the day of his sentence, Delva found a threatening note on the windscreen of his car and also reported having received repeated threatening calls on his mobile phone from unidentified individuals with blocked numbers in the previous three weeks. Delva reported the threats to the local police, who are investigating. In October 2007 he reportedly received death threats which caused him to leave Haiti temporarily.

MEXICO

Killed: motive unknown

***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 covered in bruises and cuts 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 Cozoyoapan 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. **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 afroamestiza en México* (1985), *Nabor Ojeda Caballero, el batallador del sur* (1991), *La conjura de los negros – cuentos de la tradición oral afroamestiza 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 - 21 August 2008]

***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. The state prosecutor and the federal Special Prosecutor on Crimes against Journalists (Fiscalía Especial de Delitos Cometidos contra Periodistas, FEADP) are in charge of the investigation. **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" (*te vas a morir si sigues hablando*) 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. **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, including by **Jorge Luis Aguirre**, director and editor of the online political newspaper *La Polaka*, who subsequently fled to the USA with his family (see Death Threats below). 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. [RAN 62/08 – 14 November 2008]

***Miguel Ángel 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. 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. [RAN 54/08 - 15 October 2008]

Killed: official investigation under way

Gerardo Israel GARCÍA PIMENTEL: journalist for the daily newspaper *La Opinión*, based in Michoacán, western Mexico, 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. As of

late 2008, there was reportedly no progress in the investigation. Another *La Opinión* reporter, **Mauricio Estrada Zamora** went missing on 14 February 2008 (see below).

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 Office 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 Navojoa, 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. **New information:** 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.

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 Office, 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 nicknamed ‘El Diablo’ (the Devil). The investigation was being conducted by the local office of the federal attorney general that stated that it could not identify an AFI agent, or make any connection between Estrada’s disappearance and a federal agent. They dismissed any links to a criminal group. **New information:** As of July 2008, the Michoacán state prosecutor had reportedly not provided any information or update on the investigation. The case was still being treated as a disappearance. As of December 2008, Estrada’s whereabouts were still unknown and there had reportedly been no progress in the investigation. The same month 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. **Background:** Another journalist for *La Opinión de Michoacán*, **Gerardo Israel García Pimentel**, was murdered in December 2007.

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. On 20 November 2007, García’s wife, Rosa Isela Caballero, reported that she had sent a letter to the General Prosecutor’s Office 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 prosecutor’s office had been called to the investigation, and the federal justice ministry had also intervened, but without any results. **New information:** As of December 2008, no substantial progress in the investigation had been reported. Caballero continues to publish *Ecos de la Cuenca* in memory of her husband.

odolfo 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 Office 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. **New information:** As of December 2008 the authorities had still not reported any substantial progress in the investigation.

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:** Cuerámáro, Guanajuato state. **Alleged offence:** Having links to drug traffickers; exact charges unclear. 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 Cuerámáro, 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 Puentevilla 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. **New information:** 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. Lemus was still detained as of 31 December 2008. [RAN 36-08 – 7 July 2008].

***Roberto TEPEPEXTECO HIPÓLITO:** Arcelia correspondent for the newspaper *El Debate de los Calentanos*. **Date of arrest:** 6 September 2008. **Place of arrest:** Guerrero state. **Alleged offence:** Suspected involvement in organised crime and unlawful possession of firearms. There are fears that the charges may be related to his legitimate activities as a journalist. **Details of arrest:** Tepepexteco Hipólito was reportedly detained by the military while on his way to cover an armed confrontation between rival gangs of suspected drug traffickers from Mexico and

Guerrero states in Arcelia, Guerrero, on 6 September 2008. While on his way to the scene, he was reportedly stopped by men in Federal Investigations Agency (Agencia Federal de Investigaciones, AFI) uniforms who allegedly turned out to be combatants fleeing the authorities. The men took the journalist with them but abandoned him soon after when their vehicle broke down. Tepepexteco Hipólito reportedly then requested assistance from a passing military convoy, which allowed him to travel with them and later detained two individuals carrying firearms and grenades. The journalist was taken to the Federal Attorney General's Office (Procuraduría General de la República, PGR) in Chilpancingo as a witness. However the PGR concluded that his testimony lacked credibility and on 9 September 2008 charged him and the two other detained individuals with "suspected involvement in organised crime, amassing of weapons, violation of the Federal Law on Firearms and Explosives, possession of firearms that are for the exclusive use of the armed forces and possession of cartridges." **Concerns:** According to his editor, Tepepexteco Hipólito is innocent but his testimony may have been confused as he is from a community where a local dialect is spoken and does not speak Spanish well. The mayor of Arcelia reportedly held a press conference on 8 September to express his support for Tepepexteco Hipólito and to call for his release. The journalist has in the past reportedly worked as a secretary for the Arcelia municipal government.

Death threats

***Jorge Luis AGUIRRE:** director and editor of the online political newspaper 'La Polaka', reportedly received a telephone death threat while on his way to attend the funeral of murdered journalist **José Armando Rodríguez Carreón** (see above) in Ciudad Juárez, Chihuahua state, on 13 November 2008. Aguirre says he received a call on his mobile telling him that he would be next. He suspected the threat came from the authorities rather than an organized crime groups, although he noted that the two are often linked in Ciudad Juárez. Aguirre had reportedly received threatening emails and telephone calls on several previous occasions telling him to tone down his editorial stance. Following the latest death threat he left Mexico for the United States with his family. He said he did not seek the help of the authorities as he did not trust them. 'La Polaka' covers political events in both Ciudad Juárez and El Paso, Texas.

***Miguel BADILLO CRUZ and Ana Lilia PÉREZ MENDOZA (f):** editor of the magazine *Contralínea* and reporter for *Fortuna* magazine respectively. In early December 2008, it was reported that Badillo and Pérez had been the target of legal harassment and death threats for about a year in connection with their critical reporting on powerful companies. The two journalists had reportedly suffered harassment for almost a year 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 certain 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. The journalists 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).

***Juan Antonio ZAVALA HERNÁNDEZ** and **Carlos DURÁN RANGEL**: editor-in-chief and reporter/photographer respectively of the weekly newspaper *Mi Ciudad*, have both been threatened by a local mayor. In early December 2008, Zavala received an anonymous telephone call threatening his life and those of his staff. Although the caller did not identify himself, Zavala believes he recognized the voice as that of Felipe Durán Muñoz, mayor of Romita municipality in Guanajuato state and a member of the National Action Party (Partido Acción Nacional, PAN). Durán Muñoz has reportedly been harassing the newspaper and its staff since *Mi Ciudad* published comments by members of the general public questioning the mayor's administration as well as photographs taken of the mayor while drunk. Previously Durán Muñoz has unsuccessfully attempted to sue the newspaper for extortion and damaging his reputation. Two days after the threatening call to Zavala, Durán Rangel was attacked by the mayor during a photo shoot previously authorised by the mayor's office. Durán Muñoz, who appeared to be drunk, damaged Durán Rangel's camera before punching, insulting and threatening the journalist. The police eventually intervened and ordered the journalist to leave. The mayor later denied any knowledge of the incident and suggested that the journalist may have been drunk and mistaken the identity of his assailant. On 18 December 2008 it was reported that the newspaper and Durán Rangel had filed a complaint against the mayor for issuing death threats, causing injury and damaging equipment.

Attacked

***Pedro Matías ARRAZOLA**: reporter for the local daily newspaper *Noticias de Oaxaca* and the national weekly paper *Proceso* and radio journalist, was reportedly abducted and beaten in Oaxaca on the night of 25 October 2008. Arrazola was kidnapped as he left the newspaper's offices for home on the evening of 25 October. His abductors beat and psychologically tortured him for around 12 hours, including carrying out a mock execution and threatening him with mutilation, rape and harm to his family members. The journalist was then dumped without his car or papers in Tlacolula de Matamoros, outside Oaxaca, on the morning of 26 October. He was said to be traumatized but managed to file a complaint with the public prosecutor's office. It has been suggested that the incident may have been related to Arrazola's frequent criticism of members of the Oaxaca state government who belong to the Institutional Revolutionary Party (PRI), which controlled the national government until 2000.

***El Debate newspaper**: in Culiacán, Sinaloa state was attacked when two grenades were thrown into the paper's offices in the early hours of 17 November 2008. The blasts caused some damage to the building but no one was injured. The authorities were unable to locate the individuals responsible for the attack. According to *El Debate*, the previous week unidentified individuals had left a mock human head in a black bag at one of the newspaper's entrances; glued to it was a poster with the country's most wanted criminals, issued by the State Attorney General's Office. The State Attorney General's Office was reportedly investigating the incident.

***Othón GARCÍA**: police news reporter for *El Rotativo* newspaper, was reportedly assaulted by municipal police in front of the Public Works

Ministry (Secretaría de Obras Públicas) building in Oaxaca de Juárez on 23 July 2008. According to García, the police officers hit him in the face and threatened to abduct him when they realised that he was photographing them while they were beating a detainee. After assaulting García, the policemen reportedly ran away. The journalist filed an official complaint.

***Jorge INZUNZA BUSTILLOS**: crime reporter for the Culiacán-based daily newspaper *Sol de Sinaloa*, was reportedly harassed and beaten by soldiers while covering a shootout between army personnel and a group of alleged criminals in Culiacán, Sinaloa state, on the evening of 4 August 2008. On arrival at the scene, Inzunza identified himself to several soldiers, who agreed he could stay. However, as the journalist took photographs of the wounded soldiers, a member of the Special Forces ordered him to leave. Before Inzunza could respond, he was reportedly hit in the back with what he believes to have been a rifle. He was then pushed and kicked by at least 10 other soldiers, who confiscated his camera and erased the memory card, reportedly for his own protection. Inzunza said he reported the attack to the federal government's human rights ombudsman and to the office of the federal special prosecutor for crimes against journalists.

Harassed

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 at gunpoint by Puebla state judicial officers, bundled into a car and driven from her home state of Quintana Roo to Puebla, a 20-hour car journey away. She was 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 Jean Succar Kuri, currently detained in the United States and accused of heading up a child pornography and prostitution network. She was released on bail shortly after. According to Cacho, she was tortured during her detention. She faced between six months and four years in prison if convicted. In October 2006 Cacho's lawyers succeeded in transferring her case from Puebla to the Federal District of Mexico City, where defamation had been repealed as a criminal offence in April 2006. As a result, the court dismissed the charges against Cacho on 2 January 2007 and the trial was discontinued. **Other threats**: After the publication of her first book, Cacho received the protection of bodyguards provided by the General Procurator's Office on account of the repeated death threats she reportedly received. For example, on 7 May 2007, she was the target of a suspected attempted murder when the car in which she was travelling was reportedly sabotaged. **Ongoing legal case**: 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. Following this ruling, the United Nations High Commissioner for Human Rights advised Cacho to leave the country and offered her political asylum, legal assistance and access to international courts. 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, in June 2008, a court in Quintana Roo state rejected the request on jurisdictional grounds and closed the investigation. As of November 2008, this ruling was pending appeal. Cacho alleges that her file has been altered and key information has been removed by the Attorney General's office, weakening her case. **Awards:** In November 2008, Cacho was awarded the Tucholsky prize from Swedish PEN. She has also won the 2008 UNESCO/ Guillermo Cano **World Press Freedom Prize**, the 2007 Oxfam/Novib PEN Award for Free Expression (2007), and the Amnesty International Ginetta Sagan Award for Women and Children's Rights (2007).

***Sanjuana MARTÍNEZ MONTEMAYOR (f):** journalist and author, reported in September 2008 that Samborns, one of Mexico's most popular bookstore chains (owned by Carlos Slim, the world's second richest man), had attempted to block the sale of two of her books on sexual abuse in the Catholic Church in Mexico. According to Martínez, half of the 20,000 copies of her non fiction book, *Prueba de Fe* (Test of Faith) (Planeta, 2007), which documents allegations of a pederast network with links to Catholic cardinals and bishops, were in storage after being returned unpacked by the bookstores they had been sent to. When she threatened to file a complaint against the store on freedom of expression grounds, Samborns reportedly agreed to put the books in its self help and esoteric subjects section, eventually putting only 200 copies of the books up for sale, instead of the 3,000 intended by the publishing house. According to Martínez, following Samborn's decision, other bookstores also restricted sales of the book, on the grounds that they were Catholic-based businesses. Martínez' previous book *Manto Púrpura* (Purple Cloak) (Grijalbo, 2006), documents alleged abuses which had apparently been covered up by the Catholic church authorities in Mexico and the United States. It alleges that the archbishop of Mexico City, Cardinal Norberto Rivera, protected priest Nicolás Aguilar, accused of sexually abusing boys in the United States in 1987. **Background:** Martínez has been threatened over her work in the past. In January 2007, she reported that she had been receiving death threats while covering allegations of child sexual abuse by a Catholic priest for the daily Mexico City-based newspaper *La Jornada* and a radio news programme. The threats reportedly began in September 2006 and increased in December that year following the publication of *El Manto Púrpura*. Martínez reported that she had not made an official complaint to the Mexican authorities because she feared that they would act against her. Besides receiving numerous death threats by telephone and email, Martínez reported having been followed by cars without licence plates on several occasions.

***Mario Héctor SILVA and the staff of *El Mexicano*,** based in Ciudad Juárez, Chihuahua state. Silva is a columnist and contributor to the *El Mexicano* newspaper. On 4 November 2008, armed police without a warrant reportedly burst into the newspaper's office, looking for Silva and demanding that he reveal his sources. Told that Silva was not in the office, the police officer in charge of the operation asked to speak to the director or chief of information but the staff refused to answer any questions. When the newspaper photographer began to take photographs of the policemen in order to report them, the agents covered their faces, threatened the photographer, grabbed the camera and threw it towards the rubbish bin before leaving in two official vehicles. A representative of the state governor later apologized for the incident and said that the officers would be investigated and punished. The operation was reportedly ordered by Gerardo Hernández Ibarra, representative of the Chihuahua urban and ecological development office, because Silva had named him as being involved in a tax evasion scheme in his 29 October 2008 column.

Non custodial sentence

***Sergio WITZ LÓPEZ:** university professor and poet, was found guilty of "insulting national symbols" after his poem "Invitación (La Patria Entre Mierda)" ["Invitation (The Country in Shit)"] was published in the Campeche-based magazine *Criterios* in 2001. Among other verbal pictures, the poet imagines himself using the Mexican flag as toilet paper. He was charged under Chapter 5 of Article 191 of the federal penal code. The law, which dates from the 1930s and is viewed by some legal experts as unconstitutional, allows for up to four years in prison for anyone found guilty of "insulting national symbols". The case, which was viewed as a crucial test of freedom of expression in Mexico, rose through the Mexican court system and, in 2004, reached the Supreme Court. Pre-trial hearings took place in January 2005. On 5 October 2005, the Supreme Court voted 3-2 against Witz, finding him guilty of "insulting national symbols". The case was duly passed to the Tribunal Colegiado del 27 Circuito court in Cancún for sentencing. **Sentence:** On 7 May 2008, after seven years of litigation, a federal court in Campeche finally sentenced Witz to a fine of 50 pesos (about US\$5), ignoring the public prosecutor's request for a custodial sentence. Witz reportedly said he would refuse to pay the fine. "It would be like admitting that I am a criminal," he was quoted as saying. It was reportedly the first time a poet has been sentenced for insulting the national flag in Mexico.

NICARAGUA

Harassed (under investigation)

***Carlos Fernando CHAMORRO BARRIOS and Sofía MONTENEGRO (f):** Chamorro is editor of the weekly newspaper *Confidencial*, a TV and radio presenter and the director of the Centre for Media Investigations (Centro de Investigación para la Comunicación, CINCO), a non governmental organization (NGO) which promotes media research, democracy and investigative journalism. Montenegro is a freelance journalist, author and director of another NGO, the Autonomous Women's Movement (Movimiento Autónomo de Mujeres, MAM), which works for woman's rights. **Investigation:** Both Chamorro and Montenegro are the subjects of a criminal investigation for alleged embezzlement and money laundering. This is part of a wider investigation into 17 national NGOs, mainly dealing with communications and human rights, launched by the Ministry of the Interior in September 2008, which alleges that the organisations have been illegally funnelling funds from foreign governments to other NGOs. Chamorro was reportedly the first NGO director to be summonsed, on 2 October. He has since been extensively questioned by prosecutors at the attorney general's office, and on 18 October the CINCO premises were raided by police, who seized documents and computers. Montenegro was questioned on 7 and 8 October and the MAM offices have reportedly also been searched. The two were reportedly threatened with imprisonment if they did not respond to further summonses for questioning. The two NGOs are reportedly also being investigated for "promoting abortion", in relation to the case of a nine-year-old rape victim known as "Rosita" who obtained an abortion in 2003. A complete ban on abortion was imposed in Nicaragua in 2006. **Charges:** Official charges were yet to be filed against the two journalists or any of the other NGOs, although one judge reportedly stated that they were being investigated for "crimes against the state." **Possible motive:** It is thought that the charges against Chamorro and Montenegro are politically motivated. Chamorro in particular is known as a critic of the Ortega administration and has conducted a

number of investigations into official corruption. Chamorro and Montenegro are reportedly both former members of the Sandinista movement. They are reportedly also the target of a smear campaign in the Nicaraguan media by close allies of President Ortega. **Background:** Chamorro is the son of former president Violeta Chamorro and *La Prensa* editor Pedro Joaquín Chamorro, who was assassinated during the dictatorship of Anastasio Somoza. *La Prensa* had a contentious relationship with Ortega's first administration between 1985 and 1990.

Non custodial sentence

***Ernesto CARDENAL:** poet, priest and former culture minister, was found guilty of libelling the German businessman Immanuel Zerger and his wife Nubia Arcia and fined 20,000 córdobas (around US\$1,025) on 22 August 2008. Cardenal (82) says the sentence is illegal and has refused to pay the fine. He was reportedly acquitted of the same charges in 2005 and under Nicaraguan law there is a six-month cut-off for appealing or revoking sentences. Cardenal says the revival of the case amounts to political persecution by the government of Daniel Ortega. The poet served as culture minister under Ortega's first government following the Sandinista revolution, but has since distanced himself from Ortega ideologically and is now known as an outspoken critic of his current administration. He claims that the illegal revoking of his non guilty sentence and the revival of the case is retribution for a recent trip to Paraguay, where he attended President Lugo's inauguration as a special guest and where he publicly criticised Ortega. On 3 September 2008, Cardenal's bank accounts were frozen until he agrees to pay the fine. On 12 September the sentence against Cardenal, including the freezing of his assets, was upheld by a new judge. It was reported that all of the evidence presented by the lawyers of the Nicaraguan Human Rights Centre (Centro Nicaraguense de Derechos Humanos, CENIDH) to show the illegality of the ruling against Cardenal had been rejected. The sentence has been denounced by numerous writers, artists and activists worldwide. **Background:** Since the 1990s, Cardenal has been involved in various lawsuits brought by his former friends Zerger and Arcia and others relating to disputes over properties in the Solentiname archipelago, including a hotel and a temple. Solentiname was previously used by Cardenal and local people, including Arcia's family, for activities related to the Sandinista revolution, including writing poetry and promoting the arts. Cardenal says at root of the 2005 defamation lawsuit brought by Zerger and Arcia is an attempt to expropriate a hotel belonging to the Solentiname Development Agency, of which Cardenal is President. Cardenal's opponents, on the other hand, claim that the poet has mounted a decades-long campaign to remove Zerger, Arcia and their family from the hotel, which they manage, and other local families from their land. According to one local press report, Cardenal has ignored various numerous court rulings against him. **Publications:** Cardenal is considered one of Latin America's most important living poets. He has been published in some 20 languages, and was nominated for the Nobel prize in 2007. His work includes "Epigramas" and "Oración por Marilyn Monroe".

PANAMA

Harassed

***Bienvenido BROWN:** sports columnist for the daily newspaper *La Estrella de Panamá*, was barred from leaving Panama on 25 July 2008 until he stood trial on criminal defamation charges filed in 2005. The lawsuit was filed by the director of the Panamanian Sports Institute, a

government body, after Brown denounced alleged irregularities in the institute in his column. The reactivation of the case followed a July 2008 column by Brown which revealed the costs of the Panamanian delegation to the 2008 Olympic Games. The ruling is said to be contradictory as libel and slander of public officials are no longer subject to penal sanctions under Article 192 of the Panamanian penal code which came into effect in May 2008. Brown's lawyer said that the ruling had no legal foundation and filed an appeal on 28 July 2008 in an attempt to enable the reporter to travel and cover the Olympic Games from Beijing.

PERU

On trial: main case

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 other individuals 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. She was reportedly not provided with access to medical assistance during her detention. **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 her 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 presi-

dent, 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. **New information:** The antiterrorist prosecutor's appeal was heard on 12 September 2008. In October Patiño's lawyer reported that the appeal had been rejected, meaning that Patiño will remain free on bail for the duration of her trial. PEN monitoring. [RAN 20/08 – 1 April 2008; Update #1 to RAN 20/08 – 24 April 2008; Update #2 to RAN 20/08 – 13 May 2008; Day of the Imprisoned Writer action, November 2008].

On trial

Mabel CÁCERES (f) and José MÁRQUEZ VILLALOBOS: director and editor respectively of the weekly newspaper *El Búho*, based in Arequipa, southern Peru, are on trial for allegedly defaming an academic. The charges were brought by the director of the Postgraduate School of San Agustín University in Arequipa (UNSA), who is also a lawyer. The director took exception to a report by *El Búho* that claimed that he had been granted a sabbatical in irregular circumstances and had then used the time to take on other posts, including one at the same university. As he sued for each issue of the newspaper that mentioned him, there are now three separate lawsuits pending against Cáceres. The paper has reportedly also been sued by other officials from the same university. On 21 November 2008, an arrest warrant was issued for Cáceres and Márquez after they failed to turn up for a court hearing. According to Cáceres, she had previously received summonses on two separate occasions; after the first she had asked to receive details of the charges before appearing and the second was delivered at the last minute. She was only informed of the arrest warrant five days after the event, on 26 November. **Previous threats:** On 14 May 2008, Cáceres received an anonymous letter threatening her with death at her home in Arequipa. The note reportedly said that Cáceres would be "destroyed" on the orders of "the party". Cáceres believes that the threat was connected to allegations against Arequipa's former regional president, also a member of the government Partido Aprista Peruano political party, published in the last two issues of *El Búho*. *El Búho* journalist **José Luis Márquez** was threatened on 4 July 2007 by two unidentified women at the newspaper's headquarters, following his investigations into allegations of falsification of academic marks at the National Academy of Magistrates.

Herbert MUJICA ROJAS: Author and freelance journalist, is being sued for 'aggravated defamation' ('difamación agravada') by Jaime Luis Gonzalo Daly Arbulú, general manager of Lima Airport Partners (LAP), which was awarded the concession to operate Lima's Jorge Chávez International Airport following its privatisation in 2000. The case has been brought on the basis of Mujica's 2007 book entitled *Ripping off Peru: how to steal airports without any problems (Estafa al Perú! : Como robarse aeropuertos y vivir sin problemas!* – see <http://www.voltairenet.org/IMG/pdf/ESTAFALPERU.pdf>), and his 23 March 2007 article entitled 'Shameless LAP!' ('Los sinvergüenzas de LAP!' – see <http://hcmujica.blogspot.com/2007/04/los-sinvergüenzas-de-lap.html>). Both publications reportedly implicate Daly in alleged irregularities in the state's granting of the concession to LAP (according to Mujica, LAP is reportedly facing a number of lawsuits, including one regarding the legality of the Jorge Chávez airport concession). The prosecution has also asked for 100,000 Soles (approx. US\$34,000) in civil

reparation/ damages. The trial opened on 30 June 2008 at the 57th Penal Court in Lima. LAP has also brought a separate suit on the same charges, which is being heard at the 9 Penal Court in Lima. In an apparently separate case, on 5 June 2008 Mujica was summoned by a division of the national police to give a statement in relation to an investigation into official corruption. Mujica is reportedly also facing several other law suits for defamation. **New information:** Trials ongoing as of 31 December 2008. According to Mujica's lawyer, the writer may receive a prison sentence. PEN monitoring.

Death threats

***Dante Francisco ESPEZA:** correspondent for the INFOREGIÓN news agency reportedly received a telephone death threat on 2 September 2008. The caller, who identified himself as "Julián", warned Espeza that he had been given orders to kill him if he continued to report "false" information about coca production and that he was aware of the movements of Espeza's family members. The Apurímac and Ene river valley, where the news agency is based, is reportedly a region with numerous illegal coca plantations and where drug traffickers operate. The threat came just after Espeza had criticised illegal coca production and the environmental damage caused by drug trafficking during his radio programme. Espeza believes that drug traffickers, or individuals from the former Shining Path (Sendero Luminoso) guerrilla group working alongside traffickers, were behind the threat. The journalist had received a previous death threat during his radio programme on 9 July 2008.

***Jorge MONCADA:** journalist for the newspaper *El Ciclón*, reported that he was assaulted and threatened by two members of the Police's Criminal Investigation Division (II-DIRTEPOL) at the paper's headquarters on 25 November 2008. According to Moncada, the policemen wanted him to reveal his sources for a report on the 27 October 2008 murder of a well-known lawyer from Chiclayo, Lambayeque region. A key witness in the murder, María Altamirano Guzmán, reportedly also took part in the assault, hitting Moncada and threatening him with death. Moncada had reportedly published details of Altamirano Guzmán's witness statement to the police. It has been reported that some influential local businessmen were behind the murder and that Altamirano Guzmán had dealings with the hired killers. Moncada said that he was being followed by the police and that he feared for his life.

Elizabeth SALINAS (f) and Cynthia FLORES (f): journalists for the weekly *Conoeste*, based in Chosica, Lima. On 17 January 2008 it was reported that Salinas and Flores had been receiving text messages threatening them with death since 6 January. They also reported having been followed by a municipality employee and an unknown man on the night of 14 January. On their way home, the journalists noticed that a municipal police car picked up both men and followed the journalists until they arrived home. The threats reportedly began after they published a story on some minors who had allegedly suffered sexual abuse at the hands of the Mayor of Chosica, Luis Bueno Quino. On 11 March 2008, Salinas and Flores and two other *Conoeste* journalists, **Rosanna Rivera (f)** and **Raúl Vento**, reported that they had been subject to threats, surveillance and persecution by members of the district municipality of Lurigancho-Chosica since 2004, allegedly at the instigation of Mayor Bueno Quino. Reliable sources had told them that their lives could be threatened by people who had recently been released from prison. The motive was thought to be an investigation on the mayor published in a recent edition of the newspaper, which has been reporting on allegations against the mayor since 2004. **New information:** On 15 July 2008, Vento, Rivera and Salinas were reportedly threatened and harassed by municipal

workers in Chosica as they handed out copies of the 13 July edition of the newspaper. The issue in question covered allegations that Mayor Bueno Quino has abused his power, been involved in sexual harassment and misconduct with municipal workers who were threatened with losing their jobs if they did not comply. The municipality's security and administrative workers reportedly seized bags containing the copies of the newspaper from the three journalists. Some other reporters were reportedly assaulted by supporters of the mayor the next day during a demonstration calling for the mayor's resignation sparked by the newspaper's revelations. The same day newsstand owners were intimidated by members of the municipal police (Serenazgo) in an attempt to stop them displaying other newspapers that had reproduced the *El Comercio* accusations.

***Américo ZAMBRANO:** journalist for the investigative unit of *Caretas* magazine, reportedly received death threats on his mobile and work telephones in Lima between 9 and 14 September 2008. Zambrano believed that the threats were all made by the same person, who also warned him that he was being followed. The journalist reportedly believes that the threats may have come from groups linked to the armed forces. On 11 September, he had covered a series of complaints and conspiracies that have allegedly caused conflict between the army's Commander in Chief and other army leaders. That same night Zambrano's dog was poisoned in his apartment block, he claims. The journalist is also well known for his investigations into the Sánchez Paredes family, which has been accused of involvement in drug trafficking.

Case closed

Jaime VÁSQUEZ VALCÁRCCEL: editor of the newspaper *Pro & Contra*, was accused of defamation by police officers in October 2007 who claimed that the journalist had accused them of being involved in a robbery. No further information; case closed.

Lenia ZEBALLOS PASCAL and Héctor MAYHUIRE RODRÍGUEZ: political affairs editor and general director of the newspaper *Correo* respectively, was reportedly sued by the Mayor of Huanuco for criminal defamation in August 2007. No further information; case closed.

Yrma ZELA VERA (f): journalist for the newspaper *Correo*, based in Cusco, Southern Peru, was sued on defamation charges in August 2007. In April, the journalist had reported on a threat made by a lawyer whose son had been detained because his car was not insured to use her relationship to a congressman to have the police officers sanctioned. No further information; case closed.

UNITED STATES

Imprisoned: investigation

***Emilio GUTIÉRREZ SOTO:** reporter for the regional newspaper *El Diario del Noroeste* based in Ascensión, Chihuahua state, Mexico. **Date of arrest:** 15 June 2008. **Place of detention:** US immigration authority detention centre, El Paso, Texas. **Alleged offence:** Entering the USA illegally. **Details of arrest:** Gutiérrez (45), a Mexican national, reportedly fled to the USA with his 15-year-old son after receiving death threats believed to have come from members of the Mexican military (see Background below). On arrival in the USA in 15 June 2008, Gutiérrez and his son identified themselves to US Border Patrol agents and were placed in separate detention centres. The son was released into the care of family members in El Paso in August 2008. **Concerns:** Gutiérrez remains detained at the centre while his asylum claim is being considered, despite the Office of the UN High Commissioner for Refugees

having reminded the immigration authorities of their obligation to provide asylum to those whose lives are under threat. It was reported that a hearing scheduled for 20 November 2008 was postponed until March 2009. **Background:** In May and June 2008, Gutiérrez was reportedly harassed and threatened with death by members of the military engaged in the Chihuahua Joint Operation, a series of anti-narcotics operations. He believes that the threats stemmed from articles exposing alleged irregularities committed during military operations in Chihuahua. On 5 May, around 50 soldiers wearing balaclavas reportedly broke down the door to Gutiérrez' home, pointed their rifles at him and his son, and presented a warrant to search "for weapons or drugs". Following this incident, the journalist reported being watched by plainclothes individuals presumed to be military personnel, who said that they planned to kill him, on a number of occasions in May and June. On 14 June, a contact of Gutiérrez' reportedly overheard a military official discussing a plan to kill the journalist for reporting on alleged military crimes. Gutiérrez had had a similar experience in February 2005, when he was surrounded by eight soldiers who insulted and threatened him, including to kill him if he published anything about the incident. Another *El Diario* journalist, **José Armando Rodríguez Carreón** was shot dead in Ciudad Juárez on 13 November 2008 (see above).

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 (50) 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, 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 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 funnelling 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, 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. 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.

Brief detention

***Amy FORLITI (f) and John KRAWCZYNSKI:** reporters for Associated Press (AP), were among around two dozen journalists arrested while covering demonstrations during the Republican National Convention in St Paul, Minnesota, on 5 September 2008. The journalists were reporting on a few hundred protesters who were trapped by police on both sides of a bridge over an interstate highway. The protesters were also arrested. Forliti and Krawczynski were detained and issued citations for unlawful assembly but were later released and the charges dropped.

VENEZUELA

Imprisoned: investigation

Leocenis GARCÍA: editor of *Sexto Poder* magazine and journalist for the daily newspaper *Reporte Diario de la Economía*. **Date of arrest:** 3 May 2008. **Prison:** Tocuyito prison, Carabobo state. **Alleged offence:** Causing damage to property, carrying a gun without a permit and resisting arrest. It is feared that his arrest and imprisonment 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. As of late 2008 García was apparently yet to found guilty of any criminal offence. He reported being held in solitary confinement with severely restricted privileges. PEN is monitoring this case.

