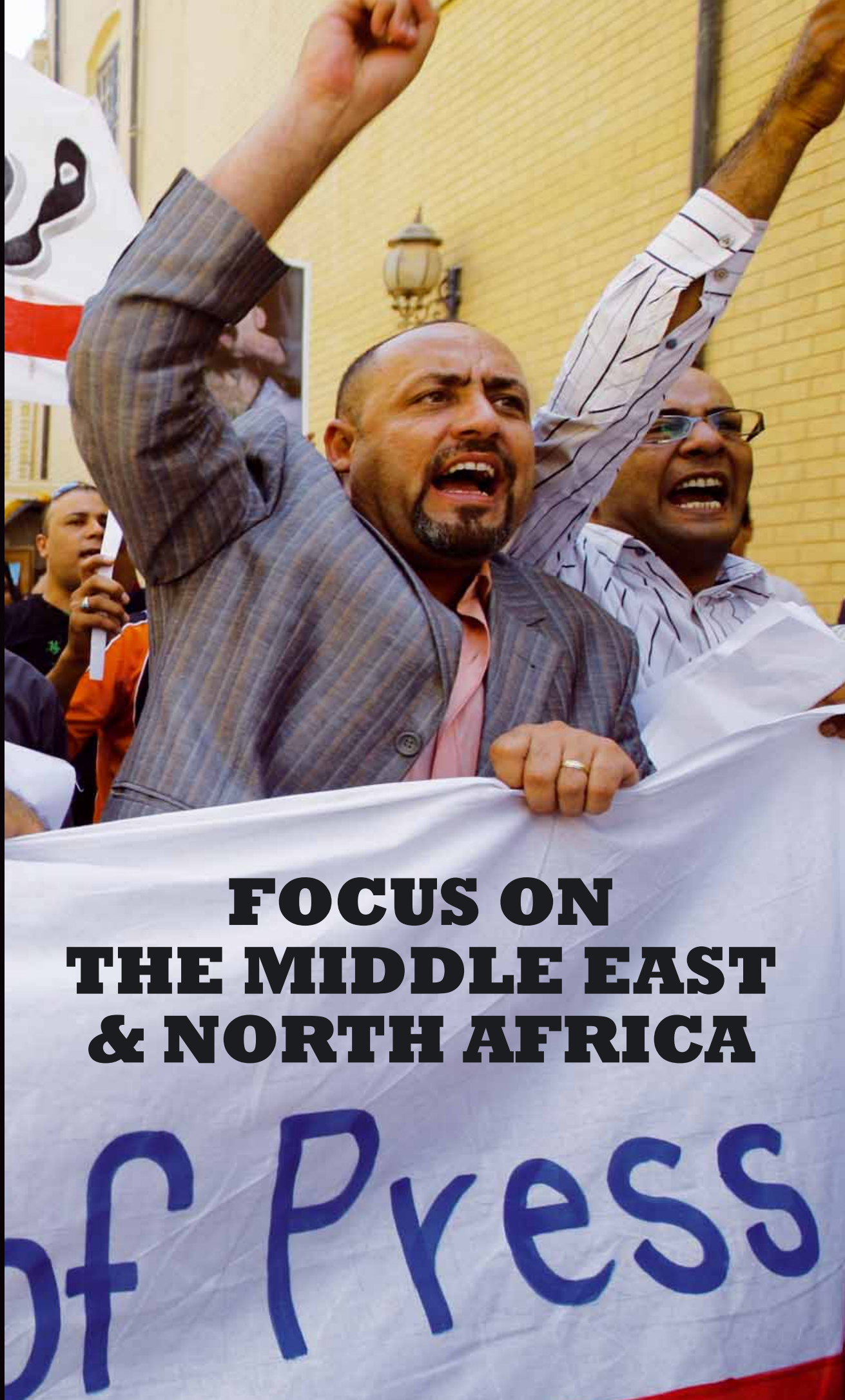


I.P.I

WORLD PRESS FREEDOM REVIEW

2009



FOCUS ON THE MIDDLE EAST & NORTH AFRICA

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**IPI WORLD
PRESS FREEDOM
REVIEW 2009
FOCUS ON THE
MIDDLE EAST
& NORTH AFRICA**

The IPI World Press Freedom Review is dedicated to the 110 journalists who lost their lives in 2009

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President-elect Nelson Mandela (C) and archbishop Desmond Tutu (R) arrive in a football stadium to take part in an open-air service for the country's Christian community, in the township of Soweto, south west of Johannesburg, 8 May, 1994. (Reuters/Desmond Boylan)

Freedom of Expression: A Fragile Plant in a Complex World

By Archbishop Desmond Tutu

The world has never seen a greater flow of ideas and information than the times in which we live. Yet it has never seen such confusion among the public over what is actually happening.

Communication, if free, is by definition a malleable force, open to manipulation. But it is indispensable. And we must be on our guard to protect it. Other developments showed that journalists, a competitive bunch, have good reason for increased solidarity in light of the strikingly similar challenges they face worldwide.