On trial

Julio BALZA: columnist for the daily *El Nuevo País*, was sued by Ramón Carrizales, then the Minister of Infrastructure, for defamation and slander in March 2006. Having made critical remarks about Carrizales' performance after the collapse of a bridge in his column "Arroz con Mango", Balza was accused of having damaged the Minister's reputation and infringing upon his "right to live with honour". On 15 December 2006, the two-year-11-month sentence against Balza, passed by the Tribunal Noveno de Juicio (Ninth Court of Justice), was confirmed by the Sala Sexta de la Corte de Apelaciones (Sixth Bench of the Appeals Court). The ruling also ordered civil reparations of nearly US\$12,500. Balza's defence announced that they would be appealing the sentence. The journalist reportedly could not be imprisoned until the sentence is evaluated and confirmed by another court. **New information:** According to Balza, an appeal is still pending with Venezuelan Supreme Court of Justice. He remains free pending the court's decision and continues to publish his weekly column.

Miguel SALAZAR: editor and columnist for the political weekly newspaper *Las Verdades de Miguel*. On 19 April 2007 it was reported that Salazar could face a prison sentence of two to four years and a US\$320,000 fine on "aggravated defamation" charges under the criminal code. The charges stem from a 2005 law suit brought against Salazar and one of his journalists, **Henry Crespo**, by a local governor and two other politicians over a 2003 report on alleged corruption and human rights violations in Guárico state. Crespo received an 18-month suspended sentence in May 2006 and did not appeal. However Salazar challenged the court's impartiality before the Caracas Supreme Court, which ordered Salazar to be temporarily detained for not having appeared for new preliminary hearings. The first hearing for the "aggravated defamation" suit was due to begin in Caracas on 18 April 2007. As of September 2008, the trial was ongoing; PEN is monitoring the case.

Brief detention

***Dimas MEDINA:** journalist for the daily newspaper *El Nacional*,

reported that he was detained by members of the DISIP political police at Barinas airport, Barinas state, on 25 July 2008, allegedly for possession of a copy of a police report about a robbery at the home of one of President Chávez' nephews. The police reportedly questioned Medina at the airport and confiscated the report, which he had obtained from a lawyer, before transferring him to the Barinas regional police headquarters where he was subsequently released.

Attacked

***Eliécer CALZADILLA:** columnist for the regional Puerto Ordaz-based daily newspaper *Correo del Caroní*, was severely injured in a shooting attack, in Ciudad Bolívar, Bolívar state, on 27 September 2008. Initial reports suggested that the attack was an attempted contract killing but the motive was unknown. Calzadilla (56) and his wife were returning to their car after leaving a cinema when two gunmen opened fire before escaping on a motorcycle. The journalist was hit in the back of the neck, severing a vertebra. He was rushed to hospital where he was initially kept in intensive care. On 29 September he was reported to be in a stable condition, although it was thought likely that he would have to undergo surgery to remove the bullet. In his column that day, which he dictated from his hospital bed, Calzadilla stated that the gunmen had evidently intended to kill him as they did not speak or try to take any of his or his wife's possessions. He has often criticised corruption and local government misdoings in his columns. *Correo del Caroní's* editorial line is also also said to very critical of the government and the newspaper has received threats in the past.

***Marta COLOMINA (f):** columnist for the newspaper *El Universal* and radio presenter, came under attack when unidentified persons threw tear gas bombs and pamphlets and fired into the air outside her house in Caracas on 1 December 2008. Colomina was not at home at the time. The pamphlets, which were signed by members of a pro-government group known as "La Piedrita", declared the journalist a "war objective" and accused her of encouraging an assassination attempt on President Chávez through her radio programme. In the few months preceding the attack, "La Piedrita", a group based in a poor area of western Caracas, had claimed responsibility for similar attacks against the headquarters of Globovisión TV station, the newspaper *El Nuevo País* (see below) and the home of a TV presenter. **Previous threats:** In 2002, Colomina received telephone threats as a result of which she was granted protective measures by the Organization of American States' (OAS) Inter-American Commission on Human Rights (IACHR). In 2003, she survived an apparent attempt on her life in which explosive devices were thrown at her car, after which the IACHR also made recommendations to the Venezuelan State, repeated in 2006.

***Dayana FERNÁNDEZ (f):** reporter for the daily *La Verdad*, and her photographer, were reportedly threatened and attacked by municipal employees in Maracaibo, Zulia state, on 23 July 2008. That day, on the invitation of the municipal environment secretary, the journalists went to cover an "important operation" to remove waste from a city dump to a location outside Maracaibo. On arrival they noticed that although some municipal employees were removing waste others were continuing to dump there, and took photographs of this. Municipal security guards then told them they would not be allowed to leave until they deleted the photos. When the journalists refused, they were reportedly threatened by a group of around 80 employees, who surrounded their vehicle, climbed on the roof and slashed their tyres.

***Maria Teresa GUEDES (f) and Dayana QUERALES (f):** journalists for *El Araqueño* and *La Calle* newspapers respectively, were among a

group of print and TV reporters who were assaulted as they left the headquarters of the Carabobo State Regional Legislative Council in Valencia on 9 December 2008. The assailants, who accused the journalists of misinforming the public, are thought to be supporters of the United Socialist Party (Partido Socialista Unido de Venezuela, PSUV). The journalists were there to cover the postponement of a meeting due to disagreements between congressmen who reportedly wanted to be appointed to higher positions following elections in November 2008. The National Guard did not intervene to stop the attack. Guedes was reportedly hit in the head and pushed to the ground and subsequently required medical treatment. The attack was reported to the National Attorney General's Office (Fiscalía General de la República) and the person responsible for Guedes' injuries has reportedly been identified.

Rafael POLEO and the staff of the newspaper *El Nuevo País. Poleo, editor of *El Nuevo País*, and his colleagues, came under attack when two teargas grenades were thrown into the newspaper's premises in Caracas on 14 October 2008. The attack was reportedly carried out by the pro-government La Piedrita group in revenge for the newspaper's critical editorial stance. A communiqué was also delivered which declared Poleo a "military objective" for his alleged statements "calling for the assassination of Commander (Hugo) Chávez." On 16 October, the National Assembly reportedly agreed to investigate Poleo and a Globovisión TV journalist for allegedly instigating President Chávez' assassination.

***Juan Carlos RENDÓN:** journalist for *De Frente* newspaper, and a photographer from the same publication, came under attack on 18 November 2008 when a group of university students attacked the *De Frente* vehicle they were travelling in. The students, from Santa María University in Barinas, were protesting against kidnappings that had been taking place in the region, particularly the abduction of one student who was released after a ransom was paid. They threw stones at the newspaper vehicle, turned it over and then threatened to set it on fire with the journalists inside. Rendón and the photographer managed to escape before the students could do so. University security personnel then intervened to prevent the violence from escalating. The students reportedly accused the journalists of working for a pro-government newspaper; Rendón responded that he was not responsible for the newspaper's editorial line. In a separate incident on 21 October, another *De Frente* journalist, **Carolina Hoyo**, reportedly received a telephone call from the campaign headquarters of a Barinas gubernatorial candidate - also the current mayor of Barinas municipality - discrediting information she had reported. The call related to an article in which a priest denied that the politician had donated an image of the Virgin Mary to his parish.

Harassed

***Andrés ASTUDILLO:** journalist for *El Tiempo* newspaper, and a photographer from the same publication, were harassed and threatened by three policemen during a protest at a university in Anzoátegui state on 2 December 2008. After noticing that the journalists had photographed them hitting a group of demonstrators, the policemen reportedly confiscated the photographer's camera and tried to force them to leave the area by firing bullets into the air. The reporters refused to leave and reported the incident to the police unit commander. The policemen then returned the camera but kept the memory card. The two journalists were unable to identify the policemen. The police commander reportedly later said that the incident had been a misunderstanding and that the policemen were trying to protect the reporters

Case closed

Roger SANTODOMINGO: former director of the interactive news website Noticiero Digital (<http://www.noticierodigital.com>). On 28 May 2007, the Minister of Communication and Information filed a suit with the Prosecutor General accusing Santodomingo of attempting to instigate the assassination of President Hugo Chávez and of receiving funding from the US State Department to destabilise the government. The lawsuit followed Santodomingo's publication of an opinion poll where assassinating the President was offered as a possible response to the question "What is the way out of this crisis?" and received 30 percent of readers' votes. In late June 2007, Santodomingo reportedly received letters threatening his family, which led him to resign from his position as director of [noticierodigital.com](http://www.noticierodigital.com).

At the end of December 2008, PEN learned that the lawsuit had not gone ahead. Case closed.

ASIA

AFGHANISTAN

Imprisoned: Main cases

Sayed Parwez KAMBAKHS:

D.o.b.: 1985 **Profession:** Student at Balkh university and reporter for the local daily *Jahan-e-Naw* (*The New World*). **Date of arrest:** 27 October 2007. **Sentence:** Death sentence, commuted to twenty years in prison. **Details of arrest:** Arrested in Mazar-i-Sharif, Balkh province, northern Afghanistan for distributing allegedly anti-Islamic literature. He was detained by National Directorate of Security (NDS) forces on blasphemy charges 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. **Details of trial:** He was tried by an Islamic court in the northern city of Mazar-i-Sharif, Balkh Province, on 22 January 2008, and sentenced initially to death. The trial was reportedly held behind closed doors, and he had no legal representation. In the appeal hearing on 21 October 2008, the death penalty was commuted to twenty-years in prison, although the conviction for blasphemy was upheld. **Place of detention:** Initially, he was detained in Pul-e-Sharkhi jail, east of the capital city. On 27 March 2008 he was transferred to Kabul. **Other information:** He is feared to be targeted for association with his brother, prominent journalist Sayed Yaqub Ibrahim, who works for the Institute of War and Peace Reporting and has been under escalating pressure for his critical reporting on local officials and warlords. (RAN 2/08 – 24 January 2008; Update #1 – 4 June 2008; Update #2 – 24 June 2008, Update #3 – 22 October 2008) **Honorary member of:** Italian PEN.

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 position 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> All three men are currently held at a detention centre in Kabul, and are appealing their conviction. **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.

Investigation

Dr Khalil NARMGOI: Satirist and medical doctor. Reportedly arrested on 10 June 2008 for writing a letter critical of the government, published in the weekly *Paiam Mojahed*. Said to have been briefly detained several months ago after the letter's publication, and forced to make a public apology. Now said to have been re-arrested and sentenced to one year in prison for the letter. Reportedly held in Kabul. No further details as of end December 2008.

AUSTRALIA

Threatened

***Paul LAMPATHAKIS:** Reporter for the *Sunday Times*. Reportedly threatened with imprisonment for refusing to reveal an information source before a selected Parliamentary Committee on 7 July 2008. The Committee was investigating the circumstances of a raid on the newspaper's offices by the fraud squad on 30 April 2008. The raid occurred after the publication of a story on the alleged government decision to spend around \$16 million on the re-election campaign advertising.

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 2008. Choudhury continues as editor of *Blitz* and remains under pressure from the government and extremist groups for his critical writings. **Honorary member of:** USA PEN and English PEN. (Update #4 to RAN 23/04 - 26 March 07).

Case closed

Jahangir Alam AKASH: Reporter for the daily *Dainik Sangbad*. Reportedly arrested under the Emergency Power Rules in October 2007. He was jailed on extortion charges but it is thought that his arrest could be linked to his writings. He was released on bail in late November 2007. Case closed for lack of further information.

CAMBODIA

Killed: motive unknown

***Khim SAMBO:** Reporter for the daily Khmer-language *Moneakseka Khmer* (Khmer Conscience). Reportedly shot dead on 11 July 2008, whilst leaving a stadium in Phnom Penh with his son. The *Moneakseka Khmer* is known for supporting the leader of the opposition party. Sambo had written about cases of alleged corruption and nepotism in the Cambodia People's Party. A police investigation is ongoing.

On trial in absentia

Dam SITH: Editor of the opposition newspaper *Moneaksekar Khmer*. Reportedly arrested in Phnom Penh on 8 June 2008, on charges of libel and false information. The charges were brought against him by the foreign minister, after the editor published an interview with the main opposition leader of the Sam Rainsy Party (SRP), in which the minister was accused of collaborating with Khmer Rouge. On 15 June 2008 Sith was released from Phnom Penh prison. He is still facing trial. It has been reported that in early August 2008 Sith fled Cambodia for the United States for reasons of safety.

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 crack-down 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 his role in the 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. **Honorary member:** Independent Chinese PEN

***GUO Quan**

D.O.B: 8 May 1968. **Profession:** Internet writer and activist. **Date of arrest:** 13 November 2008. **Details of arrest:** Reportedly arrested at his home in Nanjing, capital of Jiangsu province for ‘suspicion of subversion of state power’. It is feared that he may be detained for the views expressed on his web blog, in which he allegedly called for democracy and criticized the Nanjing government for its decision to build a chemical plant in the city. Others suspect that the charges could be linked to his role in organizing a new political party, the China Xinmin Party, in December 2007. At the time of his arrest, the police confiscated Guo Quan’s articles and his computer. Guo Quan was formally charged with ‘subverting the State power’ on 19 December 2008. He is said to be held incommunicado at Nanjing City Public Security Bureau. **Previous political imprisonment/problems:** In May 2008 he spent ten days in prison for ‘violating of public order’. He is an associate professor at Nanjing University, however, due to his political activities he has been banned from teaching. (RAN 63/08 – 2 December 2008).

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 28 December 2008 it was reported that he continued to be denied access to specialist medical care, and had been barred from receiving family visits since 21 November 2008. **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 be part of a crackdown on dissidents in the run-up to the Beijing Olympics. It was reported that Hu Jia’s family had not been allowed to visit him since early May 2008. 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/prob-**

lems: 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. **Expires:** 12 November 2013 **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 Yunan 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. **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. **Place of detention:** Detention Center of Chengdu City, Sichuan Province. **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 are 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 in unable to afford to visit him. **Honorary member:** Independent Chinese PEN

LI Zhi

D.o.b.: 14 November 1970. **Profession:** Internet writer and financial official in the Dazhou municipal government, Sichuan Province. **Date of arrest:** 11 August 2003 **Sentence:** 8 years in prison, reportedly reduced by one year in November 2008. **Expires:** 10 August 2010 **Details of arrest:** Reportedly arrested by Sichuan Province State Security Police 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. **Details of trial:** Sentenced to eight years in prison and four-year deprivation of political rights on 10 December 2003 by the Dazhou Intermediate People's Court. The court verdict confirms that both Yahoo! Hong Kong Ltd and Sina Beijing supplied evidence to the prosecution. His sentence was upheld on appeal on 26 February 2004. In November 2008 it was reported that his sentence had been reduced by one year, and that a further reduction was expected next year. **Place of detention:** Sichuan No.3 Prison, Postbox 101, Dazhu County, Sichuan Province **Honorary Member:** Canadian and Independent Chinese PEN Centre.

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. **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 **Details of arrest:** Arrested for signing Charter 08, a declaration calling for political reforms and human rights. He is being held under Residential Surveillance, a form of pre-trial detention, at an undisclosed location in Beijing, and no charges against him have been made known. [He was visited on 1 January by his wife, who reported that he was in good health and spirits.] **Other information:** According to International PEN's information, writer 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.

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).

NARANBILIG

Profession: Journalist, web editor and human rights activist **Date of arrest:** 23 March 2008 **Sentence:** One-year of house arrest **Expires:** 12 April 2009 **Details of arrest:** Naranbilig was arrested at his home in Hohot, capital of Inner Mongolia Autonomous Region. His family was not informed about his arrest until his release from detention into house arrest, on 12 April 2008. **Details of trial:** Naranbilig was not allowed a lawyer for his defence. The Southern Mongol Human Rights Information Centre reported that Naranbilig had been funded by the United Nations Voluntary Fund for Indigenous Populations in order to attend the 7th Session of the United Nations Permanent Forum on Indigenous Issues, held in New York in May 2008. However, the letters and e-mails of approval of the funds and invitations to the event were allegedly intercepted and confiscated by the Chinese authorities, and were apparently the basis to place him under house arrest. **Place of detention:** He was released on bail (approx 1,850 Euros) on 12 April 2008, and was placed under one year's house arrest. **Professional details:** Well known author of Mongol origin, Naranbilig wrote dozens of books and hundreds of essays, as well as edited many journals. The main theme of his writings is Mongol minority rights. He was also the editor of the Mongolian monthly journal *Golomt* (available in Mongol language at <http://www.smhric.org/uum.htm>), which was banned by the Chinese authorities in 2006 after 5 issues.

QI Chonghuai and HE Yanjie

D.o.b.: 7 February 1965 and 13 March 1974 respectively. **Profession:** Journalist and freelance reporter respectively. **Date of arrest:** 25 June 2007 **Sentence:** Four and two years in prison respectively. **Expires:** 24 June 2011 and 2009 respectively. **Details of arrest:** Both men were reportedly arrested from their homes 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. A photographer,

Ma Shiping, was also detained for publishing photos in the article. Qi and He were both 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. Their 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. **Professional details:** Qi Chonghui has been a journalist for 13 years before his arrest. From 2004-6, he worked for various publications, including the *Shandong Zhoukan (Shandon 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. **He Yanjie** is a freelance reporter and was working as Qi's research assistant prior to his arrest. With Qi, he co-authored a number of reports in various newspapers and online media outlets. He formerly worked for the *Shandong Gongren Bao (Shandong Workers Daily)* and the *Zhongguo Yancao Bao (China Tobacco Post)*. **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.

TAO Haidong

D.o.b: 2 May 1957 **Profession:** Internet writer and editor. **Date of arrest:** 9 July 2002. **Sentence:** Seven years' imprisonment. **Expires:** 8 July 2009. **Details of arrest:** Arrested from his home in Urumqi, Xinjiang while in the process of posting articles on the Internet. **Details of trial:** His trial began on 8 January 2003, and was conducted in secret at the Urumqi People's Court. He was found guilty of having posted material on the Internet allegedly on a charge of "inciting subversion of state power", and was sentenced to seven years' imprisonment and three-year deprivation of political rights. The Official People's Court Daily disclosed his sentencing on 16 February 2003, but the date of the court's decision is unknown. According to articles in the Urumqi local press Tao Haidong was arrested on suspicion of espionage after having posted articles on both Chinese and overseas websites predicting the collapse of China's economy and criticising China's leaders. **Place of detention:** Changji Prison, Changji City, Xinjiang Uighur Autonomous Region. **Previous political imprisonment/problems:** Tao Haidong previously completed three years of 'Reform through Labour' for editing a book entitled *'Imaginations of a New Human Race'*. He was released in January 2001 and subsequently became active on the Internet, often without using a pseudonym. **Honorary member:** Independent Chinese PEN Centre (ICPC).

Tohti TUNYAZ (pen-name MUZART)

D.o.b.: 1 October 1959 **Profession:** Ethnic Uighur historian and writer. **Date of arrest:** 1 April 1998 **Sentence:** 11 years imprisonment and two years' deprivation of political rights. **Expires:** 31 March 2009 **Details of arrest:** Reportedly first arrested on 6 February 1998 in Urumchi, Xinjiang Uighur Autonomous Region, whilst on a research trip. He was charged on 10 November 1998 with "inciting national disunity" and "stealing state secrets for foreign persons" (later amended by the Supreme Court to "illegally acquiring state secrets"). Tohti Tunyaz was studying for a Ph.D. in Uighur history and ethnic relations at Tokyo University, Japan, at the time of his arrest, and the charges against him are believed to be linked to his research, and specifically a book allegedly published by Tohti in Japan in 1998 entitled *The Inside Story of the Silk Road*, which according to the Chinese government advocates ethnic separation. No such book appears to exist. **Details of trial:** He was convicted on 10 March 1999 by the Urumqi Intermediate People's Court and, following an appeal, sentenced by the Supreme Court on 15 February 2000 to five years' imprisonment for 'stealing state secrets' and seven years' imprisonment for 'inciting national disunity', combined as eleven years' imprisonment and two years' deprivation of political rights. **Place of detention:** Xinjiang Uighur Autonomous Region Prison No.3, Urumqi. **Professional details:** Tohti graduated from the history department of the Central Institute of Nationalities, Beijing, in 1984 and was assigned to work for the China National Standing Committee. During this time he reportedly formed a close relationship with former Xinjiang governors Seyfudin Eziz and Ismail Emet, and was involved in the translation of Eziz's works. He started studying for his Ph.D. at Tokyo University in 1995, specialising in the history of Chinese policy toward minority peoples in the 19th and 20th centuries. He was still completing

his studies at the time of his arrest. He has reportedly published several papers on Uighur history in Japan, and has published a book on Uighur history in 1995 in Beijing. **Other information:** Has a wife and children in Japan. Tohti Tunyaz is from Bay County, Aksu prefecture, Xinjiang Province, North West China. He adopted the name of the biggest river 'Muzart' in Bay County as his pen name. Recipient of 2002 PEN America/Barbara Goldsmith Freedom to Write Award. UN Working Group on Arbitrary Detention declared his detention as arbitrary on 17 May 2001. **Honorary member of:** English, Catalan, Japan, American, Canadian, Liechtenstein and Independent Chinese PEN Centres.

***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, days before the start of the Olympic Games. According to the Chinese Human Rights Defenders group, Wang's family were told that if they did not contact the media and accept the state-appointed lawyer, the sentence would be milder. His family agreed. Thought to be charged for continuing to participate, organise and develop 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. **Health concerns:** [In early January 2009 Wang's family reported that he was in poor health, that he suffers a number of illnesses and is only able to walk with the use of crutches.] **Previous political imprisonment/problems:** He is called a veteran of pro-democracy activism, since his involvement with the Democracy Wall movement at the end of the 1970. In mid 1990 Wang joined the CDP and has been harassed by the police in various occasions. In 2004 Wang was detained for two weeks for distributing a draft law on Chinese political parties; in 2005 he was detained for six months for organising the CDP in Zhejiang; and in 2006 Wang was arrested for one month for his writings calling for religious freedom.

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 on-line 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.

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, JIN Haike, Yang Zili, and ZHANG Honghai

Profession: Reporter for *Xiaofei Ribao* (*Consumer Daily*), geologist and writer, writer and computer engineer, and freelance writer respectively. **Date of arrest:** 13 March 2001 **Sentence:** Xu Wei and Jin Haike were sentenced to ten years in prison, and Yang Zili and Zhang Honghai to eight years. **Expires:** 12 March 2011 (Xu Wei and Jin Haike) and 12 March 2009 (Yang Zili and Zhang Honghai) respectively. **Details of arrest:** Arrested on 13 March 2001 and charged with 'subversion' as a result of their participation in the 'Xin Qingnian Xuehui' (New Youth Study Group), an informal gathering of individuals concerned with political and economic inequalities that used the internet to circulate relevant articles. **Details of trial:** On 28 September 2001, the Beijing Intermediate Court initiated legal proceedings against the four 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 re-commenced 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 all four prisoners are 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. Zhang Honghai and Xu Wei were reportedly subjected to ill-treatment in prison, and Xu Wei has reportedly staged hunger strike in protest. Yang Zili is said to

have been in poor health since May 2007 but has not received any medical care. **Other information:** Xu Wei has been awarded a 2003 Canadian Journalists for Free Expression (CJFE) International Press Freedom Award. **Honorary member of:** Ghanaian and Independent Chinese PEN. (Update #1 to RAN 29/03 - 26 February 2008)

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. **Honorary member of:** Ghanaian and Independent Chinese PEN Centre (ICPC).

YAN Zhengxue

D.o.b.: 11 January 1944 **Profession:** Dissident writer and painter and member of Independent Chinese PEN. **Date of arrest:** 18 October 2006 **Sentence:** 3 years in prison **Expires:** 17 October 2009 **Details of arrest:** According to PEN's information, writer and painter Yan Zhengxue was arrested on 18 October 2006 after police raided his home in Jiaojiang, Zhejiang Province. They also reportedly raided his wife's home in Beijing, and took away computer equipment from both residences. Officially charged on 15 November 2006 with subversion in connection with his writings and dissident activities. **Details of trial:** Convicted of 'inciting subversion of state power' on 13 April 2007 for his critical writings published on-line on overseas websites. **Place of detention:**

Shiliping Prison, Quzhou City, Zhejiang Province. **Treatment in detention:** Reportedly held incommunicado without family visits. **Professional details:** Yan Zhengxue is a well known artist and author of several books. His paintings have been exhibited both in China and abroad. **Previous political imprisonment/problems:** He has been briefly detained on numerous occasions for his dissident activities, and was administratively sentenced to two years 're-education through labour' in April 1994. He is also known for bringing a lawsuit against the authorities after claiming torture in custody on 2 July 1993 by three policemen at the Haidian district police station in Beijing.

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:** His condition is said to be deteriorating, and he has staged a hunger strike in protest at his 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:** Diabetes, reportedly worsening in prison. **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:** Nurmehamet 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).

Tsering WOESER (f)

D.o.b.: 1966 **Profession:** Award-winning Tibetan writer and poet. **Date of arrest:** 10 March 2008. **Details of arrest:** Placed under house arrest in Beijing, after demonstrations began in Lhasa in early March 2008. **Previous political imprisonment/ problems:** In 2007 both of her weblogs were closed by the Chinese authorities. Woesser's second book *Xizang Biji (Notes on Tibet)*, a best-selling collection of short stories and prose published in Guanzhou in January 2003, was banned in September of that year for revealing opinions 'harmful to the unification and solidarity of our nation'.

ZENG Hongling(f) (pen name: Shanshan)

D.o.b.: 1956 **Profession:** Retired worker at the Southwest China University of Science and Technology in Mianyang, Sichuan province, and internet writer. **Date of arrest:** 9 June 2008. **Details of arrest:** Plainclothes police visited the apartment of her adoptive father where she was temporarily staying in Chengdu, the capital City of Sichuan after the earthquake, but did not find her. Later that day Zeng Hongling and went to the police station, where she was arrested 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 reports were published at the US-based Chinese website

observechina.com on 23, 25, and 28 May 2008. It is believed that the articles were critical of the local authorities and poor construction of the schools that collapsed during the earthquake. The pieces were published together with her pictures of the earthquake in Mianyang City. The police later searched her adoptive father's apartment and seized a computer and her belongings. She was initially held at the Detention Center of the Mianyang Public Security Bureau, although her current whereabouts are unknown. An unconfirmed report suggested that she may have been administratively sentenced to one and a half years' Re-education Through Labour shortly after her arrest. WIPC seeking confirmation. **Honorary member of:** Independent Chinese PEN.

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 20 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. Repeated applications for medical parole have been rejected. **Previous political imprisonment/ problems:** He was imprisoned from 1989-1991 for his pro-democracy activities. In August 2005 he founded the literary website Aiqin Hai.org (<http://www.aiqin Hai.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 Lin

D.o.b.: 2 June 1963. **Profession:** Dissident writer, pro-democracy advocate and member of Independent Chinese PEN Centre (ICPC). **Date of arrest:** 27 January 2005 **Sentence:** 5 years in prison **Expires:** 12 February 2010 **Details of arrest:** Arrested on 27 January 2005 at Bangbu City railway station in Anhui Province. Subsequently charged with "suspicion of endangering national security". According to the official indictment issued by the Bengbu authorities on 23 May 2005, Zhang Lin was arrested because of a number of 'subversive' articles he had written and subsequently posted on the Internet between August 2003 and January 2005. The lyrics of a punk rock song by the popular Chinese group Pangu, which he quoted in an essay entitled 'Pangu - The Hysterical Ravings of the Chinese People', are said to form part of the evidence against him. The stanzas, which he reportedly quoted, are translated as follows: 'The Yellow River Should run dry, this society should collapse, this system should be destroyed, this race should become extinct, this country should perish'. **Details of trial:** 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. The verdict was not formally announced, even to his lawyer, until 2 August 2005, significantly reducing Zhang Lin's opportunity to appeal his conviction. His appeal was rejected on 13 September 2005 without a hearing. **Place of detention:** Nanjiao Prison, Hefei City, Anhui Province. **Treatment in detention:** Since his imprisonment Zhang Lin has reportedly suffered harsh treatment, including long hours of forced labour, restricted access to correspondence with his wife, and denial of access to news and writing materials. **Health concerns:** Said to be very weak. Reported in May 2006 to require urgent hospital treatment for a slipped cervical disc that is affecting his central nervous system. Prison medical facilities are said to be inadequate to treat his condition. **Previous political imprisonment/problems:** Previously detained from 1989-91, when he was sentenced to two years in prison for his involvement in the pro-democracy protests, and again from 1994-97 when he received a three-year sentence for campaigning for workers' rights. After his release in 1997 he settled in the U.S. but was re-arrested in 1998 when he re-entered China illegally, and was sentenced to three years' RTL. Since his release in 2001 he has been subject to constant surveillance and harassment, and has reportedly had to rely on publishing articles overseas to support himself and his family.

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'. Abdiriym is the son of a renowned activist and belongs to the ethnic minority group, the Uighur. 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'. Abdiriym's family reported that during his trial, he was denied legal representation. International PEN is seeking further information.

***Mehbube ABLESH (f):** Uyghur 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 after posting critical articles online. It is thought that she is held for posting articles critical of Chinese government policy and the provincial leadership in Xinjiang Autonomous Region. She is believed to be held in Urumqi, and no details of any charges have been made public. 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 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.

***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 it is thought 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. WiPC seeking an update.

***ZHOU Yuanzhi:** Dissident writer and member of the Independent Chinese PEN Centre. Reportedly arrested from his home on 3 May 2008 and held at an unknown location under the Residential Surveillance law, which provides for interrogation of suspects without formal arrest. Released without charge on 15 May 2008. It was reported that during his detention he was questioned by police about his articles, books, contacts and interviews. He remains under heavy restriction, including being forbidden from travelling beyond his home city without police authorisation, being prohibited from communicating with strangers, and being banned from publishing. These restrictions could last up to six months, during which time Zhou could be formally detained and questioned at any time. (RAN 25/08 - 7 May 2008; Update #1 to RAN 25/08 - 21 May 2008).

Released

HU Shigen: University lecturer, political activist and dissident writer. Reportedly detained in Beijing on 27 May 1992 and formally charged on 27 September 1992 with 'counter-revolutionary crimes'. He was amongst dozens of China Freedom and Democracy Party (CFDP) and China Free Trade Union (CFTU) members to be detained in April and May 1992 for *planning 4 June memorial activities* in many of China's major cities. As a founding member of both the CFDP and CFTU, Hu Shigen drafted a number of key documents for both parties and was active in calling for government accountability for the violent suppression of the Democracy Movement in June 1989. He was convicted on 16 December 1994 of 'leading a counterrevolutionary organisation' and

'counterrevolutionary propaganda'. As a senior member of the CFDP, Hu received the heaviest sentence of 20 years in prison and five years' subsequent deprivation of political rights. His sentence was reduced several times, and after spending sixteen years and three months in prison, Hu Shigen was released on 26 August 2008. He was said to be in poor health on his release. [RAN 43/08 – 8 September 2008]

WANG Dejia (aka Jing Chu): Dissident writer. Reportedly arrested from his home in Guilin, in China's southern Guangxi Province, on 13 December 2007 and taken to the Quanzhou Chengbei police Station, where he was detained on suspicion of 'inciting subversion of state power'. His family believe his detention is directly related to his articles published on-line on the Minzhu Luntan website (Democracy Forum, <http://asiademo.org>). Wang Dejia was freed on bail on 12 January 2008, but still faces charges for up to a year. His release is said to be conditional on him not writing anything critical of the authorities or 'subversive'.