There are millions and millions of ordinary, sincere people who cry out for guidance as their daily lives become more complex and the resources of the world to sustain them more scarce. There are

also leadership figures and foot soldiers in the public domain who do their best to debate honestly and to shine a true and bright light on events and show the way to a better world.

Never before has the transmission of words and ideas been so easy, and economical; which is the good news. But never before has there been such confusion about what is right and what is wrong, and – as not only the Greeks but indeed all philosophy would ask – what is truth.

The great causes – good and bad – that marked the 20th century, two world wars, the nuclear balance of terror, the wonder of the moon shots and heart transplants, the fall of what one might call command ideology, those great moral struggles like that against apartheid, seem somehow to have frittered away, as the 21st century gets into its stride, and left behind vicious regional conflicts of dubious morality and unclear duration. Terrible things are done to human life as conflicts wear on around the globe, and as the fanatics and surrogates on various

sides pursue lives of reckless terrorism or unashamed propaganda. We need guidance.

Enter the IPI. This is a body of proven professionals, now close to the 60th anniversary of its founding, which seeks, in a systematic and measured way, to offer the public some sense of true moral justice and proper knowledge about those around them, and the world in which they live. It knows independent, diverse media is the way forward. It is concerned about matters such as rigour of editing, good communication, safety of journalists, the taming of censorship-hungry governments, and suchlike. It is on the side of the angels. (My very occasional exposure to those in that department might give me an edge to make the point!)

My association with the IPI goes back many years. I respect it. I recall so vividly travelling around in a coach in Vienna in 1986 with IPI delegates at the time of one of the world assemblies where I had the immense pleasure and privilege to speak. It was the time of Chernobyl, a time of light and darkness – when we humans, despite our growing store of knowledge, were all acutely reminded of the perils of our own creations on this most delicate and beautiful of planets.

“This is a body of proven professionals, now close to the 60th anniversary of its founding, which seeks, in a systematic and measured way, to offer the public some sense of true moral justice and proper knowledge about those around them, and the world in which they live”

Then, in 1994, when South Africa itself broke out into the light, I recall the sheer miracle of the transition to democracy and non-racism. It was then that the IPI had the foresight and courage to hold its annual assembly on our shores the very month before the first free and fair election – but the precise outcome, and the peaceful progress, of which no one then knew. I was able to say at that assembly in all sincerity that the IPI had

been an important part of our struggle, since it had helped to tell our story despite government controls. I mentioned how those who opposed the vicious system of apartheid used to be vilified and pilloried, with very little opportunity to give the true picture. Our honoured first democratic President, Nelson Mandela, was, when opening the same assembly, able to commend the international media who, he said, had lent their voices to those thousands of compatriots demanding freedom of expression.

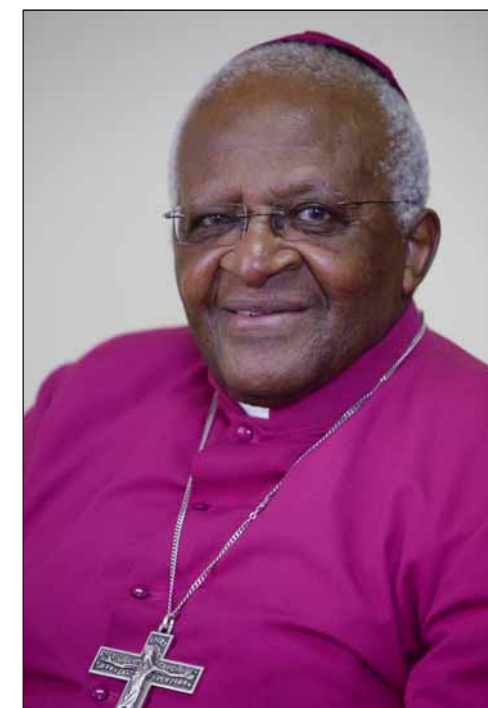
Those were our halcyon, rainbow, indeed perhaps salad days as a nation. They gave us hope for the future, and they still do.

Since then, of course, there have been sobering events, which one need not expand on in this Preface. But they do cause some worry, including on the free expression front. Suffice it to say that not only democratic nations but the whole world needs the IPI and its sharp, objective view more than ever today. Yes, we need your criticism.

The focus of this Press Freedom Review is North Africa and the Middle East, and we know enough about events in those theatres to be justifiably concerned about the fate of the fragile plant that is free expression there. Yet some journalists, there too, have been plodding away at their craft, pushing wider the boundaries of freedom, even snapping events through cell-phones, challenging authority and digging deep into the recesses of government and society to tell the story as it is. Some pay the highest price for this, and we salute them.

The freedoms that we all enjoy are indivisible, and when there are invasions of those freedoms anywhere – and that includes the developed world where corporations are sometimes at least as powerful as governments to control thought, if not always their own solvency – we must act as not only watchdog but as bloodhound in defence of those freedoms. And there is a difference.