Case closed

REN Shangan (f): Assistant Director of the China Justice Advocacy website, which monitors events related to corruption. Reportedly detained on 16 May 2008 whilst investigating a story regarding alleged nepotism in Shuangyashan city, Heilongjiang Province. Case closed for lack of further information.

ZHAN Qi: Webmaster for the Tianwang Human Rights Centre organisation and associate of Huang Qi (see above). Reportedly arrested on 16 May 2008, allegedly after declaring his intention to join rescue activities in Sichuan province after the earthquake of 12 May. Reported to be on trial for taking photographs of the army rescue effort. Case closed, not detained for writings.

TIBET AUTONOMOUS REGION

Imprisoned: Main cases

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 Gyaltzen was sentenced to thirteen years' imprisonment for leading the protest. Three other monks co-accused with the Gyaltzen 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 loca-

tion and number of Chinese military camps in Tibet. Following his pre-trial detention at the TAR 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:** Traditional 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.

Imprisoned: Investigation

***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.

***Rangjung:** Tibetan writer, singer and television presenter, was reportedly arrested at his home in Amdo Golok, eastern Tibet, and has been held without charge since 11 September 2008. It is feared that he may be detained 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)*. He is twenty-five years old, and worked as a news presenter for a local television company prior to his arrest. He has four children, and his family have reportedly not been informed of the reason for his arrest. WiPC seeking an update. (RAN 53/08 – 15 October 2008)

In Hiding: Main case

Ven.Richen SANGPO:

D.o.b.: 1974. **Profession:** Tibetan monk and writer. **Details of harassment:** 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.Rinchen 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 harass-

ment 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. **Professional details:** Ven.Richen Sangpo has been known to the Chinese authorities since 2004, when his work *No Retreating Path* was recalled shortly after publication by the Chinese Authorities as it was deemed to be political. Ven.Rinchen Sangpo is editor of the periodical 'Tune of Shachi River', and is known for his poetry, short stories and articles published in various literary magazines and newspapers in Tibet. One of his most recent manuscripts is said to have been turned down for publication by Sambhoda publishing house. **Honorary Member of:** German and Ghanaian PEN.

INDIA

Killed: Investigation

***Vikas RANJAN:** Correspondent for the Hindi-language daily *Hindustan*, was shot dead outside his workplace in Samastipur, on 26 November 2008. It is said that three men shot at the journalist, aged 32, and left the scene on motorcycles. In the last few weeks, Ranjan had been investigating drug trafficking in the area, and his family had reported being threatened. The journalist reportedly requested police protection but it was denied. A police investigation is underway and it is believed that the three men have been identified.

***Konsam RISHIKNTA:** Trainee journalist for the English-language Imphal-based newspaper *Imphal Free Press*. Reportedly shot dead on 17 November 2008. His body was found by the police during the afternoon of that day in an alley. It is said that the newspaper received several phone calls on the day of his killing asking after him. The authorities are investigating his death.

***Jagajit SAIKIA:** Correspondent for the Assamese-language daily *Amar Asom*, based in Assam state, north-east of the country. Reportedly shot dead on 22 November 2008 by an unidentified group of men after leaving his office on his motorcycle. The authorities are investigating his death.

On trial

***K. SRINIVAS, Kumar VAMSHI and N. SRINIVAS:** Editor and reporters for the Telugu-language newspaper *Andhra Jyoti*. Reportedly arrested on 24 June 2008 under a law prohibiting insults to the dignity of people of lower ritual status in the Indian caste hierarchy. The background for their arrest is an editorial that allegedly criticised the leader of the community-based organisation Madiga Reservation Porata Samiti (MRPS), over his recent political statements. After the publication of the editorial on 26 May 2008 the newspaper's offices were attacked, allegedly by members of MRPS. On 27 June, the three journalists were released on bail. Kumar Vamshi and N. Srinivas are required to report weekly to the nearest police station.

***Lenin KUMAR ROY:** Writer and editor of the quarterly magazine *Nishan*. Was reportedly arrested on 8 December 2008 in Bhubaneswar, Orissa state. His arrest is linked to a book written by him, in which he allegedly condemns Hindu extremists for supporting a campaign causing inter-communal violence. Kumar Roy has 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'. Two of Kumar Roy's assistants, Ravy Jena and Dhananjay Lenka who work for Sovan Press, were also arrested. It has been reported that the authorities seized around seven hundred copies of Kumar Roy's book,

which has been described by the police as 'Maoist literature'. On 17 December 2008 Kumar Roy and his assistants were released on bail.

FIJI ISLANDS

Brief detention

***Serafina SILAITOGA:** Journalist for the *Fiji Times*. Reportedly arrested by eight members of the Labasa police from her home on 10 August 2008 for an allegedly 'seditious' article. The article was based on an interview with a businessman who allegedly referred to a conflict between the interim Finance Minister and the interim Prime Minister. Silaitoga was taken to the newspaper's office, where she gave her notes on the interview, afterwards she was questioned at the police station for two hours before she was released.

INDONESIA

On trial

***Narliswandi PILIANG:** Journalist, reportedly charged with defamation in early September 2008. It is said that the accusation is linked to an article entitled 'Behind Adaro Co's Lobbying in Parliament', published in the Pembaca Kompas Readers' Forum mailing list. Piliang could face up to six years in prison in found guilty and a heavy fine. The reports that besides the defamation charge, the journalist was also charged with contraventions to Article 27.3 and 45.1 of the 2008 Law on Electronic Information and Transactions. No further information as of end December 08.

Death threat

***Ahmad Hayat FAUZI:** Journalist from northern Aceh, reportedly received a death threat on 27 December 2008 linked to one of his articles published in the *Aceh Independent* which criticised expenses made by the local authority on cattle and paddy seeds. The journalist suspects who the caller might be, and has reported it to the authorities.

Case closed

Bersihar LUBIS: Journalist for the daily *Koran Tempo*. A case against him opened on 19 September 2007 for allegedly insulting the Attorney General's Office (AGO). He was tried under articles 207 and 316 of the Criminal Code with crimes against the authorities for an article published on 17 March 2007 entitled 'The Story of a Dumb Interrogator' critical of book banning decisions made by the AGO. He remains free. His trial was due to end on 12 December 2007, case closed for lack of further information.

MALAYSIA

Main case

Raja Petra KAMARUDIN

D.o.b.: Profession: Internet writer and editor of the website *Malaysia-today*. **Date of arrest:** 6 May 2008 **Details of arrest:** Reportedly arrested and charged with sedition 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 nine paragraphs of seditious words including allegations that the Prime Minister might be covering evidence of a murder occurred in 2006. He pleaded not guilty to the charges, and

was sent to prison. Kamarudin was released on bail on 9 May 2008. The trial started on 6 October 2008 and is ongoing as of end December 2008. If convicted he could be sentenced to up to three years in prison. **Other information:** Briefly detained from 16 September-7 November 2008 under the Internal Security Act (ISA) in a separate case (see below). (RAN 48/08 – 29 September 2008) **Honorary member of:** Scottish and Danish PEN.

Brief detention

- ***Abdul Rashid ABU BAKAR:** Internet writer and owner of the blog *penarik beca* (trishaw peddler), reportedly arrested on the night of 7 August 2008. He was held by the police and released the following day without charge.
- ***Tan Hoon CHENG:** Reporter for the Chinese-language *Sin Chew Daily*, was reportedly detained on 12 September 2008 and released sixteen hours later. It is said that he was arrested under Malaysia's Internal Security Act (ISA). The newspaper covered the outburst of a member of the ruling party who referred to the Chinese community as 'squatters'.
- ***Raja Petra KAMARUDIN:** Internet writer and editor of the website *Malaysia-today*. Raja Petra Kamaruddin was arrested on 12 September 2008 for allegedly 'insulting Islam' and publishing articles on his website which 'tarnished the country's leadership to the point of causing confusion among the people.' Raja Petra filed a habeas corpus application at the High Court in Kuala Lumpur on 16 September 2008 seeking his release from detention, but on 22 September 2008, in a move thought to counteract the probable release of Raja Petra Kamarudin, the Malaysian Interior Minister Syed Hamid Albar signed an order to remand him in custody for up to two years under section 8 of the Internal Security Act. On 7 November 2008 the high court in Shah Alam city ruled that the Interior Minister had overstepped his authority in ordering the detention of Raja Petra, and he was immediately released. However, Raja Petra Kamaruddin still faces sedition charges in a separate case (see 'main case' above).

Imprisoned: investigation

- ***Syed Azidi Syed Abdul AZIZ:** Blogger. Reportedly arrested on 17 September 2008 for posting allegedly seditious materials online. He runs the kickdefella blog which is known for its criticism of Prime Minister Abdullah Ahmad Badawi. WiPC checking whether still detained.

MALDIVES

Released

Abdullah SAEED (aka Fahala): Reporter with the opposition *Minivan Daily* newspaper. Arrested and sentenced on 26 March 2006 to two months in jail for 'disobedience to order' for refusing to submit to a urine test in the first of three drugs charges against him which were widely believed to be unfounded and politically motivated. Convicted on 19 April 2006 on charges of drug possession and trafficking, and sentenced to life imprisonment. Released from prison on 30 November 2008, after the High Court annulled the initial verdict of April 2006, because the case against Saeed had not been proven.

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. Has been held under successive house arrest orders since her arrest - her latest house arrest order was extended for another year on 27 May 2008. **Place of detention:** Held in 'protective custody' at her home in Yangon. **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 (including former PEN main case Aung Myint, released under amnesty in January 2005) 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. **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 section 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. In all Zargana is to serve a total of 59-year prison term. **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. **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. **Honorary member of:** English, German, Canadian and Danish PEN. (RAN 31/08 – 9 June 2008; Update #1 – 20 August 2008; Update #2 – 21 November 2008; Update #3 – 28 November 2008)

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).

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 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:** Nineteen-year prison sentence. **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 (see above) 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)

Imprisoned: Investigation

Yan Yan CHAN: Rap singer, was reportedly arrested in Monywa Township, on 17 April 2008. It is believed that his arrest could be linked to some of the lyrics of his songs, which refer to the lack of press freedom in Burma. His band ACID was founded in late 2000, and is said to be popular in the country. WiPC seeking further information.

***Tun Tun NAING and Khin Maung Aye:** Reporters of the privately-owned weekly *News Watch*, were reportedly arrested on 5 November 2008 and are held in Insein prison. It is believed that Tun Tun Naing is a member of the National League for Democracy, and is said to have been sentenced to 19-years imprisonment on 7 November 2008. WiPC seeking further information.

Brief detention

***Ohn KYAING:** Former journalist and member of the National League for Democracy (NLD), was reportedly arrested by the Special Intelligence Police Unit at his home in Rangoon on 1 October 2008, apparently for his role in the relief effort following Cyclone Nargis. He was released without charge on 11 December 2008. **Background:** Ohn Kyaing was an elected MP for the NLD in the 1990 parliamentary election, which the Burmese military regime refused to recognize. He was also a translator and editor, and wrote articles for the publications *Hanthawaddy* and *Botahtaung* under the pen-name Aung Wint. Ohn Kyaing was previously arrested on 6 September 1990 and sentenced to seventeen years imprisonment for 'writing and distributing seditious pamphlets and threatening state security'. He was released from Taungoo Prison on 3 January 2005, as part of a general amnesty. During this imprisonment he was elected an Honorary Member of USA PEN and American PEN Centres.

***Saw Myint THAN:** Chief reporter of the journal *Flower News*, was reportedly arrested on 1 September 2008 and charged under the Unlawful Association Act and the Electric Communications Law. It is said that the case against Than was linked to his reporting on a double murder, in the 26 August 2008 issue of *Flower News*. The piece published in *Flower News* had reportedly been checked and approved by the military censorship bureau before its publication. On 20 October 2008 Saw Myint Than was released from custody after signing a bond, and the charges against him were dropped.

Released

WIN Tin: Former editor of the daily *Hanthawati*, secretary of the executive council of the National League for Democracy, and vice-president of the Burmese Writers' Association. Arrested on 4 July 1989 and sentenced to a total of 20 years' in prison with hard labour for his opposition activities. Released on 23 September 2008 as part of general amnesty.

Case closed

***Ma Eint Khaing Oo(f) and Kyaw Kyaw THAN:** Reporters for the Rangoon-based weekly journal *Ecovision*. Arrested on 10 June 2008 while covering the plight of cyclone Nargis victims, who were in front of the United Nations Developments Programme office in Natmauk Street in Tamwe Township. On 25 June 2008 both reporters appeared before the Tamwe Township Court in Rangoon Division, where they were charged under Section 505(b) and 124(a) of the Criminal Code. Sentenced on 14 November 2008 to two years in prison for taking photographs of Cyclone Nargis victims. Case closed, not detained for writings.

Nay Phone LATT: Internet writer, was detained on 29 January 2008. He was initially charged on 3 February 2008 under Article 5(J) of the Emergency Provision Act. Later, on 8 July 2008 Nay Phone Latt was charged also under section 32(b) of the Video Act, and informed that the initial charges had been dropped. On 10 November 2008 Nay Phone Latt was sentenced by a court in Insein Prison to twenty years imprisonment for posting a cartoon on the website of the military leader Than Shwe. Case closed, not detained for writings.

NEPAL

Killed: investigation

***J.P.Joshi (aka Pandit):** Editor of the Nepali-language daily *Janadisha*. Went missing on 8 October 2008 from his home in Kailali, western Nepal. On 1 December 2008 it was reported that human remains found in a forest in western Nepal have been identified by Joshi's family on the basis of documents and belongings found nearby. The remains have been referred to Kathmandu for forensic examination. Two brothers, recently named by Joshi in a report on the illegal trade of tiger skins, have been identified as suspects.

Death threat

***Sushil DHUNGANA:** News correspondent for the newspaper *Samachar Saransha*. Reportedly threatened on 2 August 2008 by an unidentified person who called him and threatened to kill him for a report published on 1 August. The report was entitled 'Increasing smuggling at Vajani border, concerned authority silent'.

***Govinda LUITEL:** Correspondent for the daily newspaper *Butwal Today*. Reportedly received a death threat via his mobile phone on 28 July 2008. The call was allegedly made by the secretary of the Devinagar Village Committee (CVC), in Palpa, western of Nepal. The threat is reportedly linked to a piece published on 28 July 2008, entitled 'DVC secretaries enjoying in headquarter'. According to Luitel, the caller told him if he wrote such an article again he will be killed.

***Bikas THAPA:** Journalist for the daily newspaper *Kantipur*. Reportedly threatened with death on 30 December 2008 after publishing an article naming an individual and associating him to a newly elected board member of the Alternative Energy Promotion Centre (AEPEC) and to the Maoists. This individual, accompanied by other two people, reportedly entered to the headquarters of the newspaper and threatened Bikas Thapa saying: "Remember, anything could happen to you at anytime!".

Attacked

***Rajesh CHAMLING RAI:** Correspondent for the *Gorkhapatra* daily. Reportedly attacked on 24 November 2008 when covering a students' protest in Ghantagan, Kathmandu.

***Kunda DIXIT, Kiran NEPAL and Dember Krishna:** Editor of the *Nepali Times*, executive editor of the *Himal Khabarpatrika*, and journalist for the *Himal Khabarpatrika*, respectively. Were reportedly attacked on 21 December 2008 by a group of 40 to 50 people, who entered the premises of the Himal Media group. It is said that the attackers were lead by two workers' unions, who demanded 'Who wrote the news against the Maoist union?'. Reports say that in its latest issue, the *Himal Khabarpatrika* published an article on an incident in which Maoist workers seized magazines.

***Abadesh JHA and Sanatan MANDAL:** Vice-president of the Federation of Nepali Journalists (FNJ) Saptari section, and news correspondent for *News Today*, respectively. Reportedly attacked on 5 November 2008 by a group of unidentified men at the Tiffin Room Hotel in Morang, eastern Nepal. It is said that the attackers took the journalists money and their mobile phones. The reason of the attack is not known.

***Ram Mani UPADHYAYA:** Editor of the fortnightly *Basudha* and member of the Federation of Nepali Journalists (FNJ). Reportedly attacked by an unidentified and armed group of people on 24 October 2008.

Threatened

***Bharat ADHIKARI:** Reporter for *Himal Magazine*. Reportedly threatened in Benepa, Kavre district of Katmandu. It is said that the threat came from an unidentified man, who allegedly had links to the Maoist Trade Union. The threats were reportedly linked to a November 2008 issue of the magazine.

***Makar SHRESTHA:** Journalist for the daily newspaper *Kantipur*. Reportedly received a threat via a phone call on 31 December 2008. It is said that the caller, an alleged member of the Young Communists League (YCL), linked the threat to an article published by Shrestha, entitled "Weekly toll of YCL and Youth Force, allied to CPN-UML (Communist Party of Nepal-Unified Marxist-Leninist), in Land Revenue and Survey Offices". The caller demanded Shrestha to publish a correction of his article, in the same page and format as the original.

PAKISTAN

Killed: Motive unknown

***Mohammad Azim LEGHARI:** reporter for the newspaper *Halchal*, and a TV station. Reportedly shot dead in Dadu city, in the province of Sindh, south of the country, on 11 August 2008. The reporter was covering a story of a young couple attempting to get married, but were severely criticised by the conservative clans, as they wanted allegedly 'marry for love'. Some believe that the clans could have been involved in Leghari's death.

***Abdul Aziz SHAHEEN:** Reporter for the newspapers *Azadi* and *Khabarkar*, based in the district of Swat in the North West Frontier Province. Reportedly killed on 29 August 2008, in an attack by jet fighters on a Taliban camp. The reporter had allegedly been kidnapped by the Taliban two days before, on 27 August, and was being held in that camp. Reports say that Shaheen went to the Swat district to investigate an attack on his car the week before.

***Qari Mohammad SHOAIB:** Journalist for the daily newspapers *Azadi* and *Khabar Kar*. Reportedly shot dead on 8 November 2008 in Swat Valley, north-western Pakistan. Shoaib was on his way home when the Pakistani Security Forces reportedly shot at him because he failed to stop his car when signalled to do so. Shoaib, aged 32, reported regularly on the Taliban militias and the Pakistani security forces.

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 reportedly 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 as of 31 December 2008.

Brief detention

***Wigar KIYANI:** Journalist working for the UK newspaper *The Guardian*. Reportedly disappeared on the evening of 6 July 2008, shortly after returning to Islamabad from a reporting assignment to Karachi. During his absence, Kiyani's home was raided by unknown persons. He was released some hours later.

Attacked

***Khayal Zaman AFRIDI:** President of the Tribal Union of Journalists (TUJ) and Bara-based correspondent for the Urdu-language daily *Aaj*. Reportedly attacked by armed men who fired shots at him on 3 August 2008. The incident occurred in the town of Bara, Khyber Agency, in Pakistan's Federally Administered Tribal Areas (FATA). Afridi was with a companion, a Lahore businessman, who was reportedly kidnapped by the attackers. Afridi was taken to hospital and is in a stable condition.

***Manthar DAHIRI, Abdul Aziz CHANNA, Zahid BUGHIO and Haji Mohamed HAROON:** Correspondents of the dailies *Sobh, Koshish, Sindh* and *Mehran*, respectively, were reportedly assaulted on 14 September 2008. The journalists were at the Shahpur Jehanian Press Club of Tehsil Daulatpur, in Nawabshah District of Pakistan's southern province of Sindh, when at 4.00am, around fifty people entered the club, attacked the journalists and abducted them. The following day Haroon and Dahiri were found in the backyard of a private home, Channa was found on a motorway outside the city and unconscious, and Bughio was found bruised in the outskirts of Daulatpur.

***Musa KHANKHEL:** Correspondent for the daily newspaper *The News* and a TV channel, was reportedly ill-treated by security forces staff on 4 September 2008. The assault occurred near the town of Mingora, Swat District, northern Pakistan, where the correspondent was detained and taken to the headquarters of the army. Once there, he was verbally abused and manhandled by four men in military uniform and one in civilian clothes. Khankhel was allegedly accused of inaccurate reporting, and he and his family were threatened with death.

***Motoki YOTSUKURA (f) and Sami YOUSUFZAI:** Japanese news correspondent for the Japanese newspaper *Asahi Shimbun*, and Afghan journalist for the magazine *Newsweek*, respectively. Reportedly shot and injured in Peshawar as they escaped a kidnapping attempt on 14 November 2008. It is said that both journalists were returning after interviewing some militants from the Khyber region, which borders Afghanistan, when armed men shot at the car attempting to stop it. The car driver managed to evade the attackers, but both journalists were injured and taken to hospital.

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.

Threatened

***Anwar SHAKEEL and Zafar WARIZ:** Correspondent for the daily *Islam* and AFP news agency, and correspondent for the Daily Aaj, respectively. Were reportedly threatened by local Taliban in the town of Wana, located in the South Waziristan Agency of Pakistan's Federally Administered Tribal Areas (FATA). On 1 July 2008 pamphlets were distributed, in which both journalists were amongst those named as been involved in false reporting on Taliban and local tribesmen.

***Anwarullah KHAN and Irfanullah JAN:** Bajaur-based journalists. Reportedly threatened when a fatwa, issued in December 2008, was broadcasted by a clandestine radio station. It has been reported that both reporters had also received threatening letters in which they were called 'agents of the west'. The journalists remain in Khar, Bajaur's capital.

Case closed

Hameed BALOCH and Khalil KHOSA: Journalists for the Urdu-language *Baloch daily*, went missing in Balochistan province, south-west of the country. On 29 February 2008, Khosa was last seen attending a news conference in the town of Nasirabad. There are reports that his disappearance could be linked to articles criticising some political parties who participated in the recent parliamentary elections. The Balochistan Union of Journalists (BUJ) reported that on 3 March 2008, Hameed Baloch was kidnapped in Taftan, near the Iranian border, and that his kidnap could be related to tribal rivalry or political parties. Case closed for lack of further information.

Javed LEHRI: Reporter for the daily *Azadi* based in Quetta. Also a member of a Baloch student opposition party. Reportedly went missing in the Khuzdar region of Balochistan province on 29 November 2007. His family and colleagues believe the intelligence services are responsible for his disappearance. The *Azadi* is known for its critical reporting of the military's operations in Balochistan. The police have denied any involvement, but it is said that the security services are holding hundreds of opposition members in Balochistan. Case closed for lack of further information.

PHILIPPINES

Killed: Motive unknown

***Robert 'Bert' SISON:** Reported for the weekly *Regional Bulletin*. Reportedly shot dead on 1 July 2008 by two men on a motorcycle. Sison was in his car, together with his two daughters, one of whom was wounded. Both daughters also work for the *Regional Bulletin*, which reportedly publishes articles on crime and is critical of local officials. An investigation on his death is ongoing.

On trial

Ninez CACHO OLIVARES (f): Publisher, editor-in-chief and columnist of the newspaper *The Daily Tribune*, based on Manila. Reportedly found guilty of libel and sentenced to a minimum of six months to a maximum of two years' imprisonment on 5 June 2008. She was also

ordered to pay civil damages for approx. US\$765. Charged for an article published on 23 June 2003, which alleged malpractice against the then Ombudsman. Olivares has posted bail for her provisional appeal, and her defence filed an appeal. In early September 2008 Makati Regional Trial Court Branch 59 denied the motion for reconsideration of the Cacho Olivares case. Her defence reportedly will file another petition to the Court of Appeals.

Brief detention

***Amado MACASAET:** Publisher of the daily newspaper *Malaya* (Free) and the tabloid *Abante* (Forward), and president of the Philippine Press Institute. Reportedly arrested by operatives of the Criminal Investigation and Detection Group of the Philippine National Police, on 4 September 2008. The case against Macasaet, now aged 72, was reportedly filed nine years ago for an article he wrote in both newspapers regarding a conflict between two cockfighting groups. It has been reported that the publisher did not know about the case against him until his detention. On the same day of his arrest, Macasaet was released after posting bail.

SINGAPORE

Brief detention

***Gopalan NAIR:** Internet writer. Reportedly sentenced to three months in prison by a Court in Singapore on defamation charges, on 18 September 2008. He spent six days under detention during May 2008 on that charge. The conviction is linked to a comment Nair posted in his web blog <http://singaporeddisident.blogspot.com/> in May, where he referred to a trial initiated by the ruling family Lee, against an opposition newspaper. In his comment Nair reportedly accused a judge of 'prostituting herself' in the hearing in which damages were stated in favour of the Lee family against the newspaper. It is thought he will be appealing the sentence.

SOUTH KOREA

Judicial concern

SONG Du-Yol

D.o.b.: 1944. **Profession:** Scholar. Professor of Philosophy at Muenster University, Germany. Has published several academic books. **Date of arrest:** 22 October 2003 **Sentence:** Seven years' imprisonment. **Expires:** 21 October 2010. **Details of arrest:** Reportedly detained under the National Security Law (NSL) for alleged pro-north Korean activities. Asked to report to the National Intelligence Service on arrival at Seoul airport on 22 September 2003 after returning to the Republic of Korea after 37 years living in exile in Germany. The Korea Democracy Foundation had reportedly invited him to South Korea. Subject to extensive interrogation until 22 October 2003, when he was taken into custody. Charged on 19 November 2003 under Articles 3.5, and 8 of the NSL in connection with membership of the North Korean Workers Party. Prosecutors reportedly took a harsh stance towards him because he refused to make a formal pledge of loyalty to the Republic of Korea. He reportedly admits joining the North Korea Worker's Party, but denies being a Politburo member. He gained German citizenship in 1993. **Details of trial:** 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. **Treatment in detention:** Said to have been ill-treated during extensive interrogation sessions at which his lawyer was not allowed to be present.

SRI LANKA

Imprisoned: main cases

***V. Jasikaran and Jayaprakash Sittampalam Tissainayagam:** **Profession:** V. Jasikaran, Tamil journalist, owner of the E-Kwality printing works and reporter for the news website *Outreach Sri Lanka* (<http://outreachsl.com/en/>), and J. S. Tissainayagam, Tamil journalist for the *Sunday Times* newspaper and editor of *Outreach Sri Lanka*. **Date of arrest:** 6 and 7 March 2008, respectively. **Details of arrest:** V. Jasikaran was arrested with his wife V. Valamathy, by the Terrorist Investigation Division (TID) in Colombo. The following day J. S. Tissainayagam was also arrested by the TID, following a visit he made to the offices of the TID requesting information about the detention of his colleague. There were no detention orders for their arrests. Initial reports suggested that both journalists were accused of receiving money from the Tamil Tiger rebel group; however it is widely believed that the two men are targeted for their reporting and analysis on the ongoing conflict between government forces and the Liberation Tigers of Tamil Elam (LTTE) in the northern part of the country. Several other Tamil journalists have been arbitrarily detained since 7 March 2008, including three contributors to the website www.outreachsl.com. They were released after being questioned. J.S. Tissainayagam was held under renewable 90-day detention orders. **Details of trial:** On 25 August 2008 J.S. Tissainayagam was charged as follows: 1) offences under the Prevention of Terrorism Act: 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 Prevention of Terrorism Act 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. It is said that *North Eastern Magazine* was known to be a pro-Tamil English-language publication that closed down over a year ago. It was not considered to be pro-LTTE. His trial was due to start on 18 September 2008. WiPC seeking an update. It is not yet clear if V. Jasikaran and his wife have also been charged. **Treatment in prison:** Both journalists are reportedly held with very limited access to their family, legal representation and to information on his case. J. S. Tissainayagam requires surgery for a detached retina and he has been denied full access to the medical care he needs. He is being held in very poor prison conditions, which together with high levels of stress and exposure to light could seriously damage his sight. On 19 March, J. S. Tissainayagam filed a complaint before the Supreme Court, claiming that since his arrest he had been tortured, suffered discrimination because of his ethnicity and denied equal protection under the law. Fellow Tamil journalist V. Jasikaran has also reported being subject to torture since his arrest. On 23 June, V. Jasikaran stated in court that he had been assaulted by members of the TID and the police during his detention. Reports say that V. Jasikaran's wife, who is also detained in the case apparently solely for her association with V. Jasikaran, had undergone an operation shortly before her detention, and has been denied access to medical care. The family of journalist V. Jasikaran say they received three phone calls between 25 and 26 of November 2008, by an unidentified caller who demanded a large ransom and threatened the journalist and his family with death. A complaint was filed at the police station, although no action has been taken. Days earlier, on 18 November 2008, fellow journalist J. S. Tissainayagam was transferred to Magazine prison in Colombo, where he reportedly was threatened by some inmates and was not fed for two

days. On 20 November, representatives of the Ministry for Disaster Management and Human Rights visited J. S. Tissainayagam in prison, who provided assurances to protect J. S. Tissainayagam's safety. His situation is thought to have improved as a result. [RAN 45/08 – 10 September 2008]

Attacked

***Radhika DEVAKUMAR (f):** Correspondent for the Tamil-language daily newspaper *Thinnakaran*, was reportedly shot three times by a group of unidentified men who entered her home on 8 September 2008. She was taken to the Batticaloa hospital, in western Sri Lanka, where she was in intensive care and is recovering. Devakumar also worked as a freelancer for a TV channel, as producer for a radio station, and was the media secretary for a minister in the Eastern Provincial Council.

Threatened

***Ranga KALANSURIYA:** Director general of the Sri Lanka Press Institute (SLPI). Reportedly harassed by unknown people on 21 and 22 July 2008, when groups of unidentified individuals were loitering around Kalansuriya's home. A week earlier Kalansuriya had received a threatening phone call. The police have filed a complaint on the case.

THAILAND

Killed: investigation

***Athiwat CHAIYANURAT:** Reporter for the local Thai-language daily newspaper *Matichon* and a TV station. Reportedly shot dead on 1 August 2008 at his home, located in Tambon, Chaiyamontri, Muang district. The journalist had recently reported on a case of alleged corruption, and covered a police manhunt for a hit man. He had reportedly received death threats previously. The authorities are investigating his death.

***Jaruek RANGCHAROEN:** reporter for the newspaper *Matichon*, was shot dead in Suphanburi province, Thailand's western Suphanburi province, on 27 September 2008. Rangcharoen, aged 46, was buying food at the market at the Don Chedi District, when a man shot him. It is believed that his death is related to his reporting of corruption in a local administrative organisation. It has been reported that on 1 November 2008 two suspects, including the alleged gunman, were arrested. The police investigation reportedly continues.

***Wallop BOUNSAMPOP:** Editor-in-chief of the local newspaper *Den Siam*, based in Chonburi province, south Bangkok, was shot dead on 5 October 2008. Bounsampop, aged 52, was reportedly helping his wife at a restaurant when he was shot and died instantly. There are reports which link the editor's death with some of his controversial articles on local politics and the November 2008 local elections. An investigation is under way.

Imprisoned: Main case

***Harry NICOLAIDES**

D.o.b.: 1967 **Profession:** Australian writer **Date of arrest:** 31 August 2008 **Details of arrest:** According to International PEN's information, Harry Nicolaides, aged 41, was arrested at the Bangkok airport when he was about to board a plane to Australia on 31 August 2008. He was charged under Article 112 of the Criminal Code with 'lèse-majesté' (insulting the monarchy), and faces a sentence of between three and fifteen years of imprisonment. The charge stems from a passage in Nicolaides' novel *Verisimilitude* which is considered to be insulting to the Thai king's eldest son. It is said that in the 300-page book, only three lines refer to the crown prince, and that he is not even mentioned by

name. Harry Nicolaides issued a public apology from his prison cell, and stated that he would like to have the chance to apologise to the Royal Family and explain. It is said that only fifty copies of the book were ever printed, of which seven were sold. **Other information:** Harry Nicolaides first visited Thailand five years ago, and made his living there as a lecturer in hospitality and tourism at a university in Chiang Rai, writing occasionally for some media outlets. [Sentenced on 21 January 2009 to three years in prison].

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.

***HO Thi Bich Khuong (f):**

D.o.b.: 1967 **Profession:** Internet writer, poet, human rights defender and member of the pro-democracy group Bloc 8406. **Date of arrest:** 25 April 2007 **Sentence:** 2 years in prison **Expires:** 24 April 2009 **Details of arrest:** Arrested at an internet café in Nam Dan district, Nghe An province, central Vietnam, for publishing on overseas websites reports of social injustice and human rights violations. Known for her writings in support of 'Dan Oan', women farmers arbitrarily dispossessed of their land. Her home was then searched and her computer and documents confiscated. **Details of trial:** Charged with 'storing cultural products with contents against the Socialist Republic of Vietnam' under Article 88 of the Penal Code. Sentenced to 2 years in prison and 3 years' administrative detention on 24 April 2008 by a provincial court in Nghe An. The case was not known to PEN until November 2008. **Place of detention:** Labour Camp 6, Thanh My village, Thanh Chuong district, Nghe An Province. **Treatment in prison:** Held in solitary confinement. Her sister reported after visiting her on 30 October 2008 that her body was badly bruised as a result of ill-treatment. Since December 2008 she has been reportedly denied family visits. **Health concerns:** Said to be very thin and weak as a result of ill-treatment in prison, and to be in poor health. **Previous political imprisonment/problems:** Previously detained in March 2005 and sentenced to six months in prison under Article 245. After her release she was subject to frequent brief detentions and harassment, including threats and attack. On February 12 2007 she was seriously injured after being hit by an unknown motorcyclist, thought to be a member of the security police. **Other information:** In June 2006 her

husband drowned in the Lam river under unexplained circumstances. She has a ten-year-old daughter.

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 web-log on the Reporters Sans Frontiers web-log platform shortly before his arrest (<http://nguyen-vandai.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.

NGUYEN Van Hai (aka Nguyen Hoang Hai/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.

***NGUYEN Viet Chien and NGUYEN Van Hai:**

Profession: Reporters for the Vietnamese language newspapers *Thanh Nien* and *Tuoi Tre* respectively. Nguyen Viet Chien is also a poet. **Date of arrest:** 13 May 2008 **Sentence:** Two years in prison and a two-year non-custodial sentence respectively. **Expires:** 12 May 2010 **Details of arrest:** Reportedly arrested on 13 May 2008 and accused of 'misuse of power'. 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. On 22 September 2008 the Hanoi High People's Office of Supervision and Control announced that Nguyen Van Hai and Nguyen Viet Chien were to be charged with 'abusing democratic freedoms to infringe upon the interests of the state, the legitimate rights and interests of organisations and/or citizens'. **Details of trial:** On 15 October 2008 the Hanoi People's Court sentenced both journalists 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 Viet Chien was given a two-year imprisonment sentence after pleading his innocence, while Nguyen Van Hai was handed down a non-custodial two-year re-education sentence, after pleading guilty. **Professional details:** Nguyen Viet Chien is a prolific poet. He has published four books of poems: *Wave of Time*; *Rain at Zero Hour (Midnight)*; *Grass on the Earth*; and *Horses of the Night*. He was awarded the 2004 Literary prize of the Association of Vietnamese Writers. [Nguyen Viet Chien was freed in January 2009 as part of an amnesty].

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 the Human Rights Watch administered Hellmann/Hammett award in recognition of his work in the face of persecution. He received this award for the second time. **Honorary member of:** Sydney PEN. (RAN 12/07 - 28 February 2007; update #1 - 7 March 2007; updates #2 - 3 April 2007).

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.

Imprisoned: Investigation

- ***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. Remains detained as of end December 2008. (RAN 47/08 - 23 September 2008)
- ***NGÔ Quynh:** 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. Arrested on 10 September 2008 and detained at the B14 labour camp, in Ha Dong province, south of Hanoi. Remains detained as of end December 2008. (RAN 47/08 - 23 September 2008)
- ***NGUYEN Van Tuc:** farmer, poet and human rights defender, known for his numerous writings on social injustice and satirical poems published on overseas websites. Arrested on 10 September 2008 and detained at the B14 labour camp, in Ha Dong province, south of Hanoi. Remains detained as of end December 2008. (RAN 47/08 - 23 September 2008)
- ***NGUYEN Xuan Nghia:** poet and writer, 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. Arrested on 11 September 2008. Held at the B14 labour camp in Ha Dong province, south of Hanoi. Remains detained as of end December 2008. (RAN 47/08 - 23 September 2008)

***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 17 September 2008. Thought to be held under Article 88 of the Criminal Code on charges of 'propaganda against the state'. Remains detained as of end December 2008. (RAN 47/08 - 23 September 2008)

***PHAM Van Troi:** dissident writer and activist, known for his contributions to the underground dissident review *Tu Do Dan Chu* (*Freedom and Democracy*). Arrested on 10 September 2008 and detained at the B14 labour camp, in Ha Dong province, south of Hanoi. Remains detained as of end December 2008. (RAN 47/08 - 23 September 2008)

Brief detention

***TRAN Duc Thach:** Poet. Reportedly arrested on 10 September 2008, released the same day but remains under heavy surveillance. (RAN 47/08 - 23 September 2008)

Released

BUI Kim Thành (f): Internet writer, dissident, human rights lawyer and member of the banned Democratic Party of Vietnam, was arrested by the police, and taken into forced psychiatric detention at Bien Hoa Psychiatric Hospital on 6 March 2008. She was not diagnosed with any mental illness and is thought to have been targeted for her critical writings and dissident activities. She was released on 11 July 2008, and left Vietnam for the United States on 21 July 2008 under extreme pressure from the authorities. **Background:** Bui Kim Thành was previously detained on 2 November 2006 and held for eight months at the Bien Hoa Psychiatric Hospital, after being assessed by two psychiatrists who concluded that she was not suffering from mental illness. (RAN 24/08 – 30 April 2008; Update #1 – 13 August 2008).

Died in detention

LE Dinh Nhan (religious name: **THICH Huyen Quang**): Leader of the banned Unified Buddhist Church of Vietnam (UBCV), author of books on Buddhism and Oriental philosophy, and respected religious scholar. He had been detained under house arrest since 1982 for alleged "anti-government activities", but in spite of this he continued his public appeals for religious freedom and freedom of speech. Since 2003 he had been held incommunicado at Nguyen Thieu Monastery, Binh Dinh Province. Died on 5 July 2008 at the age of 87 after a long illness.

EUROPE and Central Asia

ARMENIA

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. In December 2006, PEN learned that Bodjolyan's case has been taken to the European Court of Human Rights. PEN is seeking an update.

Arman BABADZHANIAN: journalist and editor for the newspaper *Zhamanak-Yerevan* (Yerevan Times). D.o.b c. 1947. Sentenced to four years in prison on 9 September 2006, subsequently reduced to 3.5 years, on charges of avoiding military service. Babadzhanian was detained on 26 June and charged with allegedly forging documents four years before to allow him exemption from military service. Supporters claim that the underlying cause of the case is Babadzhanian's work on *Zhamanak-Yerevan*. Shortly before his arrest, the newspaper had published an article that had questioned the independence of the Prosecutor General's office. The sentence is unusually severe, as such cases usually lead to sentences of one to three years. CPJ reports that Babadzhanian pleaded guilty to draft evasion but added that the action was aimed at silencing "an independent and incorruptible media outlet". He added that the court had not taken into account medical documents that referred to health problems that should have excluded him from service. **Appeal:** an appeal against the sentence was rejected on 11 March 2007 **Background:** Babadzhanian had been living in California, USA until he moved to Armenia in early 2006. **New information:** In early July 2008 a petition was filed requesting Babadzhanian's early release from prison. An earlier request, filed in early April 2008 was refused. PEN continues monitoring the case.

Attacked

***Lusine BARSEGHIAN (f):** correspondent for the daily *Haykakan Zhamanak* was reportedly attacked by two unknown men while leaving her home in the Armenian capital Yerevan, on 11 August 2008. She believes the attack is linked to her reporting on the alleged illegal activities carried out by people with influence in the government. The reporter claimed she will not be intimidated by this attack and will continue with her work.

***Edik BAGHDASARIAN:** Investigative reporter and editor of the online

newsmagazine *Hetq*, was reportedly ambushed and beaten by three men on 17 November 2008, losing consciousness from a blow to the head. The men fled after a security guard fired a shot into the air on seeing the attack. Baghdasarian reported that the attackers took a computer disk containing investigative stories he was about to publish. The reporter often writes about corruption in the government, and more recently covered a story on corruption in the mining industry. Police are investigating the attack.

Awaiting trial

***Nicole PASHINYAN and Mikael HAYRAPETYAN:** editor of the pro-opposition Ter-Petrosian newspaper *Haykakan Zhamanak* and academic/journalist, respectively. Both reportedly in hiding after the Armenian police launched a search for them on 10 March 2008. At the time, a state of emergency was imposed in Armenia's capital, after eleven days of consecutive protests against the official results of the presidential elections, held on 19 February. Pashinian is also a leading member of the opposition party Aylentrank (Alternative), and has continued writing for the paper *Haykakan Zhamanak* newspaper.

AZERBAIJAN

Imprisoned - Main Cases

Eynulla FATULLAYEV: editor of *Gündelike Azerbaijan* and the Russian language *Realny Azerbaijan*. **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. If convicted he faces six months imprisonment or a term in a labour colony. **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. The authorities gave no reason for this punishment although his lawyer believes it was because he continued to stage protests. **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. **Other information:** 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. [RAN 27/07 Update #1 - 17 July 2007; Update #2 - 13 September 2007; Update #3 - 31 January 2008; Update #4 - 16 June 2008] **Honorary Member:** Lichtenstein Centre.

*Ali HASANOV and Nazim GULIYEV

Professions: Journalist and current editor-in-chief of the daily *Ideal*, and founder of the same newspaper, respectively. **Date of arrest:** Hasanov was arrested on 14 November 2008 **Sentence:** Hasanov was given a six-month prison sentence. **Expiry:** Hasanov's expires on 13 May 2009 **Details of arrest:** Hasanov was taken into custody on 14 November 2008, when the sentence was handed down by the court. **Details of trial:** The criminal case was filed in September 2008 by a Nagorno-Karabakh war veteran, who alleged that two articles published in *Ideal* in August 2008 harmed her honour and dignity. She filed the case against Ali Hasanov and Nazim Guliyev. An Azerbaijani court sentenced Hasanov to six months in prison on defamation charges. His defence plans to appeal the sentence. Fellow journalist Nazim Guliyev was sentenced to pre-trial detention during a hearing in the Nasimi District Court on 30 October 2008, however it is said that has gone into hiding. The are reports that the articles in question were written by a person who used a pseudonym.

Ganimat ZAKHIDOV: editor-in-chief of newspaper *Azadlyg* was sentenced to two months pre trial detention on 11 November 2007. **Sentence:** On 7 March 2008 he was sentenced to four years imprisonment at Yasamal District Court in Baku 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, as ruled by the Court in Baku. Afterwards, on 21 May 2008 Zakhidov's defence filed a cassation complaint against the earlier judicial decision. **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 (subsequently identified as Sevgilade Guliyeva) 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 told RSF about the incident on the day that it occurred. He said he regarded it as deliberate provocation in retaliation for his writings, which are critical of President Aliyev and his associates. **Previous lawsuits:** In September 2007 Minister of Economic Development Geider Babayev filed a defamation lawsuit against Zakhidov for an article he wrote in *Azadlyg* and, the trial began October 7. Also in October that year, the state traffic police deputy filed a similar complaint. **Other:** the Azeri press council and some members of parliament have issued protests at his arrest. **Award:** In July 2008 Zakhidov received the Human Rights Watch administered Hellmann/Hammett award in recognition of his journalism in the face of persecution.

Sakit Mirza ZAKHIDOV: journalist and satirist for the newspaper *Azadlyg*, as well as a poet. Sentenced on 4 October 2006 to three years in prison on drugs charges that are widely considered to be trumped up. Zakhidov was arrested on 24 June 2006. The police claim Zakhidov was found in possession of 10 grams of heroin but Zakhidov's brother, Ganimat Zakhidov, the editor of *Azadlyg* argues that it was planted on him. **Trial details:** heard before the Nasimi District Court in Baku. On 24 August 2006, two months after Zakhidov's arrest, prosecution materials were finally provided to the lawyers who reportedly claim that there is no evidence of drug dealing and that evidence had been forged. His trial opened on 29 August 2006. On 26 September 2006 the Public Prosecutor told the court that there was no evidence that Zakhidov was selling drugs and asked that the charges be changed from drug dealing to drug use (Article 234.1). He was convicted to the maximum sentence of three years under this charge on 4 October 2006. **Appeal:** Sentence upheld in early May 2007. **Dissident Writings:** Sakit Zakhidov writes columns in which he regularly criticizes the government. Zakhidov is also known for his satirical poems that are said to be laced with obscenities, following a traditional format from the region of Azerbaijan where Zakhidov was born. One of his poems "What if we didn't have him?" focussed on the personality cult that surrounded the late Azeri president Heidar Aliyev and contained comment that some analysts see as slanderous. **Health concerns:** According to his lawyer, Zakhidov has been suffering from heart disease for 19 years and needs regular medical care. He staged a hunger strike against his sentence in July 2006, and again in November 2006. On 3 February 2008 Zakhidov began a third hunger strike to protest about his conditions of detention and demand medical attention. On 6 February 2008 Rena Zakhidova, Zakhidov's wife, reported that his condition was deteriorating and he could no longer walk. In late June 2008 Zakhidova argued that prison officials were creating obstacles in order to prevent him from taking his medication. **Prison:** Held at Penitentiary #14 where it is reported conditions are poor. On 19 August 2008 Zakhidov reported that he had been attacked by another prisoner, who had been provided with a pair of scissors and had been ordered to kill him. Zakhidov reported this situation to the penitentiary authorities and requested to be transferred to another prison. **Other:** Although five journalists were pardoned on 28 December 2007 Sakit Zakhidov was not included. His wife Rana Zakhidova believes the reason he was not included was because the authorities believe he will continue his opposition after his release. **Award:** On 24 April 2008 Sakit Zakhidov received the Human Rights Watch administered Hellmann/Hammett award in recognition of his journalism in the face of persecution. **New information:** Sakit Mirza Zakhidov was receiving treatment for long standing heart disease at the Justice Ministry Penitentiary Services' Treatment Facility until 18 October 2008, when he was returned to Prison #14 without having finished his treatment. Zakhidov's wife reported that on his return, Zakhidov was beaten in the kidneys and stomach by the management chief and his colleagues. On 27 October, delegates from the Organisation of Security and Cooperation in Europe (OSCE) and the Norwegian, French and US embassies went to the prison where a closed meeting was held with Zakhidov, who allegedly stated that that although his condition had improved, he remained unwell. On 20 December 2008 Zakhidov's request for early release was rejected in a hearing in the prison. (RAN 28/06 - Update #1)

Imprisoned - Investigation

Mushfig HUSEYNOV: correspondent for *Bizim Yol* newspaper. He was sentenced in July 2007 to three months pre-trial detention. On October

19 at Nasimi Court, Baku, the pre-trial detention was extended until 24 January 2008 in a hearing which took place without the presence of Huseynov or his lawyer. Huseynov was arrested 24 July 2007 for allegedly requesting a 3,500 USD bribe from Ministry of Labour and Social Defence Administration Director Rizvan Aliyev in exchange for not printing an article. On 21 January 2008 he was sentenced to six years under Article 311 of the Criminal Code (accepting a bribe) and forbidden from working as a journalist for a further two years after his release. Free expression monitors in Azerbaijan point to trial flaws and claim that the charges against Huseynov have been fabricated as a means of undermining the reputation of dissident journalists. On 4 April 2008 the Appeal Court in Baku reduced Huseynov's sentence to five years imprisonment, but upheld the ban on him working as a journalist for two years.

***Novruzali MAMEDOV:** editor of the Talysh minority language newspaper *Talyshi Sado* (Voice of the Talysh) and head of the Talysh Cultural Centre. Reportedly received a ten-year sentence on 24 June 2008 at a closed trial, without the presence of Mamedov's defence. He was convicted on charges of treason under Article 247 of Azerbaijan's penal code, based on the allegation that Mamedov had received money from Iran to publish the newspaper, but prosecutors have not publicly explained the charges. He has been held since February 2008, and allegedly held incommunicado at a Ministry of National Security detention centre. (RAN 35/08 – 4 July 2008)

On Trial

***Faramaz NOVRUZOGLU (Allahverdiyev) and Ilham TUMA (Agayev):** Journalist and advisor for the newspaper *Nota*, and editor-in-chief of *24 Saat* newspaper, respectively, face 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. According to Azeri law, individuals have the right to respond to articles they consider to be damaging their honour within a month and they can ask for the publication of a correction or appeal to the courts instead. However, in this case, the law suit was not filed until October 2008. The Court hearing was postponed for an indefinite period while a specialist determines whether the article was written by Allahverdiyev.

Non Custodial Sentence

Avez ZEINALLY, Kamal HUSEYN, Vugar GURDGANLI: Editor-in-chief and reporter of the newspaper *Khural* and reporter respectively. 1) PEN learned in 2007 that charges of incitement of religious, national and/or ethnic hatred under Article 283.1 of Azerbaijan's Criminal Code had been levied against Zeinally for translating *Mein Kampf* by Adolf Hitler into Azeri. Case was opened on 9 December 2004, closed on 28 February 2005 and reopened on 7 May 2007. In October 2007 the journalist was forbidden from leaving Baku by Azerbaijani National Security Ministry. On 7 November 2007 a preliminary hearing was held Narimanov District Court in Baku. The case was then placed on hold. 2) On 17 January 2008 Zeinally was sentenced to one and a half years of 'corrective labour' under Article 147.2 of the criminal code. In accordance with the terms of this ruling Zeinally will be required to give 20% of his salary to the government over the two year period. He was convicted alongside Kamal Huseyn who was sentenced to 18 months corrective labour. The case stems from two articles written by Huseyn and printed in *Khural* newspaper about the Publishing House Azerbaijan. The Director of Azerbaijan Agabay Asgarov filed a lawsuit against

Huseyn and Zeinally, the paper's editor, claiming that the articles were defamatory. 3) On 21 January 2008 Avaz Zeynalli was sentenced to two years' corrective labour alongside Vugar Gurdganli, who was sentenced to one and a half year's corrective labour. During this period 20% of Zeynalli and Gurdganli's salary will have to be paid to the state. The case stems from three articles, written by Gurdganli and published in *Khural* in October and November 2007, which comment on the relationship between Elmar Valiyev, head of the Yevlakh region and President Aliyev. One article was entitled 'Elmar Valiyev deceives Ilham Aliyev'. Elmar Valiyev and the Yevlakh community considered the articles to be defamatory and subsequently filed a lawsuit against the writer of the article, Gurdganli and the editor of the newspaper, Zeynalli. Avaz Zeinally's two sentences were combined and he was ordered to give 20% of his salary to the state over a two-year period. According to Article 49 of the Criminal Code this is the maximum amount person can be made to pay in 'corrective labour'.

Attacked

***Seymur HAZIYEV:** newspaper correspondent for *Azadlig*, reportedly suffered an attempt to murder him by pushing him in front of a moving train on 24 October 2008. He said that while waiting on the train station in Baku, he noticed that a person was following him and then pushed him to the coming train, but Haziyeve quickly moved away.

Agil KHALIL: correspondent for *Azadlig* newspaper has been subjected to a sustained campaign of attack and harassment, having suffered beatings, being stabbed, and pushed onto train tracks. It is apparent that he is being targeted for his reporting on the involvement of public officials in illegal land transactions. Some of the incidents include: in February 2008 severely beaten and documents stolen; on 13 March 2008 stabbed as he was leaving the newspaper's office in Baku, April 2008 suffered physical and verbal abuse in an attempt to make him make a false statement; in May 2008 Khalil claims that unknown men attempted to push him into the path of a train; following this incident, later in May 2008 he was denied permission to leave the country on two occasions. The Committee to Protect Journalists, which visited the country in May 2008, issued a protest at prosecutors having "falsified information, ignored evidence, and smeared the embattled reporter in the state sponsored media", accusing the authorities of impeding investigations into the attacks against him. They refer to claims made in the press such as following an attack in February when they accused him of faking injury. In April the Azeri state broadcaster suggested that the stabbing was linked to a dispute between himself and a male lover. On 19 June 2008 Khalil attempted to board a flight to France. He had his passport and the appropriate visa, but was allegedly barred by a plainclothes agent. It was reported that he had already passed costumes control and passport check, but was told by the agent that he was barred from leaving Azerbaijan. **New information:** The alleged attacker in the 13 March stabbing against Khalil received an eighteen-month sentence on 15 July 2008. This despite Khalil declaring repeatedly that he did not know the accused and that he was not the assailant person who attacked him. On 17 July 2008 the Media Freedom Representative of the Organisation for Security and Cooperation in Europe (OSCE), issued a statement condemning this court's judgment. The Representative said that this verdict was part of an official campaign to discredit Agil Khalil, the *Azadlig* newspaper and the few critical journalists remaining in the country.

Threatened

Uzeyir JAFAROV: Assistant editor-in-chief of the newspaper *Gundalik*

Baki, was reportedly being followed by an unknown man on 11 November 2008. Jafarov was leaving the editorial office on that evening, when a man closely watched him get into his car and followed him all the way to his home. According to the Editor of the newspaper, a complaint has been filed at the police department. Previously, the newspaper was fined as a result of a lawsuit filed by a soldier of the Defence Ministry. In January 2008 he reported having received over 900 death threat calls on his mobile. In April 2008 his car was set alight. In 2007 he suffered severe injuries as a result of another attack.

Harassment

Anar MAHMUDOGLU: journalist and author. Reports that he has suffered harassment following the publication in 2007 of his book *Lifetime Struggle*. The harassment started out as a series of aggressive articles in the press that accused him of defaming President Aliyev. He was dismissed from the National Science Academy as a result in November 2007. On 29 December 2007 he was briefly detained, allegedly following a complaint that he had insulted a local official. On 15 January 2008 he reported that the Ministry of Interior had called him to the office. He instead telephoned the office and was ordered to send his book to them. **New information:** In early November 2008 Mahudoglu reported that he had been declared 'wanted person' allegedly because he did not give the court his copies of the book. He said that a court executive called him and told him that he has been wanted since 22 September.

Case closed

Elman MALYEV: journalist for *Express* newspaper. Reported by his colleagues to have gone missing on 15 April 2007 after visiting the 39th police department in Baku Sabail district where he had learned that the Interior Ministry of the Nakhichevan Autonomous Republic had filed a libel suit against him. His colleagues contacted the Interior Ministry and were told that Malyev had been taken to Kakhichevan to stand trial. PEN is seeking an update. PEN is seeking an update.

Rasat PIRISOYU: Writer. Lawsuit filed against him for the poem 'Fedka', which was published in *Senet* under the pseudonym, Petka. A preliminary hearing took place 8 November 2007 in Baku. Closed due to lack of further information.

BELGIUM

Death treat

***Dogan OZGUDEN:** Turkish journalist and publishing director of the news website *Info-turk.be*, based in Belgium, has reportedly received threats against his life after posting comments on his website on 11 November 2008. Ozguden attended a ceremony at the Turkish Embassy in Brussels, for the anniversary of Ataturk's death, and reported on the alleged nationalist statements made by the Turkish Ambassador and the Turkish Minister of National Defence. Days after, some pro-government websites started a campaign against *Info-turk.be* and its director for his comments, recalling an incident which resulted with a man being arrested and lynched in 1922 for calling for the execution of Ataturk. Because of the seriousness of the threats the Belgian authorities have provided protection for Ozguden.

BULGARIA

Attacked

67 ***Ognian STEFANOV:** editor of the news website *Frognews*, was report-

edly attacked by four men, while leaving a restaurant in Sofia, 22 September 2008. Stefanov, aged 59, was badly injured with a broken arm and leg, and suffered severe blood loss. He was taken unconscious to the hospital. The editor and his relatives reportedly received threats prior to the attack, demanding that Stefanov should stop his journalism or face the consequences. The prosecutor's office is investigating the attack. **Background:** There are reports that Stefanov was linked to another website *Opasnite* 'The Dangerous', which existed only two months during the summer of 2008. It is said that this website covered cases of corruption and examined the workings of the security services. In early September 2008, soon after the closure of *Opasnite*, an investigation was launched by the Bulgarian State Agency for National Security to find out who were the people in charge of the website. As a result, on 3 September 2008, Stefanov co-wrote a critical editorial in *Frognews*, suggesting that rather than investigating the journalists who exposed those issues, the special services should investigate the information that was uncovered. Ognian Stefanov denied any relation with *Opasnite*.

CROATIA

Killed

***Ivo PUKANIC:** co-owner and director of the weekly news magazine *National* was killed by a bomb explosion 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 the attack. 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.

Attacked

Dusan MILJUS: journalist for the daily *Jutarnji List*, was reportedly beaten with baseball bats on 2 June 2008. There are accounts that prior to the attack, Miljus was being followed by two men in motorcycles, who he could not identify for their helmets. The *Jutarnji List*'s editor-in-chief reported to CPJ that before the attack the journalist received death threats which were ignored by the authorities, and that since the incident Miljus has been receiving police protection. The journalist had been covering stories on crime and corruption, and more recently had been investigating illegal arms trafficking. It was reported that on 9 July 2008, a relative of Miljus received a telephone threat. The unknown caller is said to have been warned that if Miljus did not stop talking, other members of his family might get hurt, and that he, the caller, had information about the journalist's relatives.

CYPRUS, NORTH

On Trial

***Basaran DUZGUN, Suleyman ERGOCLU and Fehim NEVZAT:** Journalist for the *Cyprus Daily*, former managing director and represen-

tative 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

Dogan HARMAN: editor in chief of *Kıbrıslı* newspaper on trial in January 2007 on charges of criminal defamation of a local businessman for which he could have received a sentence and heavy fine. The charges followed a series of articles investigating the activities of a businessman whom Harman claims carried out activities that resulted in financial losses for local companies and public institutions. Harman criticised the attorney general for apparent lack of action in this case and called for an investigation. A defamation case against him was subsequently filed a case of defamation under Criminal Code Cap. 154 which has since been repealed, and the law applied retroactively, clearing him of charges and legal liability retroactively. However an appeal against the dismissal of charges has been brought by the former attorney general to the Supreme Court which as of December 2007 was still reviewing the case. Case closed due to lack of further information.

FRANCE

On trial

***Vittorio DE FILIPPIS:** Former publisher of the newspaper *Liberation*, and now its development manager, was arrested on 28 November 2008. He was reportedly insulted in front of his children and badly treated as he was taken away. Once at the station he was allegedly strip-searched twice before being charged with libel. He was released five hours later. The trial dates from de Filippis' term as publisher of *Liberation*, from June to December 2006 when a message was sent to the readers page of the newspaper's website regarding a libel case filed by the founder of an Internet company against *Liberation*. As the publisher of the newspaper, De Filippis is said to be responsible for the message and for any article thought to be libellous. The case against De Filippis was filed by the founder of the Internet company, who allegedly had attempted to sue *Liberation*, on previous occasions on the same charge. A police officer allegedly said that De Filippis had ignored summons from the investigating magistrate on this case, however De Filippis denied receiving any of the summons. The trial continues.

Case closed

Guillaume DASQUIE: Journalist who specialises in defence and intelligence issues and co-founder and editor of the political news website Géopolitique.com faces five-year sentence and a fine under Article 413-11 of France's penal code for publishing state secrets. Dasquie was taken into police custody on 5 December 2007 and held for 48 hours (the maximum time a suspect can be kept in police custody in France) during which time strong pressure was put on him to reveal his sources of information for an article published in *Le Monde*. The article, entitled 'September 11: the French had long known' stated that French intelligence services, the General Directorate of External Security (DGSE), had warned their U.S counterparts of a possible attack some eight months

before the events on 11 September 2001. The article contained excerpts from DGSE files. Case closed: not clear if charges to be pursued.

GREECE

Attacked

***Makis NODAROS:** Correspondent for the Athens daily *Eleftherotypia*, the Patras daily *Imera*, as well as a radio and TV stations, was reportedly attacked on 23 October 2008. Nodaros was returning home from his work, when two unidentified approached him and asked if he was Makis Nodaros, and then beat him. The attackers left the scene on a motorcycle. When reporting the attack, the newspaper *Eleftherotypia* referred to it as a murder attempt against the journalist for his articles. Nodaros has been reporting in controversial issues, which in some cases took him to court on defamation charges. More recently the journalist reported on a case of alleged corruption in the town of Elia.

ITALY

Death threats

***Rosaria CAPACCHIONE (f):** Contributor for the Naples newspaper *il Mattino*, has reported receiving death threats from the mafia for her writings. Capacchione has been writing on issues linked to the Camorra, the Neapolitan mafia, for over twenty years, and has received threatening calls throughout. Despite being under police protection, in early October 2008 her home was broken into. Various items had been moved around, but none of her belongings with material value were taken. The only item missing was a journalism award she received earlier in 2008, of significant value for her. It is believed that the implication of this incident is clearly a warning. Capacchione has been placed under 24-hour armed guard.

Roberto SAVIANO:** author and contributor to the newspaper *La Repubblica*. In October 2008 Roberto Saviano stated that members of the Neapolitan mafia in Italy **denounced in his novel *Gomorra, announced he will be assassinated by Christmas. Saviano has told the press that he is leaving Italy as a consequence. For the last two years, he has been living under permanent police protection. Threats to his life have apparently increased since the recent launch of a feature film based on the book. (RAN 56/08- 23 October 2008)

KAZAKHSTAN

Threatened

***Victor MIROSHNICHENKO:** Correspondent for the newspaper *Vremya*, based in North Kazakhstan, reportedly faces charges for libel under article 129 of the Criminal Code. The case is linked to an article published on 10 July 2008, in which the journalist referred to alleged requests for money from officers of the Internal Affairs Department in North Kazakhstan, and other money matters that would benefit the Deputy Chief of that department. The Deputy Chief filed the criminal case, and a judge admitted it for consideration. The journalist is banned from leaving the region until the judge takes a decision on whether to trial the journalist or dismisses the complaint.

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". **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. **Family:** Saipov was married. His first child was born just three months before his death. **New information:** 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.

On Trial

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. PEN will continue monitoring the case.

Harassed

***Vadim NOCHEVKIN and Turat AKIMOV:** Reporter for the newspaper *Delo N*, and chief editor of the newspaper *Reporter*, respectively, have allegedly been harassed by the Kyrgyz authorities, who summoned them for questioning. On 5 November 2008 Nochevkin was questioned by the State Committee for the National Security, in relation to a his article 'Where do megawatts appear' published on 8 October. Akimov was similarly questioned by the Committee.

MONGOLIA

Case closed

B. TSOGNEMEKH: reporter for *Zuuni Medee* newspaper. Reported in May 2007 to have been charged under Article 110.1 of the Mongolian Criminal Code of insult carrying a maximum 3-month sentence, and Article 111.2 of libel with a maximum 6-month sentence. Relates to articles published in September 2006 and February and March 2007 in which Tsognemekh writes about allegations of corruption against a member of parliament. Nor further information.

RUSSIA

Killed

***Magomed YEVLLOYEV:** 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. The official reason for his killing is "death by negligence". 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 in Ingushetia. **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, 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 Russian prosecutor general's office has stated that an investigation has been launched. However, the Ingush minister of interior held responsible for the murder has since been transferred to Moscow to a higher ranking position. (RAN 42/08 – 3 September 2008).

Killed: trial under way

Anna Politkovskaya (f): leading journalist and author. Shot dead in the elevator in 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. Three men have gone on trial for their participation on the murder, but the precise charges have not been published. There are 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. **Awards:** 2007 UNESCO World Press Freedom Award.

Ilyas SHURPAYEV: Correspondent for Russian state television's Channel One and internet writer was found by firefighters at his Moscow apartment on the morning of 21 March 2008. He had been strangled and stabbed and the perpetrators had apparently set fire to his apartment to cover their tracks. The Investigative Committee of Russia's Prosecutor General's Office, opened a criminal case into Shurpayev's murder. Various motives for the death are being investigated, including robbery and his professional work. According to local press reports, Shurpayev

had moved to Moscow in February 2008 from his native Dagestan in Russia's volatile North Caucasus region, where he worked as a correspondent for Channel One. Previous to this Shurpayev worked for the state controlled NTV channel. Hours before his death Shurpayev wrote in his personal blog that the owners of a newspaper in Dagestan –he did not identify which paper– had banned a column he had written and instructed staff not to mention his name in publications. PEN learned in August 2008 that two Tajik nationals were convicted of the murder and sentenced to 21 years in prison. It is reported that both denied the murder and that they had no legal representation, leading to suggestions that the trial had not been fair.

Imprisoned - Investigation

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.

On trial

***Nadira ISAYEVA (f):** editor-in-chief of the independent weekly *Chernovik*, based in the southern republic of Dagestan, is reportedly facing criminal charges after the newspaper published on 4 July 2008 an article quoting one of the leaders of the 'Bojeviki' ('independence fighters'). If convicted she faces up to eight years of imprisonment, under charges of extremism and incitement of hatred. 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* allegedly challenged the prosecutor's warning before a court, but no hearing has been scheduled. Isayeva reported to CPJ that on 26 August 2008 the homes of six *Chernovik*'s journalists were searched by investigators with the local prosecutor's office and officers with the Criminal Investigation department of Dagestan's Interior Ministry. Besides Isayeva, none of the other five reporters have been criminally charged, but had their homes searched. The reporters are **Timur Magomayev, Artur Mamayev, Magomed Magomedov and Timur Mustafayev**, and *Chernovik*'s founder **Khadzhimurad Kamalov**. 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, Isayeva reportedly received a notice from the Investigative Committee at the Dagestan prosecutor's office, communicating her that she had to undergo a psychological analysis.

Nikolai SOKOLOV: At the end of February 2008 editor in chief of the newspaper *Fakty s Argumentami* was charged with 'libel disseminated by a mass medium', under Article 129 of the Criminal Code of the Russian Federation on the basis of a statement made by Viktor Sokovykh, mayor of the town of Elets, who accused the journalist of deliberate dissemination of false information damaging the mayor's honour and dignity. If the journalist is convicted of the charges he could be sentenced to a fine, corrective labour, or three to six months in prison. *Fakty s Argumentami* ran articles in between September 2007 to November 2007. Three particular articles led to the legal action against Sokolov; 'Death Agony' (issue #35, 6 September 2007; 'Turnskin' (#46, 22 November 2007, and 'Hunt! Hunt is going on' (#47, 29 July 2007). On 4 March a new criminal case was opened against the editor under Article 319 of the Criminal Code of the Russian Federation, pertaining to 'insulting an authority'. The case was opened over the article 'Turnskin?', which contained statements about Sokovykh. A commission made up of experts in linguistics and criminal law decided that the article contained obscene expressions. Sokolov has expressed concern that the people involved in the investigation, a commission made up of experts in linguistics and criminal law, may be corrupt.

Previous Charges: In 2006 similar charges were brought against Sokolov relating to Mayor Sokovykh, but eventually dropped because the texts of the articles contained 'journalistic opinion or assumption, a value judgement providing a general subjective evaluation'.

***Rimma URAZBAKHTINA (f):** journalist for the newspaper *Chas Pika Na Magistrali*, is reportedly facing charges linked to her article entitled 'Lessons in courtesy' (Uroki Vezhlivosti), published in issue # 45 of the newspaper, in late November 2007. The claimant in the case against the reporter is a vice chairman of the Arbitration Court who applied for protection of "honour and dignity". Urazbakhtina has been charged under Arts 129 and 130 of the Russian Criminal Code - slander contained in a public statement in a media publication, and insult in a public statement in a media publication respectively. The judge also accused the journalist of violating the constitutional principle of the inviolability of a judge by disseminating classified information on a member of the judiciary. In her piece, the journalist referred to the reasons for the early termination of the judge's term, and opinions of other judges and people affected by the judge's decisions. The case was filed in the Sovetskiy District Court of Ufa, on 3 March 2008.

On trial: fled

***Roza MALSAKOVA (f):** Editor-in-chief of the independent Ingushetia news website *Ingushetiya*, has reportedly fled Russia in late July 2008. The editor, according to her lawyer, faces criminal prosecution for 'incitement of ethnic hatred and 'distribution of extremist materials', and had been harassed, threatened and beaten up by the Ingush authorities. Malsakova had already moved from the Ingush capital Nazran to Moscow, in November 2007, after being beaten up in her home in front of her children, however, the threats and harassment did not stop, as she continues to receive threats by e-mail and over the phone. The website allegedly is the only media that had been critical of the regional president Murat Zyazikov, of the Republic of Ingushetia who has since been replaced. *Ingushetiya* allegedly reported on issues of local corruption, disappearances of local residents, unemployment and anti-government protest. The website has suffered reportedly four closure attempts since the beginning of the year 2008, by other regional authorities who alleged that its some articles have extremists content. According to the daily The Moscow Times, Malsakova is seeking asylum in Europe.

Free on bail

Nikolai ANDRUSHCHENKO: co founder of the weekly *Novy Peterburg*. Sentenced 24 November 2007 to two months pre trial detention following his arrest the previous day on charges of obstructing police and defamation. The reason for his detention is his reporting on a murder investigation and trial in 2006 in which police officials were allegedly criticized. He faces up to six years in prison. His colleagues believe that the real reason for Andrushchenko's arrest is his critical coverage of local authorities and his newspaper's support for the opposition in the run up to the December 2007 parliamentary elections. On 24 November, police raided his home on further defamation charges apparently linked to other articles. A few days earlier he had suffered an attack by unknown assailants on his way home. On 15 November the newspaper distributors refused to allow any copies of that edition onto the newsstands, it is thought because the paper carried a number of articles critical of the police and in support of opposition demonstrations. Another printing house refused to carry an edition with an article by opposition leader Gary Kasparov. His colleagues see this as a campaign of harassment against Andrushchenko and his newspaper. In January 2008 a St. Petersburg court extended Andrushchenko's detention up to 21 March 2008 after the Presidential elections. On 21 March his preliminary detention was extended a further two months with no official charge. The successor to *Novy Peterburg*, the newspaper *Minuty Veka*, has reported being harassed by authorities since Andrushchenko's arrest. 6 February 2008, according to reports, the offices of *Minuty Veka* were raided and six computers from the newsroom were seized. The police claimed that they were acting on a tip that the paper was using unlicensed software. On 4 February 2008 Nikolai Andruschenko had publicly denounced his Russian citizenship by writing to President Vladimir Putin in order to protest his imprisonment. **New Information:** Andrushchenko was freed on bail, on order of the Dzerzhinki District Court of St Petersburg in August 2008. The hearing was still due as of December 2008 and the newspaper remained closed. [RAN 48/07 Update #1 – 24 April 2008; Update #1 – 5 September 2008]

Death threat

***Alexandra NABOKOVA (f):** Correspondent for the newspaper *Arsenyevskiy Vestnik*, in the maritime territory of Dalnerechensk, has been reportedly receiving death threats after publishing a series of critical articles about the local authority's performance. In late December 2008 the Glasnost Defence Foundation (GDF) reported that after the publication of Navokova's first article, someone wrote an insulting message on the front door of her home. When her second piece was published on 18 December 2008, an unidentified man phoned her stating: "It seems that you didn't get the message. Just one more publication like that and that'll be the end of you!" The newspaper's editor has requested the Maritime Prosecutor to take the appropriate measures to protect Navokova.

Attacked

***Mikhail BEKETOV:** Editor-in-chief of the newspaper *Khimkimskaya Pravda*, was reportedly assaulted and badly beaten outside his home. He was found on 13 November 2008 by a neighbour in Khimki, a suburb in Moscow, where he edits the newspaper. The journalist was hospitalised with severe injuries and had to undergo the amputation of one of his legs. Beketov had written critical articles against local authorities, and had campaigned to protect a part of the forest in Khimki where developers plan to build a commercial site. The reporter received threats previously.

Weeks before the attack he received a phone call saying that he had been targeted, and in May 2007 his car was set on fire. The police is investigating the assault.

***Miloslav BITOKOV:** Editor-in-chief of the independent weekly *Gazeta Yuga*, was reportedly attacked by three men outside his home, in the city of Nalchik, North Caucasus, on 2 September 2008. He was allegedly hit in the head and was treated at the hospital.

***Zurab TSECHOYEV:** Editor of the human rights website *Mashr*, was reportedly beaten and threatened in Ingushetia, in the North Caucasus, on 25 July 2008. Reports say that around fifty armed men in camouflage clothing, entered Tsechoyev's home, forced him into a vehicle and drove him to an unknown location. Tsechoyev was allegedly then questioned and beaten for around five hours, before being left on a road outside Magas, the capital city of Ingushetia. He reported being questioned about the publication on a website of a list of the Federal Security Service (FSB) agents, who were allegedly accused in wave of murders in Ingushetia. Before he was freed, Tsechoyev was reportedly told to quit his job and the republic or him and his family would be killed. Sources say that Tsechoyev's attackers appeared from their armament, clothing and vehicles to be FSB agents

Brief Detention

***Vyacheslav MELMAN, Yegor SKOVORODA, Alexander ARTE-MYEV and Sergey LANTYUKHOV:**

Reporters for HYPERLINK "<http://www.Grani.ru>" \t "_blank" , HYPERLINK "<http://www.Liberty.ru>" \t "_blank" ; HYPERLINK "<http://www.Gazeta.ru>" \t "_blank" and HYPERLINK "<http://www.Life.ru>" \t "_blank" , respectively, were detained briefly on 14 December 2008. The reporters were covering a demonstration in the centre of Moscow, which apparently did not have authorisation to be staged there. OMON, which is the special riot police detained reportedly over a hundred people. Among them were the four reporters and other broadcasting journalists. It has been reported that the authorities charged the detainees under article 20.2 of the Administrative Code for 'Breach of order of an organisation's internal rules or the rules of holding a meeting, a rally, a demonstration, a march or a picketing action'. The journalists will be required to attend a court hearing and possible pay a fine.

***Oleg ZHUNUSOV and Vladimir SAYAPIN:** Reporter for the Moscow-based daily *Izvestiya*, and journalist for the Russian news agency *Interfax*, respectively, were detained briefly on 21 December 2008, while covering a demonstration in Vladivostok. The protest, which started the day before, was against a governmental policy to increase importation of cars. Zhunusov and Sayapin were detained by the special riot police with other ten broadcasting journalists covering the demonstration. Reports say that the journalists were beaten when detained.

Suspended sentence

***Stanislav GLUKHOV:** editor-in-chief of the *Khabarovski Express* newspaper, was convicted of slander by the Central District of Khabarovsk in September 2008. He was given a suspended sentence of one year in prison and one year's probation under Article 129.3 of the Russian Criminal Code, for disseminating false information regarding a member of the Duma and former director of a local alcoholic beverage factory. It has been reported that the alleged false information was published in the 11 April 2007 issue of the *Khabarovski Express*. Glukhov announced he will file an appeal.

Case closed – suspended sentence served

Stanislav DMITRIEVSKI: editor-in-chief of *Pravo-zashchita (Rights Defence)*, a monthly newspaper of the Russian-Chechen Friendship Society (published in Nizhny Novgorod). Charged in January 2005 with attempting to overthrow the government for reports carried in the newspaper in March and April 2004 quoting Chechen rebel leaders, including the late Aslan Maskhadov, based in the UK and France, calling for peace talks. Sentenced in February 2006 for "inciting interethnic hatred by using the mass media" to a two-year suspended sentence and a four-year probation period. During this four-year period, Dmitrievski will have to inform the authorities as to any change of residence or travel plans and will have to report regularly to the local authorities. Any violation of these conditions or a further criminal conviction could result in him being re-imprisoned. **Award:** In July 2008 Dmitrievski received the Human Rights Watch administered Hellmann/Hammett award in recognition of his journalism in the face of persecution. **Honorary Member:** American PEN.

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. PEN is currently reviewing the case.

Case closed

***Igor AVERKIYEV:** Journalist faces prosecution for an article, which he wrote entitled 'Putin: Our Good Hitler' which was published on the website <http://www.prpc.ru> in December 2007 and later reproduced in the newspaper *Za Cheloveka*. On 18 February 2008, the Federal Service for the Supervision of Mass Media, Communication and Protection of Cultural Heritage (Rossvyazokhrankultura) asked the Prosecutor's office to file criminal charges against Averkiyev and the newspaper *Za Cheloveka* stating the article to be 'extremist'. The article compares former Russian President Vladimir Putin to Adolf Hitler his early years. The probe into this case could lead to the initiation of a criminal case on the basis of Article 280 of the Criminal Code of the Russian Federation, which deals with public calls for extremism involving the use of mass media. The journalist faces up to five years imprisonment if convicted on these charges. PEN learned in August 2008 that the case was closed without prosecution.

SLOVENIA

On trial

***Biserka KARNEZA CERJAK (f):** Journalist for the weekly magazine *Reporter*, is facing trial for criminal defamation, and was questioned by the police on 24 November 2008. The allegation was brought by the mayor of Celje, the third largest city in the country, for a piece in the 26 May 2008 issue of the magazine in which she allegedly referred to the mayor's business activities. If found guilty Karneza Cerjak could face up to one year of imprisonment, under article 171 of the Criminal Code.

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. Throughout that time, the accused had practically no way earn a living, since they had to be in Madrid. The trial itself was based on an 8-year inquiry carried out by 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 sentencings, 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 to start serving his sentence. On 3 July 2008 he was released on bail from the Picassent prison, reportedly on health grounds.

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. She remained detained as of 31 December 2007. **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.

Free on appeal

Sabino ORMAZABAL: writer, journalist, ecologist and campaigner. **Arrest and charges:** Arrested in October 2000 under Article 576.1 of the Penal Code for "collaboration with a criminal organisation". Ormazabal is a member of the Joxemi Zumalabe Foundation, which supports various Basque social and cultural movements. The Foundation was accused of collaborating with Euskadi Ta Askatasuna (ETA), a charge they consistently deny. Ormazabal was detained for seven months and released May 2001. **Trial:** On 30 November 2007 Ormazabal was arrested a second time. He was released on bail and sentenced to nine-year's imprisonment in December 2007. In an interview with *Publico* on 26 December 2007 Ormazabal said that he intends to appeal before the Supreme Court and the Constitutional Court. He added that while on bail he would continue in his work towards non- violent dialogue and co-operation to reach peace and social justice. **Background:** Ormazabal was editor of the environmental supplement, *Ingurogirua*, of the newspaper *Egin*. He is also author of *Mapa (inacabado) del sufrimiento*, which charts the violence, and freedom of expression restrictions in the Basque Country since 1968. He regularly campaigns for peace and an end to violence. Amnesty International refers to a statement by Ormazabal in which he clearly states that he had never collaborated with ETA and abhors the organisation for its violence. In his interview with *Publico* he says his arrest and imprisonment was "Kafkaesque" because not only is he against ETA but also, he is against violence.

On Trial

Xabier ALEGRIA, Fr. Txema AUZMENDI, Martxelo OTAMENDI, Juan Mari TORREALDAI Iñaki URIA, and Pello ZUBIRIA: in February 2003, a number of journalists and others associated with the Basque language newspaper 'Euskaldunon Egunkaria' were arrested in February 2003 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 still stands with a hearing said to still be under way in 2008. There has not been any instruction to reverse the order that the newspaper be closed. **All are Honorary Members of the English PEN Centre**

Asier VELEZ DE MENDIZÁVAL: 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 Mendizával and a photographer of the newspaper were covering this protest. On 3 November 2008, eleven people were charged for these events, including Velez de Mendizával and the photographer. The prosecutor requested a five-month term in prison for the journalist and the photographer. The trial is expected to start in March 2009

TAJIKISTAN

On trial

***Tursunali ALIEV:** Journalist. Charged with libel under Art 135 p. 3 of the Criminal Code, on 9 August 2008. The charges are reportedly linked to a satirical article entitled ‘It should shame the chairman’, published in the *Tong* newspaper on 12 September 2007. In his piece, Aliev allegedly revealed information on the illegal privatisation of public property in the Zhabborasoluv district. The chairman of this district was dismissed after its publication.

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 issue. 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. 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. Trial opened on 2 July 2007 and continues as of December 2008. 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.

Main Case

Mehmet BAKIR: journalist and editor in chief of *Güney* magazine. Sentenced to two and a half years in prison on 12 February 2007 under Article 7 of the Anti Terror Law. (Plus a fine of 1.666 Turkish Lira, and deprivation of public rights and ban on travelling abroad) He was sentenced along with seven others, all members of the Bolshevik Party (North Kurdistan/Turkey). Arrested 9-10 July 2002, almost five years earlier, the men are accused of “membership of an illegal organisation”. Bakir and others in the group have reportedly denied being members. Amnesty International, which considers them to be prisoners of conscience, describes the group as a “small, non-violent opposition party”. Concern surrounds the judgement based on statements said to have been extracted under torture. The trial has been controversial, with two retrials being held, and two previous decisions by the court of appeal to quash the verdicts of the lower courts. This case has been subject to widespread controversy in Turkey. Bakir was finally detained in February 2007 and is now held in Bolu F Type Prison, near Ankara. He is due to be freed in May 2009. **Honorary member:** Belgian Flemish PEN

Mehmet Ali VARI: formerly publisher/owner of Tohum Publishing House, now with Belge Publishing. **1)** Trial opened in 2002 for articles published in the monthly review ‘Long March’ (Uzun Yuruyus) entitled ‘Towards the Elections’ and ‘The Call of Kaypakkaya [a leader of the 1968 youth movement who was tortured and killed]’. He was acquitted in March 2003 but this acquittal was overturned in November 2005 and he was convicted to a fine of 20,000 YTL 9c. Eur 10,000) or imprisonment. Varis was imprisoned in October 2008 to a 6 month term for non payment of his fine. His defence that the notice of the fine was sent to an old address and he was unaware he had to pay was not counted. **2)** Varis was sentenced to another one year prison term served on 24 November 2008. PEN is seeking details. There are other possible trials against Varis relating to three books published by the Tohum publishing house – *Kuzey Bati Dersim; Koçgiri* by Mamo Baran – insult to Turkishness, *Kemalizm-Oturan /Adam (Kemal – the Sitting Man)* by Erdal Yesil – insult to the memory of Ataturk and *Cok Kulturlulukten Tek Kulturluluge Anadolu (Anatolia from Multiculture to MonoCulture)* by Aytekin Yilmaz – insult to Turkishness. Said in December 2008 to be held in Metris Prison, Istanbul.

Investigation cases

Baris ACIKEL: license owner and the responsible editor of a periodical “Devrim Yolunda __çi, Köylü” (Worker and Peasant on the Way of Revolution. Found guilty for 12 crimes under the former Penal Code article 159, the new penal code article 301, article 216 (inciting hatred and hostility among the people) and Anti-Terror Law articles 5; 6/1; 7/2 and 8/2. Held in an F-type prison in Kandira in December 2008. PEN is seeking further information.

Ibrahim ÇİÇEK, Bayram NAMAZ, Sedat SENOGLU, Ziya ULUSOY: editor in chief, journalist, journalist, journalist, deputy editor and journalist respectively for the newspaper *Atılım*: 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 jour-

nalist. 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. Hasan Cosar, listed as among those detained in this group is no longer referred to as detained and presumed freed.

***Murat COSKUN**: author of *Language of Suffering: Woman* published by Peri Publishing House in 2002. The book contains four storied written in lyric form. **1)** Sentenced by the Istanbul State Security Court Num 4 and by the Beyoglu Criminal Court no 2 to one year and 15 days in prison on charges of “inciting hatred and hostility” under Penal Code Article 216. According to reports, Coskun was not aware that he was on trial. He was imprisoned on 22 August 2008. According to reports, Coskun was already in Bursa prison serving a sentence for membership of the banned PKK when he was requested to give a statement regarding the book. Coskun was released and returned to his home in Adana and then returned to gaol on conclusion of the trial on 22 August 2008 **2)**. Coskun is also reportedly 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. **Place of detention**: Adana Kurkculer “F” type prison.

***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.

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.

***Erdal GÜLER**: ex-editor of *Revolutionary Democracy Newspaper (Devrimci Demokrasi Gazetesi)* Arrested on 25 December 2007. Güler is said to have had an arrest warrant against him and to have been taken to Bayrampasa prison. Güler is charged with “propaganda for an illegal organisation”. Held in Amasya E Type Prison in Istanbul as of December 2008.

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 Karaman-Ermenek M type prison as of December 2008.

Behdin TUNÇ, Ali BULUS, Faysal TUNÇ: journalists for the DIHA newsagency arrested between February and April 2007 and detained under Anti Terror legislation. 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). They are detained in Diyarbakır D Type prison and Bulus is held in Karaman M Type Prison as of December 2008.

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 who are campaigning 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 campaigns “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.

Death Threats

Professor Baskin ORAN: professor at Istanbul’s Bosphorous University and former member of the government’s Human Rights Advisory Board. Reportedly received death threats from the nationalist Turkish Revenge Brigade (TRB) in May 2008 following his acquittal in April 2008 under articles 301 and 216 of the Turkish Penal Code for having jointly written the *Minority Rights Report* that referred to “people from Turkey” rather than “Turks” – see entry below for details. The TRB is said to have been responsible for the murder of Akin Birdal, a human rights defender, in 1998. Oran had previously complained of death threats, which were dismissed by the authorities as “abstract” until the January 2007 murder of Hrant Dink when Oran became one of a number of writers and academics to be provided with police protection. On 5 June 2008 a trial was held against another person who sent Oran threatening messages. He reported receiving further threats by email in October 2008.

On Trial/Charged (not detained)

Huseyin AYKOL, Ali TURGAY: license owner and editor of weekly *YedinciGün* newspaper. **(1)** Trial opened at the Istanbul High Criminal Court No 9 on 8 April 2008 to hear charges under Penal Code Article 215 and Anti Terror Law Articles 6 and 7 for making propaganda for a terrorist organisation and printing its materials. Relates to article in 10-16 November 2007 issue where PKK leader Abdullah Öcalan was referred to as the “leader of the Kurdish people”. Believed still on trial as of December 2008. **(2)** Ali Turgay was sentenced on 11 July 2008 to 30 months in prison for propaganda and publishing statements for an “illegal

organisation” for an article published in January 2008 in *Haftaya Bakis*. Thought to remain free.

***Ahmet ALTAN**: journalist for *Taraf*. Charges filed in September 2008 by the Ankara Branch of the Great Union Party (BPP) under Article 301 for insult to the Turkish republic for an article entitled ‘Ah Ahparik’ (‘Oh Brother’ in Armenian). The article is said to have included the phrase “the Unionists [of the Ottoman era] conducted a cruel genocide”.

***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 Kadiköy Court of First Instance in Istanbul on 16 September 2008.

Gültekin AVCI: journalist for *RealLife* magazine. Charges levied against him in March 2008 under Article 301 of the Penal Code by the Chief of Staff for a book entitled *Republic of the General Chief of Staff*. Accused of insult to the armed forces. No further information as of December 2008.

Kiyasettin ASLAN: representative fo the Office Workers’ Union in Kilis. On trial under Article 301 for an article he wrote and published in *Kent* in which he reportedly tells of women and children killed by landmines laid by the Turkish army. Accused of “insulting the army”. First hearing on 11 June 2008 resulted in case being sent to the Ministry of Justice for comment, as per ammended Article 301. No further information as of December 2008.

***Cumali BADUR**: internet journalist. On trial 15 October 2008 for reporting on the trial of Hagi Bogatekin (below) in an article on the www.gergerin.com website. Accused of attempting to influence the judiciary. (Article 288).

Emin BAL: journalist for the local newspaper *Sirnak* and the national Dogan newsagency. Bal was prosecuted for failing to inform the authorities about the chanting of illegal slogans at a funeral of a PKK member, which Bal followed as a reporter. Bal told the court he had not heard the slogans. Prosecution service wrote another indictment charging him with perjury. (TPC 272) Believed to still be on trial.

Neval BURLAS, Enis Mazhar TAYMAN: editor-in-chief and correspondent for the weekly journal *Tempo* had a hearing before the Bagcilar Court of First Instance on 8 June 2006 on charges of insult to Turkishness (Article 301), and provoking people to violate the law by means of the media (Article 217 and 218 of the Penal Code) for an interview published in their newspaper on 2 December 2005 entitled “I would have torn that identity” with **Ibrahim Guclu**, former chairman of the Freedoms Party and KURD-DER spokesman. In it Guclu refers to Turkey having occupied “Northern Kurdistan” in the south east of Turkey and speaks of destroying his Turkish identity card. The trial was launched in March 2006. The two men face up to six years in prison. As of December 2007, the case was before the High Court for a decision on which court would handle the trial. No further information as of December 2008.

Sait BAYRAM, Fırat AVCI: editor in chief and journalist of the Diyabakir newspaper *Söz*. Charged with defamation under Article 125 of the Turkish Penal Code with “insulting a public servant” for an article suggesting bribery. Both were arrested on 18 June 2007 and released on 20 July to stand trial and hearing held in February 2008. No further information as of December 2008.

Haci BOGATEKIN: The editor of local “Gerger Fırat” newspaper. 1) Charges made against him under Article 301 for an article entitled ‘Turkey Has Made a Mistake’ that held the Turkish government respon-

sible for the “deaths of millions of Armenians and Syriac Christians in the East and South East...” as well as the Alevi and Greek Orthodox minorities in the last century. First hearing held 26 September 2007. In September 2008 the Ministry of Justice, under new regulations enacted with the 2008 revision to Article 301, did not grant permission for the case to proceed. 2) 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. Next hearing due on 5 February 2009. 3) 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. Presumed free on appeal. See also **Cumali Badur**, above..

***Sibel BULUT**: chief editor of *Atilim*. Accused under Article 215 of praising criminality for an article on revolutionary youth in 1968. Prosecutors asking for a 2 year sentence. In early November 2008, the court of first instance referred the case to a high court.

Erkan ÇAPRAZ: editor of the Yüksekova News Website. Charged mid April 2008 under Article 301 of the Penal Code for a report entitled “Kurds and the Newroz Fire” following a complaint issued by the Yüksekova 3rd Tactical Military Unit Commander’s office. The article referred to an incident in Yüksekova during the Kurdish Newroz (new year) celebrations on 28 March 2008 where two people died. Çapraz argues that the article first appeared in *Agos*. No further information as of December 2008.

Mustafa Kemal ÇELİK, Mehmet Resat YILDIZ, Aytekin DAL, Mehmet Sadik AKSOY: Çelik is the owner of several newspapers in Batman, Dal is chief editor of *Vizyon*, Aksoy of *Baris* (Peace), Yıldız of *Caldas*. All brought before the Batman Court of 2nd Instance on 9 May 2008 on charges under Articles 301 and 288 for “insulting the armed forces” and “attempting to influence the judiciary” in their reports of the 2006 incident where a car was fired upon and a young boy killed in Batman. Hearing held 9 July 2008. No further information as of December 2008.

Temel DEMİREK: 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 Minister of Justice Mehmet Ali Sahin in declaring the decision to proceed by stating that Demirek 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 Demirek to the attention of extremists who threaten and attack those who refer to an Armenian genocide. They fear that this could make Demirek a target for assassination. Next hearing set for 6 February 2009. 2) A second trial is under way under Anti Terror Law Article 7/2 for a speech by Demirek deemed to be propaganda for an illegal organisation. Next hearing 12 February 2009.

Abdurrahman DILIPAK: editor and rights activist. Has undergone many trials under various laws for his writings and commentary. Most ended with acquittal or non-custodial sentences. Currently on trial under Article 301 opened in February 2008 with hearing due on 17 September 2008 before Bakirkoy 2nd Criminal Court of First Instance. This relates to an article seen to denigrate the Turkish army. The court forwarded the case to the Ministry of Justice for its consideration on whether to proceed under revised 301 legislation. No further information as of December 2008.

Cevat DÜŞÜN: 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 2007 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. No further information as of December 2008.

***Sükrü ERBAS:** poet. Among 15 people sentenced to nine months in prison c. 16 December 2008 by the Criminal Court of First Instance in Antalya, southern Turkey. All were accused of speaking in Kurdish at an election rally in 2002. One of those convicted, Hikmet Fidan, had died in 2004. PEN is seeking details of the legislation used. Sükrü, who was standing as a candidate in the election, has reportedly stated that not only does he not speak Kurdish, he was not at the rally. The sentences led to protests by writers and intellectuals held in Ankara. Erbas and the other defendants are free on appeal. Erbas is a member of PEN Turkey. An award winning poet, he has had a number of his poetry collections published and has on several occasions taken part in petitions and actions calling for freedom of expression. Not believed to be detained, possible appeal under way.

Hikmet ERDEN: reporter for the Dicle newsagency. Reported on 10 September 2007 to be charged with “slander” of the military. Connected to an article in which he accused local police in Diyarbakir of intimidating locals against voting for a particular candidate. The trial began on 2 February 2008, in Diyarbakir Criminal Court of First Instance Num.2. He is charged with “defamation through press”. He faces up to 4 years in prison. No further information as of December 2008.

Yalçın ERGÜNDÖGAN: journalist for the daily *Birgün*. Trial opened before the Istanbul Beyoğlu Penal Court of First Instance on 21 June 2006 under article 480/1 of the Penal Code for an article entitled “Followers of Haydar Have Risen Against him”, published on 26 April 2005. The trial was launched following a complaint by Haydar Bas, chair of the Independent Turkey Party described as “religious-nationalist”. Last hearing on this case held on 23 May, postponed to 26 September 2007 when it is believed he was sentenced to a fine, which he is appealing against. However the case is now to be tried under new Penal Code article 125, opened on 26 December 2007. The court found Ergüdogan guilty of “insult” and ordered him pay 5 thousand lira compensation. The case is in the appeal court. On 11 July the appeal court reversed the decision to fine Ergüdogan and ordered a retrial, the

next hearing of which was due 8 October 2008. No further information as of December 2008.

***Cezmi ERSÖZ:** writer. On trial on 30 October 2008 on charges under Article 318 of the Penal Code of “alienating people from military service” for an article published on 5 September 2007 in the magazine *Leman* entitled ‘Returning from the Army is Beautiful’. The phrase that led to the charge was ‘Army is hell for young people. If I live long enough, I would like to write a novel about this savagery ... Friends who had to go into the army helplessly should not feel bad. If you can at least return from there with optimistic views about this society, yes optimistic, then you may come to realise that this is and will be a much better society without its military, and you can console yourselves with this thought.’

Mehmet Sevket EYGI: Journalist for *Milli Gazete*. On 11 May 2006, Eygi was sentenced to one year in prison for an article published in March 2005 that was deemed to have “incited enmity and hatred” on religious grounds. Entitled “No Effort or Patriotism Left”. The judge ruled that the sentence could not be suspended as he was not convinced that Eygi would not commit a similar offence again. Eygi is free on appeal. The case is before the appeal court as of June 2008. No further information as of December 2008.

Ismail Gökhan GENÇAY, Ibrahim ÇESMECIOĞLU: editor and editor-in-chief respectively of the Sunday magazine of *Birgün* newspaper. Trial opened before Beyoğlu Penal Court of First Instance on 21 June 2006 on charges relating to an interview with a conscientious objector under Article 318 of the Penal Code. He faces 2.5 years in prison, with an additional year for carrying out the offence in the press. The case was sent to Istanbul High Criminal Court with special powers, set up to replace the former State Security Court. Hearing set for 23 October 2008. No further information as of December 2008.

***Huseyin GÜNDÜZ:** editor for the *Do* Publishing House. Released after two days’ detention in early November 2008 to face trial under article 215 – praising criminality – for publishing a book by **Medeni Ferho** – *Letters to Öcalan, Mr Chairman*. Trial set for 5 January 2009.

Umur HOZATLI, Nurettin AKALP: The case is over Hozatli’s article in “Ülkede Özgür Gündem” newspaper “*Good Father is at Work*”. The indictment quoted as evidence: “...good timing; 12 September is a good date to kill children in Diyarbakir (meaning Fevzi Abik). The “good boy” who was among the good boys of a good father 26 years ago has become the father, and this good father was at work on 12 September 2006.... His boys are organised under different names. Some call themselves “TIT” (Turkish Revenge Squads), some call it “JIT” (Gendarme Intelligence), some “JITEM” (Military Intelligence), and some call it “IT” (dog)...”. Date of hearing : 22 May 2008, Beyoğlu Criminal Court of First Instance Num.2. No further information as of December 2008.

Osman İNAL: journalist for *Gündem* based in Hakkari reportedly sentenced to 18 months in prison c. 25 February 2008 under the Law on Demonstrations and Meetings No. 2911 for having staged a protest against a ban on his newspaper. Believed to be free on appeal. No further information as of December 2008.

Cengiz KAPMAZ: journalist for the now closed *Özgür Gündem*. Cases launched in December 2006 1) for an article published 15 February 2006 ‘2,555 days have passed’ under Article 215 of the Penal Code (praising crime and criminal acts) and Article 218 for carrying out the offence in the press. 2) for an interview with former DEP politician Orhan Dogan under Article 7/2 of the Anti Terror law for “making propaganda for an illegal organisation. Case opened before the Istanbul Heavy Penal Court on 16 February 2007. On 16 September 2008 he was sentenced to ten months in prison. Presumed free pending appeal.

Sinan KARA: journalist for *Ülkede Özgür Gündem* newspaper. 2) Article 301/2 insult to the military for a November 2006 Article entitled "Justice has become Militarism's Jester" published in *Social Democracy*. In it Kara suggests that military chief of staff had given a good character reference for soldiers accused of bombing a bookshop. The case opened in January 2007 and last hearing held 6 February 2008. PEN is following up 3) Another case is under way under Article 301 for Kara's article "Full Time Killers" in which he criticised the state and army in relation to a bombing in Diyarbakir, south eastern Turkey, in which 10 people died. The case opened on 26 October 2007 and still in process in 2008. 4) Kara was to appear before a court on 7 September 2007 for an article on isolation cells entitled "Isolation Knows No Limits" published 14 November 2006 in *Ülkede Özgür Gündem*. Accused under Article 216/1 – "incitement to enmity". Hearing held in January 2008. No further information as of December 2008. 5) Trial hearing due on 20 February 2008 before the Beyoglu Court of First Instance under article 301/2 for an article entitled 'Murderers on the Payroll' deemed to be insulting to the military. Hearing held in June 2008. No further information as of December 2008. **Previous arrests:** Kara has previously been on trial for his writings. See previous PEN caselists. Reports in February 2008 suggest that he has stood trial in a total of 48 of which 22 are still pending.

***Mustafa KARAALIOGLU:** editor *Star* newspaper. Istanbul Bakirköy Chief Public Prosecutor ordered a case against him in mid July 2008 under article 216 – incitement to enmity for a 6 June 2008 article criticising the constitutional court for its decision cancelling an amendment on the wearing of headscarfs in public institutions. No further information as of December 2008.

***Malih KASKAR:** Journalist for *Milas önder (Milas Leader)* reported in October 2008 to have been sentenced to a prison term for 'insult'. No further detail.

Rojda KIZGIN (f): journalist for the Dicle News agency. Court case launched by Bingol Public Prosecutor c. 22 January 2007, along with Ridvan Kizgin, Chairman of the Bingol Branch of the Human Rights Association, and Dogan Adibelli. Charged under Article 301 of the Penal Code for "insult" to the security services for an article that accused a village guard of stunning fish with army explosives. Bingöl Criminal Court of Peace decided nonjurisdiction on 22 November 2007, and referred the case to Bingöl Criminal Court First Instance. Hearing date is not set yet.

Ersen KORKMAZ: owner of *Demokrat Iskenderun* remains on trial on charges under Article 159 of the Penal Code, although this article has now been replaced by Article 301. Accused of "insult" to the armed forces for an article on a debate organised by the Turkish Communist Party on guerilla leader Ocalan in September 2002. The article was entitled "They Caught the Leader of the Kurds and gave him to the Fascists." He is on trial with Necmettin Salaz, who organised the panel. Last hearing held on 26 December 2008 at the Iskenderun Court of First Instance.

Mustafa KOYUNCU: editor in chief for *Emeridag*. Arrested following a 12 March 2007 publication of an article "Should we enter the EU like that? They Misuse Their Authority". Apprehended while in his car at a random traffic control check, he was held for a week in prison and subsequently charged with insulting a police officer. 44 police officers are said to have issued complaints against him. Trial to continued in January 2008. PEN seeking update.

***Vedat KURSUN:** editor and owner of *Azadiya Welat* newspaper. Reported tried before the Diyarbakir Criminal Court on 5 February 2008 on charges under Articles 220/6 and 314/2 of the Penal Code for making propaganda for an illegal organisation (the PKK) and Article 7 of same

law for sending directions to the PKK through the press. Charges relate to articles published between September 2006 and August 2007 that referred to the imprisoned PKK leader Abdulla Öcalan as "the leader of the Kurdish people" and other such references. He was imprisoned on 5 February 2008 since when there have been a number of hearings, each of which resulted in requests for release pending trial turned down. On 30 April 2008 the Diyarbakir High Criminal Court allowed Kursun to be freed pending trial, with a hearing set for 3 June 2008 when he was convicted to three years and three months in prison. It is not clear if he is free pending appeal. PEN is following up.

***Nurettin KURT:** reporter for *Hürriyet*. Sentenced in October 2008 to one year and 6 months in prison for revealing confidential details of a trial. This relates to an article in which he wrote about the personal life of a leading businessman and suggests that a woman with whom the businessman had had an affair had embezzled money from him. The execution of the sentence was postponed.

Ahmet ÖNAL: owner of the Peri Publishing House. 1) On trial in June 2001 for publishing a collection of interviews with people in exile compiled by human rights activist Ms **Evin Aydar Çiçek** entitled *Tutkular ve Tutsaklar* (The Passions and the Prisoners). Seen as "insult to Atatürk". Sentenced to 15 months in prison in December 2003 and appealed. Around 1 June 2006, he was found guilty by the Beyoglu appeals court in Istanbul and sentenced to 15 months in prison. At his original trial, Önal had been sentenced to one year in prison. However the appeal court increased this by six months for committing the offence in print, and then reduced it to 13 months, refusing to defer imprisonment citing that the court did not believe that he would not commit such an offence again. He is appealing the sentence. 2) On trial in August 2002 for book by **M. Erol Coskun**, *Acının Dili Kadın* (Women: Voice of the Pain) under article 312 of the Penal Code. Önal heavily fined and Coskun sentenced to 15 months in prison in August 2003. They appealed against both convictions. There are two cases against Ahmet Önal over the same book. The case under TPC article 312 "inciting hatred and hostility among the people on the grounds of race" was merged with the case under TPC article 159 "insulting the military forces of the state through publishing". Both cases will be held on the same folder number 2005/149. Hearing held 11 July 2008. No further information as of December 2008. Many cases had been launched against the books published by Peri Publishing House and many of them are banned.

Yakup ÖNAL: journalist for *Sarköy ün Sesi (The voice of Sarköy)*. On trial under Articles 125 and 126 of the Penal Code for defamation of the local mayor and members of the municipal council in an article 'Fairy tales for adults – Pinocchio and the nine dwarves' published in July 2005. Önal has been brought to prosecution in other cases relating to his criticism of the local authorities. The trial opened in November 2006. Hearing held 20 February 2008. The case for "insulting AKP mayor Can Gürsoy and two members of the council" continues. Court decided to ask the opinion of an expert to determine if Onal's article "Fairy Tales for Grown Ups" is in violation of the law or not. No further information as of December 2008.

***Yener ORKUNOGLU:** journalist for *New Free Politics Yeni Özgür Politika* published outside of Turkey. Reportedly arrested in Istanbul on 7 May 2008 and faces charges under Article 301. No further details.

Aynur ÖZBAKIR: owner and editor of *Sanet ve Hayat Dergisi (Art and Life Magazine)*. Reported in early 2008 to have been sentenced to five months in prison and a fine of 375 YTL on charges of propaganda for an illegal organisation for publishing a letter from a guerilla leader. Not clear if detained.

Birgül ÖZBARIS (f): journalist for the pro-Kurdish *Ulkede Özgür Gündem*. Had a number of charges against her since 2006 for discouraging military service under Article 318/2 of the penal code. Current cases as of December 2008 are: 1) For an article entitled “Anti War Meeting” published 24 September 2005. Case referred to the High Court. Date for hearing not yet set. 2) Article published 19 October 2005 headed “A Message to Europe from Objectors”. Under article 318 acts inciting persons against military service carry up to 2 years in prison, with up to an additional year if committed through the press. The cases against Özbarı_ have been referred to High Criminal Court with Special Powers set up in the place of former State Security Court. Özbarı_ had to leave Turkey because of the cases and repression. Özbarı_ lives in Belgium.

***Emrullah Özbey:** owner of the *Mus Haber* newspaper. Reported in July 2008 to have been sentenced to seven months in prison and a fine. PEN seeking details. Presumed not imprisoned.

Songül ÖZKAN (f): Publisher of Evrensel publishing house. She was put on trial under Article 312 (inciting hatred and hostility among the people on the grounds of race and regional difference) after she had published Kurdish journalist and writer Ahmet Kahraman’s book *Kürt İsyanları* (Kurdish Rebellions). Hearings opened in October 2006 at the Beyoglu Penal Court of First Instance No. 2. Court decided lack of jurisdiction and sent the case to High Court. The new court had not been decided as of June 2008. In July 2008 he was a recipient of the Turkish Publishers’ Association Freedom of Expression Award.

Sirri ÖZTÜRK, Osman TIFTIKÇI: Owner of *Sorun* Publishing House and writer respectively. On trial in connection with Tiftokçi’s book *Osmanlı dan Günümüze Ordunun Evrimi (The Evolution of the Army from the Ottomans to Today)* under Article 301 of the new Penal Code. The book is seen to be “publicly degrading to the army”. Legal proceedings started in early March 2006 and first hearing held before the Istanbul 2nd Court of First Instance on 20 June 2006. Ozturk told the courts that Osman Tiftokçi is a former army officer who served during the 12 March 1971 coup. His book refers to his first hand experiences, was well researched and had been subject to legal scrutiny before publication. He lives abroad. In April 2008 it was decided that under the revision of Article 301, the case should be put to the Ministry of Justice for its decision on whether to proceed. No further information as of December 2008.

***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?. 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. 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. Next trial hearing due 10 March 2009.

***Ismail SAYMAZ** journalist for *Radikal*. Reported in August 2008 that he could face trial for an article entitled ‘Have you no shame?’ reporting on the publication of photographs of Oğün Samast, on trial for the murder of Hrant Dink (see above). Saymaz’s article criticised the publication by police of the photos showing Samast smiling. No further information as of December 2008.

***Gökçer TAHINCIOĞLU, Kemal GÖKTAS:** award winning journalists. 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.

***Hakan TAHMAZ, Ibrahim ÇESMECIOĞLU:** 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”.

Mehdi TANRIKULU: Kurdish publisher, owner of Tevn Publishing. 1) Case launched under Articles 7/2 and 6/2 of the Anti Terror Law “publishing the documents of a terrorist organisation” for publication of a book by Ergün Sönmez entitled *The Kurdish Independence Movement in the Age of Capitalist Imperialism*. Opened on 30 March 2007 before the Istanbul Heavy Penal Court. On 8 February 2008 he was sentenced to six months in prison. Reported to have been sentenced to 18 months in an appeal hearing on 23 June 2008. Presumed to still free on appeal. 2) At the trial above, Tanrikulu gave his written and verbal court statements and other applications in Kurdish. Istanbul Public Prosecutor Nazmi Okumus filed a complaint against Mehdi Tanrikulu over an application letter in Kurdish he sent to Judges and Prosecutors Higher Board. The case was filed under TPC 222 “violating the law on Turkish letters”. Tanrikulu stands trial in Istanbul Criminal Court of Peace Num. 1. On 12 February 2008 he was given an additional sentence of five months against which he is appealing. 3) Writer of the book *Demotion from Lieutenant to regular Soldier*. **Kasım Çakan** and Mehdi Tanrikulu are charged under Anti Terror Law article 7 “making propaganda for terrorist organisations”. Tanrikulu and Çakan’s first hearing was held on 6 February 2008, with the next due 29 December 2008. 4) Said in February 2008 to be on trial for another book *The Kurdish Freedom Movement and the Role of the PKK in the Imperialist Process of Capitalism* before the Istanbul 14th Heavy Penal Court. 5) Another case launched for book *Types of Torture in Diyarbakir Prison* under Article 1353 – not clear to PEN the precise charges but thought to be related to refusal to disclose sources. First hearing set for 29 January 2009.

Fatih TAS: publisher. Aram Publishing House. Sentenced to six months in prison under Article 301 for book *They Say You Are Missing* based on the story of Nazim Babaoglu, a reporter for the pro Kurdish *Özgür Gündem*, who disappeared in 1994. Accused for comments including “state-mafia-gang links”, “minor massacres like those committed under bloody fascist dictatorships” and “bursting on the Kurdish people with brutality” – seen to be defamatory of the State. Overturned by court of appeal and reviewed by an appeal court which was still ongoing as of

December 2008. [On 5 January 2009, Tas was sentenced to five months in prison, converted to a fine of YTL 3,000 (c. \$2,000) as he refused to state that he would not commit a similar offence again. He is appealing the sentence.]

***Samil TAYYAR**: journalist and author of the book *Operation Ergenekon*. Charged in early July 2008 under Article 285 for publishing details of a criminal investigation and Article 288 for “influencing a fair trial”. Operation Ergenekon has led to the arrests of numerous high level figures in Turkish judiciary, military, journalists and others accused of a right-wing plot to destabilise the government. Tayyar faces a sentence of at least 18 months according to press reports.

***Mustafa Naci TOPER**: journalist for *Atilim*. Reportedly sentenced to 10 months in prison in early June 2008 by the Malatya Heavy Criminal Court on charges of “making propaganda for an illegal organisation”. His case was heard alongside that of Kemal Çalgan, chairperson of the Democratic Society Party who was sentenced to ten years and seven months in prison for a statement on PKK leader Abdullah Ocalan. PEN is investigating this case.

Ferhat TUNÇ, Mehmet ÇOLAK: singer and editor-in-chief of *Özgür Gündem* respectively. 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 2005, 2006, 2007 and 2008. The case was referred to the Ministry of Justice for approval to continue as prescribed under the amended Article 301. No further information as of December 2008.

Atilla TUYGUN: translator of Dora Sakayan’s *An Armenian Doctor in Turkey*. Faces trial under article 301 of the Penal Code of “insult” to the state and of “insult to the memory of Atatürk” following the 3 May 2007 acquittal of these charges of the book’s publisher Ragıp Zarakolu (see below) The book is said to claim that leading government figures close to Atatürk had been responsible for the mass deportation of Armenians in 1915. As of June 2008 waiting for trial date pending amendment of Article 301. No further information as of December 2008.

Irfan UÇAR, Hasan BAYAR: journalist and chief editor of *Özgür Gündem* respectively. Trial opened on 13 March 2007 on charges under Article 301/1 and 301/2 before the Beyoğlu 2nd Criminal District Court of First Instance in Istanbul. Accused of “insulting the Turkish National Assembly, the judiciary and state security services” for an article published in the newspaper on 13 December 2005. On 23 September 2008 the case was referred to the Ministry of Justice for its consideration as to whether to proceed, as per the revised Article 301 stipulations The article in question criticised the decision to prosecute publisher Fatih Tas for having published a book on the disappearance of a journalist. The relevant quote is “(...) A journalist disappears in Turkey. 11 years pass. A publisher brings out a book on the incident and gets convicted under Article 301. The security forces and judges of this country don’t feel responsible for what has happened to the disappeared journalist Nazim Babaoglu. Those who “lose” Nazim walk free, but those who write about it get prosecuted (...)”

***Uğras VATANDAS, Ahmet Sami BELEK**: sentenced to one year in prison in early November 2008 on charges under Article 6/1 of the Anti Terror Law at the Istanbul High Criminal Court. Accused for publishing a statement from the PKK in their newspaper the *Daily Evrensel* on 10 December 2007. Not clear if detained.

Yasin YETISGEN: owner of *Coban Atesi* (*Shepherd’s Fire*), based in Gaziantep, south eastern Turkey. Gaziantep Public Prosecution service

prepared an indictment against Yasin Yetisgen for an article written by **Berkant Colkun** and published in “Coban Atesi” on 8 November 2007. The article is entitled “Don’t Send me to the Army, Mum”. Yasin Yetisgen is charged with “alienating the people from military service and insulting the memory of Atatürk”. Yetisgen is charged for a quote from the article “If the present Kurdish movement is called a terrorist movement, it means that the movement launched by Mustafa Kemal can not avoid that definition. The only difference is that Mustafa Kemal was not arrested”. Yetisgen hearing held in Gaziantep Criminal Court of First Instance on 12 November 2008. Charged under Article 5816 – insult to the memory of Atatürk and article 318 – discouraging military service. No further information as of December 2008.

Hamdullah YILMAZ: editor in chief of the Kurdish newspaper *Azadiya Welat*. On trial for publishing a statement entitled “I accept Abdullah Ocalan as my political representative” signed by the “Democratic People’s Initiative” published in August 2005. Trial concluded before the Diyarbakir Heavy Penal Court on 21 June 2006 when Yilmaz was sentenced to 2½ years in prison for making propaganda for an illegal organisation under article 220/8 of the Penal Code and Article 6 of the Anti-Terror Law. On 28 November 2006 it was reported that he was sentenced to a total of 4 years and 3 months in prison on two charges and that his newspaper has had many cases taken against it since it was set up. Welat is quoted as saying that the newspaper aims to develop Kurdish press and publishing and is wrongly accused of attempting promote violence. Appeal court concluded that it was not within its jurisdiction and referred the case to Beyoğlu Criminal Court of First Instance Num 2 court. But that court too decided non-jurisdiction referring the case back to High Criminal Court. Date for hearing not set. No further information as of December 2008.

Ragıp ZARAKOLU: publisher, Belge Publishing House. Zarakolu is a recipient of the NOVIB/PEN Free Expression Award 2003. 1) Legal proceedings were initiated in December 2004 against Zarakolu for the publication of **George Jerjian**’s book *History Will Set us Free /Turkish-Armenian Conciliation* under Article 301 of the Turkish Penal Code (formerly Article 159 of the old Penal Code) for “insulting the State and the memory of Kemal Atatürk”. The book is said to claim that leading government figures close to Atatürk had been responsible for the mass deportation of Armenians in 1915. First trial held before the Light Crimes Court at Istanbul on 16 March 2005. On 17 June 2008 he was sentenced to a five month prison term, commuted to a fine. He is appealing against the sentence. 2) On 1 August 2005, another case was opened, this time for the publication of Professor Dora Sakayan’s *An Armenian Doctor in Turkey: Garabed Hatcherian: My Smyrna Ordeal of 1922* to be charged under Article 301 of the Penal Code (formerly Article 159 of the old Penal Code). Case opened on 21 September 2005 and there have since been numerous hearings. 2005 and there have since been numerous hearings until his acquittal on 3 May 2007 when the translator of the book **Atilla Tuygan** testified that he was responsible for the work. Under Turkish law, if a writer or translator takes responsibility, it is they, not the publisher, who is subject to prosecution. 3) In December 2008, **Zarakolu** and the chief editor of the *Alternatif* newspaper, **Cevat Düşün**, were on trial 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 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. **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

Possible prosecution

Ahmet ALTAN, Yasemin ÇONGAR (f): chief editor and vice editor respectively of *Taraf*. May be prosecuted for an interview the pair carried out with Murat Karyilan, a leading member of the PKK when they visited PKK bases in Kandil in December 2007. The article was published in early 2008. Congar may also face charges for the publication in late March 2008 of an article in which she claimed that police had found a map of the Ankara High Court of at the Workers Party headquarters which showed safe exits and CCTV blind spots, suggesting that the WP was planning an attack on the court. No further information as of December 2008.

Nese DUZEL (f): journalist for *Taraf* magazine. Testified in connection with charges under Article 301 (insult) on 4 March 2008 in relation to an article published 11-12 February 2008. Reportedly linked to another journalist for the *Star* newspaper, **Samil Tayyar** (see above). No further information as of December 2008.

***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. No further information as of December 2008.

***Nedim GÜRSEL:** author of *Allah Kızları (Allah’s Daughters)*. Published by the Dogan Publishing House in March 2008. Reported in July 2008 as facing trial for “incitement to hatred and enmity” under Article 216 of the Penal Code. If convicted, he faces a maximum 6-year prison term. It is reported that the prosecution services decided not to proceed with the case, but that this was over-ruled by the Beyoglu High Court in Istanbul and that the case will proceed. The author commented on the charges: *I was in Anatolia with my French publisher. I had to rush back to Istanbul Allah’s Daughters is a novel with many voices. There are different views of Islam. Obviously the enemies of the Prophet are*

among the novel’s characters. We cannot expect them to praise the Prophet. No further information as of December 2008.

Sentenced: non-custodial

Muzaffer ERDOĞDU, Ahmet GUNER, Taner AKÇAM: publisher – Pencil Publishers, translator and historian respectively. Trial opened at the Ankara 6th Court of First Instance on 8 November 2007 for Akçam’s book, *Treatment of the Armenians in the Ottoman Empire*. The case was brought by CHP MP and retired ambassador M. Sükrü Elekdag who demanded 20 thousand lira compensation from publisher Muzaffer Erdogdu, translator Ahmet Güner and writer Taner Akçam over the book. They appeared in Ankara Legal Court of First Instance Num 6 on 14 February 2008 and on 17 September 2008 they were sentenced to a fine of TL 20,000. They are appealing against the sentence.

Sebati KARAKURT, Hasan KILIÇ, Necdet TATLICAN: reporter and editor-in-chiefs for the newspaper *Hürriyet* detained c. 19 October 2004 after Karakurt returned from interviewing Kurdish militants for an article “Women’s Awareness Exceeds Kurdish Identity in Kandil” on changes within the life styles of Kurdish militants in the Kandil headquarters of Kongra-Gel, formerly the PKK, suggesting an improvement of relationships between the genders. Police reportedly demanded that Karakurt hand over photographs of those he had interviewed, who included one of the militant leaders of the PKK. The defendants are being tried under Articles 6/2 of the Anti Terror Law. Trial hearings opened before the Istanbul Heavy Penal Court on 5 May 2005 and several more have been held. The trial was protested by the Turkish Press Council and Turkish Journalist’s Association. At a hearing on 10 February 2006, the prosecutor formally asked the court to exempt Kılıç and Tatlıcan. At this hearing, Karakurt made reference to previous similar research he had carried out in Algeria in 1994 with PKK leaders. He had also written a report on the presence of PKK militants in Romania that had been submitted to the Romanian Prime Minister at the time by the then Turkish Prime Minister, Tansu Ciller. He referred to a former woman guerrilla who had escaped from PKK ranks who told him that his article on Kandil had helped her to explain to others why she had fled. Far from advocating the PKK, his articles were in fact a critique. He had also received an award from the Journalists Association of Turkey for the same article. After hearing the appeal, the Prosecutor re-iterated that all three defendants were guilty of propaganda under Article 6/2 and 7/2 of the Anti-Terror Law. The court was adjourned to 21 September 2006 when it was decided that the Bagcilar Court of First Instance could not preside a case under anti terror legislation and ordered that the case be transferred to specialised high courts set up to deal with such cases. **New information:** in September 2007, the three defendants were ordered to pay fines ranging from \$350 to \$3,500, while their trials continued. In November 2007 Istanbul High Criminal Court Num10 decided lack of jurisdiction over the case and referred it to Bagcilar Primary Criminal Court. Bagcilar Court decided for non-jurisdiction and sent the case back. The first hearing under this court was on 26 February 2008. In September 2008 all were found guilty and fined. Karakurt and Kiliç were each fined YTL 40,000 and Talican YTL 20,000.

***Ufuk TÜRKYILMAZ:** journalist for *Aksam* sentenced to one year and three months in prison, suspended for 5 years on 24 November 2008 for having exposed classified information in an article in March 2008 on the ‘Ergenekon’ trial where scores of leading nationalists are being tried.

Attacked

Perihan MAGDEN (f), Ece TEMELKURAN (f): both journalists (also

see reference to Magden elsewhere on this list). Both subject to a campaign of articles in the nationalist *Tercuman* newspaper leading to fears that may incite attacks against them. Both women had written on the controversial “blood flag” incident where school children had painted the Turkish flag in their own blood and were being held up in the media as inspiration to all Turks. The women referred to this incident as militaristic, war mongering and contributing to a growing nationalism. Perihan Magden was awarded the Turkish Publisher’s Association Freedom of Expression Award in July 2008.

Ergenekon Investigation

Since June 2007 and through 2008 there have been a series arrests of leading military, political, police, intellectual and other figures. Now numbering over 80, 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). There have been concerns about the conduct of the investigation and that some of the arrests may be of persons solely for their views. Among them are writers, journalists and academics whose cases PEN is monitoring.

***Adnan AKFIRAT, Serhan BOLLUK, Ergün POYRAZ:** journalist, chief editor of *Aydinlik* and author respectively. 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. Poyraz is the author of biographies of Prime Minister Erdogan and President Abdullah Gül.

***Engin AYDIN:** journalist. Arrested in the *Ergenekon* investigation 7 January 2009. Said to have been critical of the ruling AKP party’s critical approach to secularism.

***Mustafa BALBAY, Ufuk BÜYÜKÇELEBI:** Ankara representative *Cumhuriyet* and chief editor of *Tercüman*. 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.

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.

***Prof. Yalçın KÜÇÜK:** university profesor and author. Sentenced on at least two occasions in the 1990s for his writings based on interviews with PKK figures, including its leader Abdullah Öcalan, now detained. Accused of being sympathetic to the PKK. Among a number of suspects arrested 7 January 2009.

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 the secular order.

Released/Acquitted

Ergun BABAHAN: journalist for *Sabah*. On trial following a complaint by former president Süleyman Demirel for an article published January 2007 in which he wrote of the President “you have blood on your hands”. Reference to Deniz Gezmiş, a political activist executed in 1972. Prosecutors are asking for a two year and four months sentence under Article 125 of the Penal Code (insult). Trial under way in May 2008. Acquitted on 23 July 2008.

Faruk ÇAKIR: editor in chief of *Yeni Asya*. Case opened in October 2007 under Article 11 of the Press Code and Article 285/1-3 of the Penal Code for two articles – a) “Council of State to Expand Case” and b) “Investigation of Council fo State is Being Expanded”. Articles suggest a link between a May 2006 shooting at the Council of State in Ankara where a judge was killed and others wounded, to an arms cache found in a home in Istanbul. The articles are said to breach secrecy required around the case. Acquitted in December 2008.

***Hamid DILBAHAR:** Kurdish writer. Dob. May 1976. Author of two novels and a poetry collection. Also writes for magazines and newspapers. Detained in Van, south eastern Turkey, on 10 September 2008 for making propaganda for an illegal organisation (Article tbc). Said to be detained for urging that Kurdish children be taught in Kurdish. Sentenced in early January 2009 to two years in prison, commuted to 20 months, then freed as time spent in remand was taken into account.

Alper GORMUS: editor of the now closed *Nokta* magazine. Learned in June 2007 that a trial opened on 19 September 2007 for publishing extracts of the diary of a retired navy vice admiral in which he refers to Turkey escaping two military coups in 2004. Charged with insult and defamation through the press, Penal Code Article 125/1. He faced up to six years in prison. PEN learned in July 2008 that he had been acquitted.

Ersen KORKMAZ: owner of *Demokrat Iskenderun* remains on trial on charges under Article 159 of the Penal Code, although this article has now been replaced by Article 301. Accused of “insult” to the armed forces for an article on a debate organised by the Turkish Communist Party on guerrilla leader Ocalan in September 2002. The article was entitled “They Caught the Leader of the Kurds and gave him to the Fascists.” He is on trial with Necmettin Salaz, who organised the panel. At the most recent hearing on 14 November, proceedings were postponed to 14 March 2008 to allow for further scrutiny of evidence. Acquitted due to lack of evidence.

Perihan MAGDEN, Yildirim TÜRKER(f): author and contributor to *Radikal* and journalist for the newspaper respectively. Reported in August 2007 to be under investigation under Article 318 of the penal code for an article seen to deter people from military service. The article criticised a press embargo on the reporting of the discovery of an illegal arms cache in a house in Istanbul In November 2008, she was acquitted of several charges against her relating to her writings on conscientious objection, commenting on the trial of a political activist and on defendants in the case of the murder of a priest. Another case of insult made against her by Prime Minister Erdogan was however passed and she was required to pay a fine of 2500 Euro. Perihan Magden – Honorary Member: English PEN

Yildirim TÜRKER journalist for *Radikal*. Under investigation on charges under Article 301 of the Penal Code for an article published in his newspaper’s supplement *Radikal 2* entitled ‘Invisible Attack’ that claimed that the authorities and media had ignored racism against

Armenians in the period that led to the murder of Hrant Dink and made direct link between nationalists and the state. Case filed in March 2007, over an article he wrote in Radikal daily on 29 January 2007, “*Conscientious Objection Conference*”. Yıldırım Türker is charged with “alienating the people from military service by the means of press” (TPC 318). Reported in July 2008 to have been acquitted.

Cases closed

Hikmet AKSAHIN: editor in chief of *Sopa Roje* Magazine published by the Federation of Prisoners Families Law and Solidarity Associations (TUHAD-FED) in Turkish and Kurdish. Reportedly sentenced to 22 months in prison c. 16 April 2008 under Article 7 of the Anti Terror Law for an article entitled ‘Diyabakir Notes’ written by **Kürsat Öztürk** and published in its December-January 2008 issue. Not recorded as detained in December 2008. Case closed.

Lütfü ÜRPER: owner and managing editor of *Gündem*. Reportedly sentenced to one year in prison on 26 October 2007 by the Istanbul Heavy Penal Court No 11 on charges under Article 6/2 – Law on Terrorism for an article published 25 August 2007 quoting Abdullah Öcalan, detained PKK leader. Gündem’s lawyer Özcan Kılıç appealed the sentence. The case is before the appeal court. There have been 7 other cases against Lütfü Ürper over newsreports he published in *Gündem*. Under Anti-Terror Law (ATL) articles 6 and 7, and Penal Code articles 215 and 216. No longer listed as among those detained in December 2008. Case closed.

UKRAINE

Harassed

***Sergei LECHTENKO:** Internet journalist for the *Ukrainska Pravda*, was reportedly taken by force to the office of the public prosecutor on 14 July 2008. The incident was in relation to an investigation into the 2004 poisoning of the now Ukrainian President Victor Yushchenko. Lechtchenko has reportedly written several investigative reports, as well as articles on Yushchenko’s poisoning.

UNITED KINGDOM

Attacked

***Martin RYNJA:** Independent publisher and proprietor of the publishing house *Gibson Square*, was allegedly targeted by religious extremists on 27 September 2008, when petrol bombs were pushed through the letterbox of the publishing house, which is also Rynja’s home. It is believed that this attack is related to Rynja’s plan to release in October the first English language edition of the novel *The Jewel of Medina*, written by American author Sherry Jones. The novel fictionalises the relationship between the prophet Mohamed and his young wife Aisha. *Gibson Square* is known for publishing books that are controversial. The authorities arrested three individuals and are investigating the attack.

UZBEKISTAN

Imprisoned - Main Case

***Salidzhon 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. **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 where a relative has been able to visit who reported that although he has been held in isolation, he is not being ill-treated. **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. (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, Muhammed Salih **Place of detention:** KIN UYA 64/51 Prison, Shaykhali, Karshi, southern 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 October 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. **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

Gayrat MEHLIBOEV: d.o.b c. 1979. Journalism graduate and contributor to *Hurriyet Respublika*, and *Vatanparvar* newspapers. Arrested 24 July 2002 in Chorsu Market, Tashkent, during an illegal demonstration. Accused of supporting the banned Hizb ut-Tahar Islamist group. **Charges:** Charged under Article 156 of the Criminal Code – inciting religious enmity, Article 159 – forming illegal religious organisations, Article 244 participation in extremist groups, 216 – organising illegal associations, and 156 – inciting religious, racial, national animosity. **Sentenced** 20 February 2003 to seven years in prison, subsequently reduced to six and a half years. Said to have followed the publication of his article 'The Scales of Justice'. Reports in February 2008 that a second 5-year sentence was also passed as he is said to continue his propaganda activities in prison and that this means a total of seven years. Mehliboev is said to claim that he had simply reported on ill-treatment in prison. Uznews.net in February 2008 adds that Mehliboev has admitted that he is a member of Hizb ut-Tahar and that quotes him as saying that "the state should adopt Shariah" law. **Reasons for charges:** Accusation based on article published in 2001 on the ideology of Hizb ut-Tahar and literature of the organisation found in his room. He is accused of infiltrating a newspaper. Mehliboev claims that while he studied the organisation's ideology which he used as a source for his article, he was not involved in violent acts. He also denied possession of the literature. He claims to have been tortured in detention. Graduated in journalism in June 2002 from Tashkent University **Place of detention:** reported in February 2008 to be held in Zarafshan Prison in Navoiy. **State of health:** in February 2008 it was reported that the family is concerned for his health. **PEN position:** PEN continues to consider this case as an investigation pending confirmation that Mehliboev has not advocated violence.

On trial

***Zohir HASANDOZA and Perdakul TURAKULOV:** Samarkand correspondent for the newspaper *Ovozi Tojik*, and freelancer for the same newspaper respectively. Have been reportedly charged with 'hooliganism' under Art 277, Part 2 of the Criminal Code, which states a maximum penalty of three years in prison. The reporters said that on 5 August 2008 they went to the Siab market in the centre of the town, to follow up on a story about fraud. After interviewing some people and talking to the director of the market, the reporters were heading home, but were stopped by several women who shouted insults at them and beat them until the police arrived. Afterwards, the reporters were taken to a nearby police station, and again a group of around fifteen women reportedly stormed into the police station and beat up both journalists, tearing their shirts and breaking glasses. It was reported that the head of the Samarkand's Centre for Human Rights Initiatives, who was with the reporters, was also beaten, requiring medical aid. Later that day, the journalists were reportedly body searched, had their cameras, mobile phones and notebooks taken away, and were asked by the police to admit that they attacked the women. The journalists refused to do so, and the investigation continues by the Samarkand police department, where they have to appear for further questioning.

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 is 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 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 colluded 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:** On 21 February 2008 it was reported that a doctor who visited Juma in the Bukhara Regional police department’s Otbozor prison reportedly saw evidence that Juma had been tortured. Juma is said to have lost a lot of weight and be in pain. In April 2008 his family publicised concerns that he remained in poor health and was being denied medical attention. In early August 2008 it has been reported that Yusuf Juma had been transferred to Jaslyk prison, in northern Karakalpakstan. On 2 August he was visited there by his daughter who reported that her father said he had been systematically tortured since his arrest in December 2007, that he was told he would not leave prison alive and that this was an order coming from on high. Subsequently, also in August 2008, Yusuf’s wife appealed to the UN Committee against Torture, asking them to intervene to save him from dying. She also gave information on the prison conditions where her husband is held, in a prison cell with inmates suffering from HIV and tuberculosis, and that he has suffered loss of weight, currently weighing about 40 kilos. **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]

Middle East and North Africa

ALGERIA

On trial

*Omar BELHOUCHE and Salima TLEMCANI: Editor and reporter respectively of the French-language daily *El Watan*. Were reportedly given a three-month sentence and a fine of 50,000 Dinars (500 Euros approx.), on charges of defamation in late December 2008. The trial is related to a report published in 2004 in the newspaper regarding an alleged healer who practices without any medical qualification. The case was filed by the healer. Both journalists remain free pending the outcome of their appeal.

*Hassan BOURRAS: Reporter. Sentenced by an appeal court in Saida to two months in prison on 28 October 2008 for an article published in 2006 in the Arabic-language daily *Al-Bilad*. He had originally been sentenced to a fine, but the appeals court increased the sentence without him or his lawyer being present at the hearing. He plans to appeal the ruling.

Ali DILEM, Ali QUAFK and Farid ALILAT: Cartoonist, editor and managing editor, respectively, of the daily *Liberté*. Reportedly on trial for charges filed against them by the Defence Ministry, under Article 146 of the press law which provides for prison sentences for insulting state bodies. This is his third trial since January 2008. It has been reported that on 1 June 2008 the Prosecutor requested a two-month prison sentence against the three defendants. One of the cases is still on appeal and the other ended in a suspended prison sentence. No further information as of 31 December 2008.

Harassed

*Mohamed BENCHICOU: Writer and director of the newspaper *Le Matin*. His book *Journal d'un Homme Libre* (The Free Man's Journal), was reportedly banned by the Algerian police in late October 2008. Benchicou was planning to present his book at the 13th International Book Fair in Algiers, but an injunction prevented him from doing so. This is reportedly the second time the authorities have censored one of Benchicou's books; *The Jails of Algiers* was banned in October 2007. Background: Mohamed Benchicou was previously held for two years in prison from 2004 to 2006, and his newspaper closed. It is believed that he was targeted for his writings critical of the current administration.

Suspended sentence

Noureddine BOUKRAA: Correspondent for the Arabic-language daily *Ennahar*. Reportedly placed under judicial control on 4 March 2008 for ‘violating the confidentiality of a judicial investigation by use of classified documents’, ‘damaging the reputation of a state entity’, and libel. The journalist reported that he had been questioned many times about a piece he authored regarding police corruption, published on 12 November 2007. On 26 October 2008 Boukkaa was given a three-month suspended sentence and fined approx 300 Euros. The prosecution had originally requested a one-year prison sentence.

Case closed

Dhif TALAL: Correspondent for the Arabic-language newspaper *Al Fajr*. Reportedly sentenced on 15 October 2007 to six months in jail on defamation charges brought by the Ministry of Agriculture, over an article on mismanagement within the Ministry. Case closed for lack of further information.

BAHRAIN

On trial

Eisa AL SHAYJI and Saeed AL-HAMAD: Editor-in-chief and journalist respectively of the Bahraini newspaper *Al-Ayam*. Reportedly facing criminal defamation charges in a case brought by Egyptian Islamist preacher Sheikh Wajdi Ghunaim in August 2007. The charges related to an article published in *Al-Ayam* which allegedly accused the Muslim Brotherhood and Ghunaim of bringing extremist ideas to Bahrain and creating conflict between Bahrain's Sunni and Shi'ite communities. Ghunaim was expelled from Bahrain in November 2007. The first hearing of the trial was scheduled for 30 June 2008. No further information as of 31 December 2008.

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. He is said to remain detained without charge or trial in spite of repeated court rulings ordering his release. **Health concerns and place of detention:** In November 2008 it was reported that his health had sharply deteriorated as a result of a hunger strike, and in early December 2008 he is said to have been moved from Borg Al Arab Prison, possibly in preparation for his release. His whereabouts are currently unknown and concerns for his well-being are mounting. **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 month-piece for Sinai Bedouins.

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 web-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. According to a

lawyer from the Arabic Network for Human Rights, who visited Kareem Amer on 30 August 2008, Amer is in a poor state of health and continues to be ill-treated in jail. 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. **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. **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

***Mohamed KHAIRY, Khalifa EBAID and Abd Altawab MAHMOUD:** Internet writers. Mohamed Khairy runs the weblog *Garshkal* (<http://garshkal.blogspot.com/>), Khalifa Ebaid runs the weblog *Ana Marathon*, and Abd Altawab Mahmoud runs the weblog *Alhayat Alsa'ida* (<http://ragabhpl.blogspot.com/>). Reportedly arrested in late October 2008 and charged with 'taking advantage of the prevailing atmosphere of democracy to overthrow the regime'. They are under detention at the Snoures police station in Fayoum city. WiPC seeking further information.

***Mohamed RAFAAT:** Internet writer, media student and editor of the blog *Matabbat* (<http://matabbat.blogspot.com/>). Reports suggest that on 21 July 2008 State Security staff raided Rafaat's home in his absence and confiscated many books and his personal computer. Once Rafaat approached the State Security offices, he was arrested on charges of 'inciting to strike on the occasion of 23 July'. On 17 August the State Security reportedly decided to release Rafaat, but the Security Investigation agency decided to hold him for another week, until another arrest order was issued under the state emergency laws. WiPC seeking an update.

Sentenced

***Saad El Din IBRAHIM:** Director of the Ibn Khaldun Centre for Development Studies, professor of sociology and defender of human rights and democratic freedoms. Reportedly sentenced in-absentia to two years in prison with labour, by the Al Khalifa Misdemeanor's Court, on 2 August 2008. He is reportedly charged for publishing articles abroad on the domestic situation in Egypt, which were supposedly false and damaged national security and defamed Egypt's image. After the sentence, it was reported that actions have been taken to withdraw Dr. Ibrahim's Egyptian nationality. He remains abroad.

On trial

Anawar EL-HAWARY, Mahmoud GHALAB and Ameer SALIM: Director, deputy chief and political editor of the newspaper *El-Wafd* respectively. Reportedly each sentenced to two years in prison on 25 September 2007, after a lawsuit was brought against them by a group of lawyers representing the ruling Democratic Party. The charges are based on Article 102 of the Criminal Code, alleging that *El-Wafd* published false news detrimental to the judiciary in January 2007. The story refers

to a meeting between several senior judiciary officials during which several judges were criticised. Several other newspapers covered the same story. The men remain free pending appeal after posting bail. PEN is seeking an update.

Adil HAMOUDA, Wael AL-IBRASHI, Ibrahim ISSA AND Abdel Al-Halim QANDIL: Editor of the weekly *Al-Fagr*, journalist with the weekly *Sawt al-Umma*, editor of the daily *Al-Dustur* and former editor of the weekly *Al-Karama* respectively. Reportedly sentenced on 13 September 2007 to one year in prison and a heavy fine on charges of 'making public with malicious intent false news, statements or rumours that are likely to disturb public order' as stated by Article 188 of the Penal Code. The men posted bail and remain free pending appeal. Their latest hearing of their appeal was scheduled for 4 October 2008. No further news as of 31 December 2008. **Other information:** In early December 2008 Ibrahim Issa was given the Gebran Tueni Award, the annual prize of the World Association of newspapers that honours an editor or publisher in the Arab region. Issa is also a novelist, and his novel *Maqatl Al-Rajul Al-Kabir (The Assassination of the Big Man)* was banned in 1999. He has been banned from publishing as a journalist many times.

Wael EL IBRASHI: Chief editor of the independent newspaper *Sawt El-Omma*. Six lawsuits for defamation were reportedly brought against him before the Misdemeanours Court of El-Agouza on 10 December 2007. The lawsuits were reportedly filed by several businessmen regarding articles published in his newspaper alleging corruption in their companies. Three of the lawsuits are brought by the chairman of the board of one of the companies. Ibrashi has been previously charged and convicted for articles published in his newspaper (see 'sentenced, free on bail' above), and the *Sawt El-Omma* is known for exposing corruption in Egypt. WiPC seeking an update.

Case closed

Ibrahim ISSA: Editor of the daily *Al-Dustur*. Reportedly charged on 11 September 2007 with 'publishing reports likely to disturb public security and damage the public interest'. The charges stemmed from a series of articles published in *Al-Dustur* about President's Mubarak's rumoured health problems. On 26 March 2008 Issa was given a suspended sentence of six months in prison. On 28 September 2008 the Boulaq Appeal Court in Cairo reduced the previous sentence handed down to Issa from six months to two months in prison. On 6 October 2008 Ibrahim Issa was granted presidential pardon for this charge. Case closed, although he still faces one year in prison in a separate case (see above).

IRAN

Imprisoned: Main Cases

*Hossein DERAKHSHAN:

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. Initial reports suggested that he was 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.

However, it has also been suggested that he faces accusations of 'insulting religion' in his weblogs. However, it has also been suggested that he faces accusations of 'insulting religion' in his weblogs. Hossein Derakhshan is held incommunicado at an unknown location, and there are mounting concerns for his well-being. **Other information:** Nicknamed 'the Blogfather', thirty-three 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.

Mohammad Hassan FALLAHIYA:

Profession: Journalist and managing editor of *Aqlam al-Talaba*, a student publication of Ahvaz University, Khuzestan province. **Date of arrest:** November 2006. **Sentence:** Three years imprisonment with hard labour. **Expires:** November 2009 **Details of arrest:** Detained after writing reports on repression of the Arab minority in Khuzestan and reportedly contacting opposition groups based abroad. **Details of trial:** Reportedly sentenced on 21 April 2007 and according to Amnesty International, he was not allowed legal representation throughout the judicial process. **Place of detention:** Reportedly held in Section 209 of Evin Prison, Tehran. **Treatment in prison/Health Problems:** There are fears that he may be at risk of torture or ill-treatment. Fallahiya also suffers from sickle cell anaemia but he is reportedly being denied the medical care he needs for his condition. The prison authorities have reportedly prevented his family from bringing supplies of his medication to the prison and it is feared that his health may deteriorate further without adequate medical care. **Honorary member of:** English PEN.

Adnan HASSANPOUR

Profession: Iranian Kurdish journalist, writer and human rights activist. **Date of arrest:** 25 January 2007 **Sentence:** Death penalty, now suspended pending a re-trial. **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* ('being at enmity with God'). The sentence was confirmed on 3 August 2007, but is believed to have been overturned by the Supreme Court in Tehran in June 2008 on procedural grounds and he is now awaiting a re-trial. **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.

Kaveh JAVANMARD

Profession: Iranian Kurdish Journalist for the weekly *Krafto*. **Date of arrest:** 18 December 2006 **Sentence:** 2 years in prison, an additional year reportedly added in May 2008. **Expires:** 17 December 2009 **Details of arrest:** Officials from the Ministry of Intelligence arrested Kaveh Javanmard at his home in Sanandaj on 18 December 2006. **Details of trial:** He was sentenced to two years in prison 17 May 2007. The charges against him have not been made known, although he is believed to be held for his legitimate professional activities as a journalist. The authorities have reportedly targeted other staff members of *Krafto* in the weeks leading to his arrest. Javanmard's arrest came during a wave of arrests, bans and acts of intimidation against the media following a visit to the Kurdish north by the President and the Culture Minister in September 2006. **Place of detention:** Reportedly transferred on 29 December 2007 to a prison in the northern city of Maragheh, 300km from his family home, where he is to serve the remainder of his sentence in internal exile. (RAN 18/07 , 28 March 2007 – Update #1 30 May 2007). **Other information:** Reportedly convicted of 'acting against national security' in a separate case, and sentenced to a further one year in prison by an appeals court in May 2008.

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, has been told by prison guards that every time he wants to go to the toilet, he must write a letter. 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). **Honorary member of:** Swedish PEN.

Imprisoned: investigation

- ***Hamid ARGHISH (Rostami):** Journalist and poet from Iranian Azerbaijan. Reportedly sentenced to 1 year imprisonment, 2 years internal exile and a 3-year ban on publication of his writings on 16 May 2008. WiPC seeking further details.
- ***Yosef Azizi BANTRUF:** Freelance journalist working for several national and foreign media. Reportedly sentenced on 20 August 2008 to five years in prison for 'acting against national security', 'propaganda against the regime', 'incitement to rebellion' and 'relations with foreign officials', after a two-year trial. Reports suggest that the charges were linked to his reporting on the excess use of force by security forces against demonstrators from the Arab community in Khuzestan. The journalist was arrested on 25 April 2005, and released on bail on 28 June 2005. The sentence was upheld by an appeals court on 12 November 2008. WiPC seeking clarification of his current status.
- ***Seyed Zohur Nabavi CHAASHMI:** Columnist with the banned *Sarzamin-e Aryayee* magazine. Reportedly detained and taken to Evin prison in late March 2008, after an appeal court upheld his sentence of four years. It is thought his sentence is linked to a series of articles that he wrote in the magazine *Sarzamin-e Aryayee* (*The land of Aryans*). He is being held in Ward 350 in Evin Prison. In late December 2008 it was reported that he had been denied family visits for four weeks. WiPC seeking details of charges.
- ***Rahim GHOLAMI:** Journalist and cultural activist in Iranian Azerbaijan. Reportedly detained in Ardebil on 10 April 2008 with fellow activists Ardeshtir Karim-Khiavi, deputy of the Islamic Association in the Independent University of Ardebil and managing editor of the student news-letter *Khazar*, and Vodoud Saadati, a student activist. On 26 November 2008 Gholami was summoned to the Revolutionary Court in Ardebil city, together with the other two Azeri activists. It has been reported that at the hearing the judge ordered the arrest of the activists' lawyer and forced him to drop the case. It is said that Rahim Gholami is a journalist and an associate in the weekly publications *Yashil Moghan*, *Mehr Ardebil*, *Araz*, *Forough Azerbaijan* and *Yarpagh*.
- ***Mohsen HAKIMI:** A member of the Writers Association of Iran. Reportedly detained without a warrant during a visit to a family friend on 22 December 2008 and remains in detention. The judge in charge has refused to release him on bail. WiPC seeking further details.
- ***Alireza SARAFI, Said MOHAMADI, Hassain RASHEDI and Akabar AZAD:** Editor of the banned monthly *Dilmaj*, editor of the literary magazine *Yashagh*, and journalists for the magazine *Varlighe* and the weekly *Yarpagh* respectively. All from the Azeri ethnic minority in Iran. Reportedly arrested in Tehran on 10 September 2008 whilst at a meeting at the home of a political activist. Thought to be held for their activism and writings against social inequality of Azeris in Iran. Still detained incommunicado without charge as of 25 September 2008. WiPC seeking an update.
- ***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. WiPC seeking further details.

On trial

Mahbubeh ABBASGHOLIZADEH, Parvin ARDALAN, Jila BANI YAGHOUB 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 Ardalán** 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).

Taghi RAHMANI and Hoda SABER

Profession: Journalist with the banned weekly *Omid-é-Zangan* and co-editor of the banned monthly *Iran-é-Farda*. **Date of arrest:** 14 June 2003. **Sentence:** seven and five and a half respectively. **Details of arrest:** Reportedly arrested at their homes in Tehran on 15 June 2003 for meeting secretly with students in support of the anti-government protests that began on 10 June 2003. They were free on bail at the time after being convicted in a separate case. **Details of trial:** Among seven journalists who were sentenced on 10 May 2003 for their membership of the National Religious Alliance (Melli Mazhabi), a nationalist Islamic group that has been banned since March 2001. They received sentences of eleven and ten years' imprisonment respectively on charges of "subversive activities against the state". Both remained free on bail pending appeal, but were each arrested at their homes in Tehran on 15 June 2003 for allegedly meeting secretly with students in support of the anti-government protests that began on 10 June 2003. They remained detained, and details of their detention remained unclear until 1 May 2004, when their sentences were reportedly confirmed as seven and five-and-a-half years' imprisonment respectively. Lawyers for the men have not been allowed access to their clients' files. Their case was re-examined by the Head of Judiciary and they were convicted in a closed session on 28 December 2005 on charges of forming an illegal group and conspiring to commit crimes. They remain free on bail pending appeal. **Other information:** Taghi Rahmani is a recipient of the 2005 Hellman/Hammett awards. **Previous political imprisonment/problems:** Rahmani previously served 13 years in the 1980's and 90's for opposition activities. **Honorary member of:** Danish PEN (Taghi Ramani).

***Saman RASOULPOUR:** Internet writer, contributor to the news website *Rooz online* and member of the Organisation for the Defence of Human Rights in Kurdistan. Reportedly arrested on 27 July 2008 at his home in the city of Mahabad, in West Azerbaijan province. Two days before his arrest, he participated on a demonstration demanding the overturn of the death sentence imposed on Adnan Hassanpour and others (See Adnan Hassanpour's case above). Reports suggest that his arrest was linked to his reporting and his activism, as he has written about the Kurd minority in Iran. Rasoulpour was released on payment of bail on 14 August 2008, and is awaiting trial.

Brief detention

***Shahnaz GHOLAMI (f):** Journalist, blogger and women's rights activist. Reportedly sentenced to six months' imprisonment in the north-western city of Tabriz on 20 September 2008 for 'publicity against the

Islamic Republic'. After a brief detention she was released on bail pending appeal. She has spent five years in prison for political activities from 1989-1994. She is a member of the Association of Women Journalists and editor of the weblog *Azar Zan*.

***Massoud HAYDARI:** Former managing director of the *Iranian Labour News Agency*. Reportedly sentenced on 28 July 2008 by a court in Tehran to three months in prison and a fine of 15 million rials (approx. 1,000 Euros) for publishing "false information" in various articles on the ILNA internet news agency. The articles reportedly provoked complaints from the ministries of labour and health.

***Solmaz IGDER:** Journalist with the *Canon Zeman Irani* website (<http://www.irwomen.com>). Reportedly arrested on 29 August 2008 for taking part in a peaceful protest. Released on bail on 10 September 2008. Sentenced to six months in prison on 10 November 2008. Thought to remain free.

***Sadigh MINA'EE:** Journalist with the banned Kurdish weekly *Asu*, was reportedly detained in early July 2008 on the charge of propaganda against the regime and contacts with counter-revolutionary media. He was released after 21 days

Massoud Rafii TALEGHANI: Journalist with the daily *Etemad* and the banned *Farhang Ashi* newspaper, and internet writer. Reportedly arrested on 14 April 2008 in Tehran. Released in June 2008 without charge.

Conditional release

Amin GHAZAEI

D.o.b.: 1979 **Profession:** Writer and leader of the group Students for Freedom and Equality (*Daneshjouyan-e Azadi Khah va Beraber Talab*).

Date of arrest: 14 January 2008 **Details of arrest:** Reportedly arrested in Tehran on 14 January 2008 by Intelligence Ministry officers along with 14 other students at a meeting, in what appears to be a pattern of recent arrests of student activists. Amin Ghazaei's home was reportedly searched on 15 January 2008 by police who confiscated his computer and all of his papers. Held without charge in solitary confinement in Section 209 of Evin Prison until his release on bail on 11 March 2008.

Professional details: Amin Ghazaei is known for his many articles published on-line on topics such as gender identity. The websites he has written for include www.mindmotor.com and www.poetrymag.info. He is the chief editor of the electronic journal *ArtCult* and has his own weblog (bafandeh.blogfa.com). He has also translated some banned books into Farsi, including *Gender Trouble* (Judith Butler), *Seduction* (Jean Baudrillard), and *Cyborg Manifesto* (Donna Haraway) which have been published either on the web or by an Iranian publisher in Europe. He has also published two collections of writings, *Hich Etefagh (Nothing Happening)* and *Haghighat (Truth)*, and has co-authored the anthology *Honar-e Mossalah (Armed Art)*. None of his works have been submitted for publication inside Iran.

Siamak POURZAND

D.o.b.: 1930 **Profession:** Journalist and film critic. **Date of arrest:** 24 November 2001. **Sentence:** 11 years' imprisonment. **Expire:** 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. Adopted by the UN Working Group on Arbitrary Detention. **Honorary Member:** Norwegian, Canadian and American PEN. (RAN 20/04, 27 April 2004)

Yaghoub YADALI

D.o.b.: 1970 **Profession:** Novelist **Date of arrest:** 15 March 2007 **Sentence:** 1 year in prison, 9 months of which were suspended. **Details of arrest:** According to PEN's information, Yaghoub Yadali was arrested on 15 March 2007 and detained for 41 days on charges of insult, libel and publication of false information in two of his fictional works: a collection of six short stories entitled *Sketches in the Garden* (Aasa Publications, Tehran, 1997) and parts of his novel *Rituals of Restlessness* (Niloufar publications, Tehran, 2004). Both had been granted approval for publication from Iran's Ministry of Guidance. A sample of the novel, *Rituals of Restlessness*, featuring a rural Lor woman who is described as an immoral person, is quoted by the prosecutor in the indictment. Yaghoub Yadali is himself a member of the Lor Ethnic minority, and is an award-winning writer in the region. **Details of trial:** Yadali was tried at a court in the city of Yasuj, capital of **Kohgiluyeh and Boyer-Ahmad** Province, south-western Iran, on 23 August 2007. He was convicted and sentenced in September 2007 to 'one years' imprisonment for 'insulting in order to agitate the general public'. Nine months of the sentence are suspended for two years, conditional on his writing four articles in the local news papers on art and cultural personalities of **Kohgiluyeh and Boyer-Ahmad** Province, published at his own expense. On 24 February 2008 an appeals court reportedly ordered that he serve the term in prison. Thought to remain free as of 31 December 2008. **Professional details:** Yaghoub Yadali is a prominent writer, who has also worked as a television director, making documentaries and writing screenplays. In addition to the works for which he was sentenced, he has also published *Probability of Merriment and Mooning* (Nimnegah Publications, Shiraz, 2001), a collection of eight short stories for which he won the Press Critics Annual Prize in 2001, and many articles and cultural commentaries in newspapers and journals. Since his arrest Yadali has been banned from publishing, and his books have been withdrawn from the market. He has also been dismissed from his job, and is now unemployed and without financial support. **Honorary member of:** Scottish and Swedish PEN.

Sentenced – free on bail

***Solmaz IGDER (f):** Journalist for the online website *Canon Zeman Irani* (<http://www.irwomen.com>). Reportedly sentenced in early November 2008 to six months in prison for 'activity liable to harm national security' by a revolutionary court on Rai, southern Tehran. Igder was not given a written notification of the sentence, she was only notified orally, which

prevents her from appealing with the support of legal defense. Igder in free on bail.

Said MATINPOUR

Profession: Journalist with the Azeri-language weekly *Yarpagh*. **Date of arrest:** 28 May 2007 **Sentence:** Eight years in prison. **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. **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.

Omidreza MIRSAYFI: Internet writer. Reportedly arrested on 22 April 2008, his home was searched and his computer seized. Reportedly released on bail after 10 days and then sentenced to two and a half years of imprisonment on the charge of propaganda against the regime and insulting Ayatollahs Khomeini and Khamanei. Thought to remain free pending appeal.

Abolfazl Abedini NASR: D.o.b.: 1982. Journalist with the weekly *Bahar Khozestan*. Reportedly arrested on 13 November 2007, and sentenced to one year in prison on 24 December 2007 at a trial held in the southwestern city of Ahvaz on charges of 'inciting workers to rebellion' and 'relations with foreign media' after he covered a worker's demonstration. His lawyer was reportedly not present at the trial. Released on bail on 18 February 2008.

Released

Emadeddin BAQI: Leading journalist and human rights defender. Arrested on 14 October 2007 and charged with 'propaganda against the regime' and 'publishing secret government documents' for his activities as president of the Society for the Defence of Prisoners' Rights, an organisation that he founded in 2003. Whilst his family was posting bail, Evin prison authorities arrived at the courthouse and announced that Baqi was required to serve a one-year suspended sentence he was given in December 2003, and he was immediately transferred to jail. Emadeddin Baqi was provisionally released from Evin Prison on 15 September 2008 to undergo medical treatment, and days later, on 20 October, he learned that he had been granted a definitive release on expiry of his sentence. While in Tehran's Evin Prison there were serious concerns for Baqi's health, as he has a heart disease.

Ejlat QAVAMI: Journalist with the banned weeklies *Payam-e Mardom Kurdistan* and *Deedgah*. Arrested on 2 August 2005 and sentenced to 3 and a half years in prison on charges of acting against national security and organising and leading the demonstrations in Sanandaj. PEN recently learned that he was released in April 2008.

Case closed

Omid AHAMADZADEH: Journalist with the banned newspapers *Aso* and *Didgah*. Reportedly arrested by intelligence officers in Sanandaj, Iranian Kurdistan, on 28 November 2007. Case closed for lack of further details.

Yacoub SALEKINIA: Freelance journalist. Arrested on 1 November 2007 and sentenced to 1 year in prison, suspended. Convicted by a Tehran revolutionary court behind closed doors in June 2008 for 'publicity against the government'. Case closed, sentence expired.

IRAQ

Killed: Motive unknown

- ***Dyar Abas AHMED:** Correspondent with the online independent news website *Eye Iraq*. Reportedly shot dead in Kirkuk on 10 October 2008. The motive for the attack is not known.
- ***Soran MAMA HAMA:** Journalist for the *Living* magazine, based in Sulaymanua. Reportedly shot dead by unidentified men, in front of his home in the Shorija neighbourhood, on 22 July 2008. In his last article, Mama Hama (23), reported on the incidence of prostitution in Kirkuk, and the alleged involvement of authorities from different areas of government. It has been reported that earlier in the year, the journalist received death threats. Police authorities are investigating the case.

On trial

Abid AREF: Editor-in-chief of the independent Kurdish weekly *Hawlati*. Reportedly facing a criminal defamation lawsuit filed against him by Iraqi President Jalal Talibani, for a report translated and published in the paper on 13 January 2008. The report, authored by an American scholar for the US non-profit American Enterprise Institute for the Public Policy Research, was allegedly highly critical of the President and other Kurdish leaders. The charges were filed under article 433 of the 1969 Iraqi Criminal Code, which carries a penalty of up to one year in prison and a fine. The trial opened on 4 February 2008. International PEN is seeking an update.

Brief detention

- ***Shwan DAWDI:** Editor-in-chief of the *Hawal* newspaper, based in Kirkuk. Reportedly given a one-month prison sentence for three defamation charges on 4 November 2008 for critical writings, published in 2004, on the Sulaymania courthouse. The charges were brought by the retired director of that courthouse. Dawdi was also fined 300,000 Iraqi dinars (approx \$255). On 13 November 2008 a Court in Iraqi Kurdistan rejected the conviction imposed on Dawdi, and he was released. In early October 2008, the regional parliament reformed the press law, eliminating imprisonment sentences on cases of defamation.
- ***Adel HUSSEIN:** Doctor and Internet writer. Reportedly sentenced on 24 November 2008 by a court in Irbil city, capital of the Kurdish region of Iraq, for writing an article about homosexuality. Dr Hussein was given a six-month prison sentence and a fine of 125,000 dinars (approx US\$106) under Article 403 of the Criminal Code. It is said that the piece was written from a scientific point of view and referred to sexual health and education. The article was published by the independent weekly *Hawlati*, in April 2007. A more lenient press code was introduced in Iraqi Kurdistan earlier in 2008 to decriminalise with press offenses, but in spite of this Hussein was sent to Mahata prison, in Irbil. On 7 December 2008 he was granted a pardon by the president of Iraq's Kurdistan region, and was released. Dr Hussein, who is a member of the Union of Kurdish Journalists, hosted a medical program on local television in Irbil, and published many articles on medical issues in Kurdish newspapers.

Death threat

- ***Soran OMAR:** Contributor to *Living* magazine, based in Sulaymanua, and editor-in-chief of the website Kurdistan News Daily www.knews-daily.org. Reportedly received several threatening phone calls on 24 July 2008, telling him to leave his work with *Living* or to face the fate of Soran Mama Hama, who was killed on 22 July 2008 (see above).

Attacked

- ***Sadeq JAAFAR BASHIR:** Sub-editor of the Kurdish monthly magazine *Araa* (Opinions). Reportedly seriously injured on 24 August 2008, when a group of armed militia entered his home and opened fire on him and his family. Jaafar Bashir's sister was shot dead, and his daughter and mother were injured. The motive for the attack is unknown.
- ***Amanj KHALIL:** Journalist for the Arbil-based newspaper *Rudaw*. Reportedly escaped an assassination attempt near his home on 30 July 2008. He reportedly received a death threat on 28 July 2008, for an article he had published that day. The anonymous caller told him that either he apologises in writing for what he had written, or he would face serious consequences. Khalil reported that this article was about the emergence of Ansar al-Islam, and that this was the fourth threatening call he received since early 2007 because of his writings.
- ***Moaid Al-LAMI:** President of the Iraqi Union of Journalists (IUJ). Reportedly attacked while on the headquarters of the IUJ, when a bomb was detonated on 20 September 2008. Al-Lami became head of the IUJ after its former former president was killed in February this year. Other members of the IUJ were also injured in the attack. It has been reported that Al-Lami and the former IUJ president had been threatened by political extremists for their criticism of attacks on the media.

Threatened

- ***Ahmed MIRA:** Editor-in-chief of *Living* magazine, based in Sulaymanua. Reportedly threatened after the publication of the 14 July 2008 issue of the magazine, which reportedly contained an article on one of the main Kurdish parties. Mira reported that on that same day he received a call from an unidentified person who told him he would pay the price for what he is publishing.

ISRAEL

Imprisoned: Investigation

Ata FARAHAT: Golan Heights correspondent for the daily newspaper *Al Watan*. Reportedly arrested on 30 July 2007 and taken to Al-Jalama prison, southeast of Haifa. The charges against him are unknown but it has been reported that Farahat was brought before an investigative judge on several occasions. Farahat is a Syrian national and according to the Syria Centre for Media Expression, he may have been charged with 'establishing contacts with an enemy nation'. His lawyers and the Israeli media are banned from talking about the case. In early October 2008 Ata Farahat's family reported that he is currently 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 that seventeen hearings have taken place so far, all behind closed doors. The media, defence lawyers and Farahat's family continue to be banned from providing information on the trial.

Attacked

- ***Zeev STERNHELL:** Historian. Reportedly attacked on 25 September 2008 when a bomb exploded at his home. He is known for his criticism of Jewish settlements in the West Bank. He suffered minor injuries.

Case closed

Ron Ben YISHAI: Journalist for the daily *Yediot Aharonot*. Reported in December 2007 to be facing charges for visiting Syria in September 2007 to report on developments in the region without official permission.

Israel has no formal relations with Syria, and Israeli citizens are not permitted to visit 'enemy states' without permission from the interior ministry. Breaches of the law can lead to jail terms of up to four years. Not detained, case closed for lack of further information.

JORDAN

Brief detention

***Faiz al-AJRASHI:** Editor-in-chief of the weekly *Al-Akhbariya*, was reportedly detained under the orders of the Jordanian military court on 28 October 2008. The editor has been charged with 'agitating sectarian tension and creating strife among people' under Article 150 of the Jordanian Criminal Code, and if found guilty he could face a sentence of between six months to three years imprisonment. The lawsuit was filed by the Amman Governor in September 2008, after the newspaper published articles critical of his administration. Released on 2 November 2008 though still said to be facing charges.

***Islam SAMHAN:** Journalist for the newspaper *Alarab Alyawn* and poet. Reportedly threatened with death and imprisoned for fifteen days as a consequence of his poetry. His book entitled '*Elegant as a Shadow*' was published in March 2008, and in September 2008 a campaign against the author started when the Grand Mufti, Jordan's highest religious authority, accused the author of 'apostasy and being an enemy of religion'. The Muslim Brotherhood called for the book to be recalled and for Samhan to be punished. It is said that as a result of this campaign the Prosecutor ordered Samhan's arrest while the case was being investigated. Samhan, aged 27, was arrested on 19 September 2008. He was later released, date not known, and the case dropped.

Case closed

Fayez Al-LAWZI, Usama SHARIF, Sahar AL-QASEM and Taher Al-Udwan: Journalist and chief editor for the daily *Ad-Dustour*, and journalist and chief editor for the daily *Al Arab Al Yaum*, respectively. Reportedly sentenced on 16 March 2008 to three months in prison for publications in both newspapers regarding a court case filed by a Jordanian, who had been deprived of his citizenship in 2006. It was reported that according to Jordanian law, the three-month sentence is replaceable by a fine. Case closed, not detained.

Abdul Haji MAJALI: Satirical writer for the daily *Al Rai*. Reportedly sentenced to three months in prison in March 2008 on charges of slander. It was reported that according to Jordanian law, the three-month sentence is replaceable by a fine. Case closed, not detained.

MOROCCO

Released

Mostapha HURMATALLAH: Journalist for the newspaper *Al Watan Al An*. Reportedly arrested on 17 July 2007, after the publication of a report entitled 'The Secret Reports Behind Morocco's State of Alert', and sentenced to eight-months in prison. Hurmallah was convicted of 'receiving documents obtained by criminal means' under Article 571 of the criminal code on 15 August 2007. He was released pending appeal on 11 September 2007, but the sentence against him was upheld by the Supreme Court on 13 February 2008. On 25 July 2008 Hurmatallah was released from Casablanca's Oukacha prison, on completing his prison sentence.

***Mohamed ERRAJI:** Internet writer for the online website www.hespress.com. Erraji was arrested on 4 September 2008 for an

article published in the website, allegedly accusing Morocco's monarchy of encouraging a culture of dependency. On 8 September 2008 he was handed down a two-year jail sentence and fine of 5,000 dirhams (430 euros), for "disrespect for the king" under article 41 of the Moroccan press law. Released on bail, Erraji appealed the sentence, which was overturned on 18 September 2008.

PALESTINE AUTHORITY

Imprisoned: investigation

Mustafa SABRI: Editor of the Hamas-affiliated daily newspaper *Palestine*. On 31 July 2008 Mustafa Sabri was detained by the Palestinian intelligence agency in the West Bank city of Qalqilya. The Supreme Court, on 10 September, ordered his release, but in spite of this Sabri remains in detention. Reports suggest that his defence does not know of any accusation against Sabri. **Previous political imprisonment/problems:** Reportedly arrested by officers of the Intelligence Service in Kalkiliya, a town in the West Bank, on 27 May 2008, interrogated and released two days later. Also reportedly arrested for four days in February 2008 by the security forces of the Palestinian Authority in Ramallah.

Case closed

Hasan Abdel JAWAD: Journalist. Reportedly arrested in Bethlehem in early March 2008, apparently for his critical reporting. Case closed for lack of further information.

SAUDI ARABIA

Main case

Dr. Matruk AL-FALEH: Prominent pro-reform activist and Professor of Political Science at King Saud University, Riyadh. Reportedly arrested on 19 May 2008 for publishing critical comments about poor conditions in Brediah Public Prison. Held in solitary confinement in Alhayer prison, without access to legal advice or family visits. **Previous political imprisonment/problems:** He was among twelve reform advocates to have been arrested in 2004 for demanding constitutional reforms and legislation to protect human rights in the country. He was held for eighteen months, during which time he was a main case of International PEN, before being freed in August 2005 after a royal pardon. [Released without charge on 11 January 2009].

Imprisoned: Investigation

***Yousif ASHMAWI:** Egyptian Internet activist and programmer. Reportedly arrested on 24 August 2008. It has been reported that in October 2007 Ashmawi travelled to Saudi Arabia to work as an IT programmer, and did also some work for the Saudi Foreign Ministry. Last time he was seen, on 24 August 2008, he went to an administrative office to obtain his driving license, when a car from believe to belong to the Saudi Security Services took him to an unknown location. He has not made contact to his relatives in Egypt. Some reports say that he is been held in Al Hayer prison in Riyadh. WiPC seeking further information.

Brief detention

***Roshdi ALGADI:** Internet writer and poet. Reportedly arrested on 4 November 2008 for a poem Algadi posted in his blog <http://www.maktoobblog.com/>. He was held for three hours, during which time he reported being beaten, accused of apostasy, and forced to

sign a document in which he agreed not to publish his work on the internet.

***Fareed Abdullah AL-NEMER:** Poet. Reportedly arrested with his wife and daughter on 10 October 2008 on their arrival at the King Fahad Causeway Bridge check-point. They were returning to Saudi Arabia from a visit to family in Bahrain. His wife and daughter were released after being searched, and al-Nemer was held for around ten days before being released without charge.

SYRIA

Imprisoned: Main cases

Michel KILO

D.o.b.: 1949 **Profession:** Prominent writer, journalist and civil society activist. Contributes to the leading Lebanese daily *Al-Nahar* and the London-based Arabic-language daily *Al-Quds Al-Arabi*. **Date of arrest:** 14 May 2006 **Sentence:** 3 years in prison **Expires:** 13 May 2009 **Details of arrest:** Among 10 Syrian civil society activists to have been arrested between 14 and 18 May for signing the "Beirut-Damascus Declaration" of 12 May 2006 calling for the establishment of diplomatic relations between Lebanon and Syria based on respect for each countries' sovereignty. Several hundred Syrian and Lebanese nationals signed the agreement. These arrests appear to be part of a renewed crackdown on government opponents in recent months, where scores have been arrested for their peaceful opposition activities. **Details of trial:** Michel Kilo was issued a provisional release order by a judge on 19 October 2006, but his release was obstructed by new charges filed by the prosecution on 23 October 2006. He was convicted by the Damascus Criminal Court on 13 May 2007 on charges of "spreading false news, weakening national feeling and inciting sectarian sentiments" for his dissident writings and pro-reform activities. On 20 August 2008 Kilo applied for early release under Syrian law, having served three-quarters of his sentence, but the criminal court rejected his application. On 2 November a Damascus appeal court judge overturned the criminal court ruling, and the case was referred to the Interior Ministry for further consideration. Kilo remains detained. **Place of detention:** 'Adra prison near Damascus. **Treatment in prison:** Said to be treated well and granted full access to his family. **Previous political imprisonment/problems:** Michel Kilo has been subject to persistent harassment by the Syrian authorities over the years as a result of his work in support of democratic rights. **Honorary member of:** American PEN. (RAN 23/06, Update #2 to RAN 23/06, 16 May 2007).

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 Syrian websites, in particular an article entitled 'What did the Syrian army do in Israel's war against Lebanon' dated 16 July 2006, posted on a Syrian 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 in Syrian websites, which are frequently blocked in that country. 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. **Details of arrest:** Reportedly arrested on 6 May 2008 and taken to an undisclosed location. 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. He could face a prison sentence of two to fifteen years. It is said that he has denied all the charges. **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, Ali al-ABDULLAH, Akram al-BUNNI**

Profession: Journalist for the Arabic language publications *Assafir, Al-Hayat* and *Al-Arab Al-Yom*, poet, writer, and columnist 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 four 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.

Imprisoned: Investigation

***Karim ARBAJI:** Internet writer and moderator of the online forum www.akhawia.net, popular among Syrian youth on social and political issues. Arrested on 7 June 2007 and reportedly charged with 'spreading false information that may weaken national sentiment' according to Article 286 of the Criminal Code. Thought to be remained detained without trial as of end December 2008, WiPC checking.

Tarek BIASI: Internet writer. Aged 23. Reportedly arrested on 30 June 2007 and sentenced to three years in prison on 11 May 2008 by the State Security Court for 'insulting security services' and 'weakening national sentiment' in his online writings. No further details as of 31 December 2008.

Brief detention

***Abdalla SULIMAN:** Lawyer, owner and manager of two websites: *Al Nazaha* (Integrity) www.alnazaha.com and *Akhbar Al Nazaha* (Integrity)

News) www.alnazahane.com. Reportedly arrested on 30 July 2008 for publishing articles criticising the Syrian Prime Minister and the government. His websites were repeatedly blocked during the previous 12 months. Suliman was held at the State Security Department in Damascus and was released after twelve days.

Released

Aref DALILA: Professor and Dean of the Faculty of Economics at Damascus University also wrote for the banned weekly *Al-Doumari*. Has written many books on economics, politics and social history. Was arrested on 9 September 2001 and sentenced to ten years hard labour for a lecture in which he called for democracy and transparency, and alleged official corruption. On 7 August 2008 Aref Dalila was freed after spending seven years in prison.

Case closed

Ali Zein al-‘ABIDEEN MEJ’AN: Reportedly sentenced to two years in prison on 23 September 2007 by the Supreme State Security Court for “undertaking acts or writing speeches unauthorised by the government...that spoil its ties with a foreign state”. Case closed for lack of further information.

Rashid ISSA: Journalist with the daily *Tishrin*. A libel case reportedly opened against him on 27 December 2007 at a court in Damascus. The complaint was reportedly brought for an article he wrote in September 2007 in which he accused a state theatre director of fraud. Case closed for lack of further information.

TUNISIA

Death Threat

***Slim BOUKHDIR:** Journalist and Internet writer. Reportedly abducted in Sfax for two hours on 20 September 2008, while on his way to an Internet café. He reported being forced into a car, and initially taken to a police station by plainclothes state security agents. He said later he was taken to an isolated area on west Sfax, where he was insulted and threatened with death. Boukhdhir believes his abduction was related to an article he published on 9 September 2008, on the news site *Tunisnews* critical of the Tunisian government. Has been subject to continuous harassment since his release from prison on 21 July 2008 (see ‘released’ below).

Brief detention

***Lofti HIDOURI:** News desk editor for *Kalima* newspaper and member of the Observatory for the Freedom of Press, Publishing and Creation in Tunisia (OLPEC). Reportedly detained at the Carthage airport in Tunis on 10 December 2008. He was told by the airport police that his arrest was due to the non-payment of a fine, and was sent to the Bouchoucha detention centre, where he spent the night. The following day, Hidouri appeared at a hearing in which his solicitor produced documents proving that the fine had been paid. It is believed his arrest was to prevent him from travelling to the 3rd Arab Free Press Forum in Beirut. He was finally released in the evening of 11 December 2008.

Attacked

***Sihem BENSEDRINE (f) and Omar MESTIRI:** Journalist and human rights activist and editor and managing editor, respectively, of the on-line magazine *Kalima* (), which is blocked within Tunisia. On 19 August 2008 Bensedrine was barred from leaving Tunisia at the airport, as she was about to board a plane to Vienna. She reported that she was held for

an hour by customs officials, who allegedly manhandled and harassed her. In early October 2008 the *Kalima* website was attacked by hackers and its content was destroyed. Sihem Bensedrine is subject to ongoing harassment and attack for her human rights activism. **Previous political/imprisonment/problems:** Bensedrine has previously been assaulted on numerous occasions, including whilst in prison in 2001. She has suffered broken ribs and other injuries, and been slandered in the pro-government media for her outspoken campaign for democracy and free expression in Tunisia. For her work, she has been awarded the 2008 Danish Peace Award, as well as other awards including the Canadian Journalists for Free Expression (CJFE) 2004 International Press Freedom Award. **Honorary member:** of Swiss Romande PEN Centre. (RAN 11/08 – 6 March 2008).

Harassed

***Naziha RJIBA (f) (pen-name Om Zeid):** Journalist, writer and Deputy President of the Observatory for Freedom of Press, Publishing and Creation in Tunisia (OLPEC). Reportedly received a summons to appear before the prosecutor on 27 October 2008 for her article entitled ‘They attacked *Kalima*’, published on the weekly *Muwatinoum* on 22 October 2008. (*Kalima* is an online newspaper, see above Sihem Bensedrine (f) and Omar Mestiri’s case). It is said that in her piece Rjiba accused the Tunisian authorities for having links to the attack on *Kalima* in Early October 2008.

Released

Slim BOUKHDIR: Journalist with the London-based *Al-Quds Al Arabi* and internet writer. Arrested on 26 November 2007 and sentenced to one year in prison for allegedly “assaulting a government employee in the exercise of his duty”, “breach of decent behaviour” and “refusing to show his identity card”. The charges are widely believed to be politically motivated and he is thought to be targeted for his critical reporting. On 21 July 2008 Boukhdhir was released from prison, four months before the end of his sentence.

UNITED ARAB EMIRATES

Case closed

Khalid EL-ASLY: Internet writer. Reportedly sentenced to five months in prison on 12 September 2007 on criminal defamation charges after he was accused of writing for the website Majan (www.majan.net) under an alias. His appeal was scheduled for 26 November 2007 and the prison sentence is thought to have been overturned, case closed.

YEMEN

Imprisoned: investigation

Fahd al-QARNI: Popular singer. Reportedly sentenced on 9 July 2008 to eighteen months in prison, a fine of 500,000 Yemeni Riyals, and to promise never to sing again, on charges of insulting the Yemeni president and the ruling party. The singer was reportedly arrested in April 2008, while in his way to Aden participate in a festival. There are reports that in 2006 the Criminal Investigations Bureau detained people who were selling cassettes with al-Qarni’s music. It is said that he combines folk music with humour and criticism of governmental policies. No further information as of 31 December 2008.

Brief detention

***Nizar AL-ABADI:** Editor of the Naba news website (<http://www.nabanews.net>). Reportedly arrested and interrogated for 10 hours on 28 October 2008 for running an allegedly 'illegal' website. The case arose after his website reported on a dispute between the Taiz governor and the chief of state security police.

Death threat

***Nashwan Abdu Al GHANIM:** Engineer and Internet writer. Reportedly threatened in relation to articles he posted on his web blog in September 2008. His blog has been blocked and his home reportedly surrounded by troops. Ghanim fears the threats and harassment are linked to his article about an attack on the USA embassy in Yemen on 17 September 2008, allegedly implicating some Yemeni political and military leaders in the attack.

Released

Abdel Karim AL-KHAIWANI: Former editor of the online opposition publication *Al-Shoura*. Arrested on 20 June 2007 and sentenced to six years in prison on 9 June 2008 for alleged links to a militant opposition group 'Houthis'. It is widely believed, however, that he was targeted for his journalistic activities. Al-Khaiwani is particularly known for his writings against the government's fight with rebels in Saada. On 25 September 2008 Abdel Karim Al-Khaiwani was released after being granted a presidential pardon. (RAN 40/07; Update #1 – 11 June 2008; Update #2 – 1 October 2008).

PEN Centres with Writers in Prison Committees

African Writers Abroad. Algerian. American. Armenian. Austrian. Bangladesh. Basque. Belarus. Belgian. Flanders. Belgian French. Bolivian. Canadian. Catalan. Colombian. Czech. Danish. Egyptian. English. Ethiopian. Finnish. French. Galician. German. German Writers Abroad. Ghanaian. Guatemalan. Hong Kong. Iceland. Independent Chinese PEN Centre. Iranian Writers in Exile. Italian. Israeli. Japanese. Kenyan. Kurdish. Lichtenstein. Lithuanian. Malawian. Melbourne. Mexico. Nepalese. Netherlands. New Zealand. Nicaraguan. Nigerian. Norwegian. Palestinian. Paraguayan. Polish. Portuguese. Quebecois. Russian. San Miguel de Allende. Scottish. Sierra Leone. Slovak. South African. Suisse Romande. Swedish. Swiss German. Swiss Italian. Sydney. Tibetan. Turkish. Ugandan. USA. US Writers in Exile. Venezuelan. Vietnamese Writers Abroad.

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List of Main Cases or Cases Adopted by PEN Centres by Country

(Those elected by PEN Centres are indicated in brackets)

Current as of 31 December 2008

1. Sayed Parwez KAMBAKSH (Italy) AFGHANISTAN
2. Mohammad Ateef NOORI AFGHANISTAN
3. Ahmed Ghous ZALMAI AFGHANISTAN
4. José Fernando LELO ANGOLA
5. Eynulla FATULLAYEV (Lichtenstein) AZERBAIJAN
6. Nazim GULIYEV AZERBAIJAN
7. Ali HASANOV AZERBAIJAN
8. Ganimat ZAKHIDOV AZERBAIJAN
9. Sakit Mirza ZAKHIDOV AZERBAIJAN
10. Salah Uddin Shoaib Chaudhury (USA, English) BANGLADESH
11. Jean-Claude KAVUMBAGU BURUNDI
12. Laprio DE MBANGA CAMEROON
13. Lewis MEDJO CAMEROON
14. CHEN Daojin CHINA
15. CHEN Shuqing CHINA
16. DU Daobin CHINA
17. GUO Qizhen (ICPC) CHINA
18. GUO Quan CHINA
19. Hada (Canadian, ICPC) CHINA
20. HE Yanje CHINA
21. HU Jia CHINA
22. HE Depu (Suisse Romande, ICPC) CHINA
23. HU Shigen (English, ICPC, Canadian) CHINA
24. HUANG Jinqiu (German, American, English, ICPC) CHINA

25. HUANG Qi	CHINA	81. Alfredo Manuel Pulido López	CUBA
26. JIN Haike (Ghanaian, ICPC)	CHINA	82. Blás Giraldo Reyes Rodríguez (Sydney)	CUBA
27. KONG Youping (ICPC)	CHINA	83. Omar Rodríguez Saludes (Finland)	CUBA
28. LI Zhi (Canadian ICPC)	CHINA	84. Omar Moisés Ruiz Hernández (Sweden)	CUBA
29. LU Gensong (ICPC)	CHINA	85. Oscar SANCHEZ MADAN	CUBA
30. LU Jianhua (ICPC)	CHINA	86. Ramón VELAZQUEZ TORANSO	CUBA
31. LIU Xiaobo	CHINA	87. Nsimba Embete PONTE	DEMOCRATIC REPUBLIC OF CONGO
32. LU Zengqi	CHINA	88. Mosaad ABU-FAJR	EGYPT
33. Abdulghani MEMETEMIN (German, ICPC)	CHINA	89. Abdel Kareem Nabil SULEIMAN...(English, American)	EGYPT
34. NARANBILIG	CHINA	90. General Ogbe Abraha	ERITREA
35. NING Xianhua (ICPC)	CHINA	91. Mahmud Ahmed Sheriffo	ERITREA
36. QI Chonghuai (ICPC)	CHINA	92. Emanuel Asrat (American, Canadian)	ERITREA
37. SHI Tao (Canadian, German, ICPC, Sydney, USA, New Zealand, English, Swiss Italian, American, San Miguel)	CHINA	93. Astier Feshatsion	ERITREA
38. TAO Haidong (ICPC)	CHINA	94. Berhane Ghebre Eghzabiher	ERITREA
39. Tohti TUNYAZ (American, Canadian, Catalan, English, Japan, Liechtenstein, ICPC)	CHINA	95. Beraki Ghebre Selassie	ERITREA
40. WANG Rongqing	CHINA	96. Temesken Ghebreyesus (American, Canadian)	ERITREA
41. WANG Xiaoning (ICPC)	CHINA	97. Mattewos Habteab (American, Canadian)	ERITREA
42. Tsering WOESER	CHINA	98. Dawit Habtemichael (American, Canadian)	ERITREA
43. WEI Zhenling	CHINA	99. Hamid Himid	ERITREA
44. WU Yilong (ICPC)	CHINA	100. Dawit Isaac (Swedish)	ERITREA
45. XU Wei (Ghana, ICPC)	CHINA	101. Saleh Idris Keki	ERITREA
46. XU Zerong (Ghana, ICPC)	CHINA	102. Germano Nati	ERITREA
47. YAN Quiuyan	CHINA	103. Estifanos Seyoum	ERITREA
48. YAN Xengzhue	CHINA	104. Petros Solomon	ERITREA
49. YANG Maodong (ICPC)	CHINA	105. Haile Woldetesnae	ERITREA
50. YANG Tongyan (Canadian, ICPC, Italy)	CHINA	106. Hossein DERAKHSHAN	IRAN
51. YANG Zili (Ghana, ICPC)	CHINA	107. Mohammed Hassan Fallahiya (English)	IRAN
52. Nurehamet YASIN (American, English, ICPC)	CHINA	108. Amin Ghazei	IRAN
53. ZENG Honglin (ICPC)	CHINA	109. Adnan Hassanpour (Swedish and Basque)	IRAN
54. ZHANG Honghai (Ghana, ICPC)	CHINA	110. Kaveh Javanmard	IRAN
55. ZHANG Lin	CHINA	111. Mohammad Sadiq Kabudvand (Swedish)	IRAN
56. ZHANG Jianhong (Melbourne)	CHINA	112. Siamak Pourzand (American, Canadian, Norway)	IRAN
57. ZHENG Yichun (Canadian, PEN Flanders, ICPC)	CHINA	113. Taghi Rahmani (Danish)	IRAN
58. Dolma Kyab (English, German, American)	CHINA/TIBET	114. Hoda Saber (Danish)	IRAN
59. Dawa Gyaltsen (American)	CHINA/TIBET	115. Yaghuber Yadali (Scotland/Sweden)	IRAN
60. Paljor NORBU	CHINA/TIBET	116. Antoine Assalé Tiemoko	IVORY COAST
61. Ven. Richen SANGPO (German, Ghanaian)	CHINA/TIBET	117. Raja Petra KAMARUDIN (Scottish and Danish)	MALAYSIA
62. Pedro Argüelles Morán (English)	CUBA	118. Abdel Fettah Ould ABEIDNA	MAURITANIA
63. Victor Rolando Arroyo Carmona (Finland)	CUBA	119. Aung Than (American)	MYANMAR
64. Mijaíl Bázquez Lugo (Netherlands)	CUBA	120. Aung Zeya (American)	MYANMAR
65. Juan Adolfo Fernández Sañz (English, Catalán)	CUBA	121. Aung San Suu Kyi (English, Canadian)	MYANMAR
66. Miguel Galván Gutiérrez (Sydney)	CUBA	122. Ko Aung Tun (Canadian, Canberra, Norwegian)	MYANMAR
67. Julio César Gálvez Rodríguez (English)	CUBA	123. Zaw Thet Htwe	MYANMAR
68. José Luis García Paneque (English)	CUBA	124. Maung Maung Oo (American)	MYANMAR
69. Ricardo Severino González Alfonso (Finnish, German)	CUBA	125. MAUNG Thura (aka 'Zargana') (English, Danish, German and Canadian)	MYANMAR
70. Léster Luis González Pentón (Sydney, American, English)	CUBA	126. Saw Wei	MYANMAR
71. Iván Hernández Carrillo (Catalan, Scotland)	CUBA	127. WIN Maw	MYANMAR
72. Normando Hernández González (English, American)	CUBA	128. Sein Hlaing (American)	MYANMAR
73. Juan Carlos Herrera Acosta (Germany)	CUBA	129. U Aye Kyu	MYANMAR
74. Régis IGLESIAS RAMÍREZ	CUBA	130. Melissa Rocio Patiño Hinostroza	PERU
75. José Ubaldo Izquierdo Hernandez	CUBA	131. Nikolai Andrushchenko...(German)	RUSSIA
76. José Miguel Martínez Hernández	CUBA	132. Stanislav Dmitrievski...(American)	RUSSIA
77. Héctor Fernando Maseda Gutiérrez (Italy)	CUBA	133. El Malick SECK	SENEGAL
78. Pablo Pacheco Ávila	CUBA	134. Matruk AL-FALEH	SAUDI ARABIA
79. Raymond PERDIGON BRITO	CUBA	135. Xabier Alegria (English)	SPAIN
80. Fabio Prieto Llorente (English)	CUBA	136. Tzema Auzmendi (English)	SPAIN
		137. Martxelo Otmandi (English)	SPAIN

138. Juan Mari Torrealdai, (English)	SPAIN
139. Iñaki Uribe (English)	SPAIN
140. Pello Zubiria (English)	SPAIN
141. V. Jasikaran and Jayaprakash Sittampalam Tissainayagam	SRI LANKA
142. Al-Ghali Yahya Shegifat	SUDAN
143. Ali al-ABDULLAH	SYRIA
144. Akram al-BUNNI	SYRIA
145. Aref Dalila (English, American, Scottish)	SYRIA
146. Yasser al-'EITI	SYRIA
147. Michel Kilo...(American)	SYRIA
148. Firas Saad	SYRIA
149. Habib SALEH	SYRIA
150. Fayez SARA	SYRIA
151. Harry NICOLAIDES	THAILAND
152. Mehmet Bakir...(Blegium Fl)	TURKEY
153. Hrant Dink (Belgium (Fl), English, Norway)	TURKEY
154. Perihan Magden (English)	TURKEY
155. Mehmet Ali VARIS	TURKEY
156. Ragip Zarakolu (American, Canadian, English, Kurdish, Scottish, Netherlands, Quebec, San Miguel, Sweden)	TURKEY
157. Barnard Tabaire (English)	UGANDA
158. Salidzhon ABDURAKHMANOV	UZBEKISTAN
159. Muhammad Bekzhon (American, Canadian, English, USA)	UZBEKISTAN
160. Mamadali Makhmudov (American, Canadian, English, Netherlands, USA)	UZBEKISTAN
161. Dzhamsheed (Jamshid) Karimov (English)	UZBEKISTAN
162. Gayrat MEHLIBOEV	UZBEKISTAN
163. Dang Phuc Tue	VIETNAM
164. Le Thi Cong Nhan (Suisse Romande)	VIETNAM
165. Nguyen Van Dai (Suisse Romande)	VIETNAM
166. Nguyen Van Hai	VIETNAM
167. Nguyen Van Ly (Sydney)	VIETNAM
168. Tran Quoc Hien	VIETNAM
169. Abdel Karim Al-Khaiwani	YEMEN
170. Raisedon Baya (Denmark)	ZIMBABWE
171. Chris Mlalazi (Denmark)	ZIMBABWE

Half-year Statistics

July to December 2008

Killed	2
Killed – Motive Unknown	18
Disappeared	0
Imprisoned - Main Case	133
Imprisoned - Investigation	63
Judicial Concern	4
Under Judicial Process	190
Non Custodial Sentence	30
In Hiding	1
Brief Detention	43
Death Threat	35
Other Threat/Harassment	42
Attacked/Ill-treated	62
Kidnapped	0

Total **623**

Released 26

Full-year Statistics

January to December 2008

Killed	4
Killed – Motive Unknown	20
Disappeared	7
Imprisoned - Main Case	133
Imprisoned - Investigation	65
Judicial Concern	4
Under Judicial Process	203
Non Custodial Sentence	46
In Hiding	1
Brief Detention	93
Death Threat	80
Other Threat/Harassment	127
Attacked/Ill-treated	93
Kidnapped	1

Total **877**

Released 61