The oft-quoted remark by Thomas Jefferson that “were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter,” might, with respect, be modified. We need both in a well-run society. Government without newspapers is unworkable. Newspa-



Archbishop Tutu is regarded as an elder world statesman with a major role to play in reconciliation, and as a leading moral voice. Winner of the Nobel Peace Prize, he has become an icon of hope far beyond the Church and Southern Africa. Tutu is chairman of the Elders, an independent group of influential people chosen for their outstanding integrity, courage and proven ability to tackle some of the world's toughest problems. The Elders, because of their varied backgrounds, use their collective skills to catalyze peaceful resolutions to conflict areas and address global issues that cause immense human suffering.

pers without government may be wildly heady to the Fourth Estate, but equally unrealistic. We have to make room for both newspapers and government, both totally independent from one another and based on freedom.

And in the other great debate which is rightly so close to the heart of the IPI, electronic versus print communication, I would say only this: may these two forces remain complementary to one another. And, what's really important is this: never compromise sound, professional journalism.

In this spirit, I salute the IPI's independence as a global organisation of huge significance, and warmly commend its efforts, including in this review, to keep open the ramparts of freedom.

By Anthony Mills Managing Editor

Press Freedom in an Age of Barbarity

One decade into the 21st Century and IPI is now in its 60th year of defending press freedom worldwide. However, for all the progress associated with the passing of a millennium milestone, when it comes to the deliberate murder of journalists because of their work, we are still mired in an age of barbarity, with the number of journalists killed in 2009 at 110, higher than the 66 killed in 2008 and far higher than the 56 killed in 2000. If anything, the number of journalists murdered is increasing. Compared to the first half of the decade, the assassination rate for journalists has risen by more than 40 percent.

This year's bloody figures were driven skywards on 31 November, when 32 journalists were massacred in the Philippines. The reporters were accompanying family members of gubernatorial candidate and local mayor Esmel Mangudadatu in a convoy in the southern province of Maguindanao, on a trip to an election office to file his candidacy papers.

The slaughter brought to 38 the number of journalists killed this year in the Philippines, and 93 this decade. The vast majority of these murders remain unsolved. Impunity is the outrageous norm, across the world. Far too few murderers of journalists are ever brought to justice.

Elsewhere in Asia, eight journalists were killed in Pakistan, where a military offensive launched by the government against militants in the South Waziristan region has sparked an upsurge in violence. On 22 December a suicide bomber blew himself up outside a press club in Peshawar, killing three bystanders. At the time, IPI member Owais Ali, Secretary-General of the Pakistan Press Foundation, said: "Things are getting from bad to worse."

In Sri Lanka, despite the end of a decades-long conflict between the government and separatist Tamil Tiger rebels, it was another unacceptable year for press freedom. Two journalists were killed. One, the former editor-in-chief of the

Sunday Leader newspaper, grimly predicted his own death in an editorial printed three days after his murder. He wrote: "In the wake of my death I know you [Sri Lankan President Mahinda Rajapaksa] will make all the usual sanctimonious noises and call upon the police to hold a swift and thorough inquiry. But like all the inquiries you have ordered in the past, nothing will come of this one, too."

"In the wake of my death I know you (Sri Lankan President Mahinda Rajapaksa) will make all the usual sanctimonious noises and call upon the police to hold a swift and thorough inquiry. But like all the inquiries you have ordered in the past, nothing will come of this one, too"

Again, it was a chillingly accurate prediction. Sure enough, one year on, there has been no progress towards solving the killing.

In another case in Sri Lanka in 2009, a Tamil journalist was sentenced to twenty years in prison, under draconian anti-terrorism legislation, for criticising

the government's handling of a military offensive against Tamil Tiger militants.

Across the world, governments are using such legislation to cynically snuff out critical reporting. That is why, following an October 2009 conference in Vienna entitled "The War on Words – Terrorism, Media and the Law," jointly organised by IPI and the Centre for International Legal Studies (CISL), IPI launched the Vienna Declaration calling on governments to respect media freedom in the fight against terrorism.

In the Middle East & North Africa, the fight against terrorism, or, more broadly, the safeguarding of 'national security', again served as a pretext for the crushing of media dissent.

In Iraq, the positive news that the number of journalists killed in 2009 fell to four, from 14 in 2008, was overshadowed by concerns that the government was seeking to turn back the clock on press freedom with draft legislation prohibiting journalists from "compromising the security and stability of the country" – a phrase suspiciously reminiscent of legislation in place in a host of countries, especially in the Middle East, with poor records on media freedom, and used to stifle virtually any form of criticism of the government and authorities.

In Tunisia (a staunch ally of the West), the authorities further tightened the screws on the media before and after an



Local journalists hold a candlelight vigil in Cebu city for the victims of the Maguindanao massacre that killed 57 people, including journalists, 29 November, 2009. The Philippine Center for Photojournalism issued a statement, saying the attacks on journalists are particularly heinous, and renewed calls for press freedom in a democratic country. (REUTERS/Victor Kimtanar)



People stand with portraits of killed journalist Anna Politkovskaya during a commemorative rally in central Moscow, 7 October, 2009. Three years after the murder of Politkovskaya, her family voiced doubts about the guilt of two men accused of a role in her killing and the Kremlin's will to catch the main suspects. REUTERS/Denis Sinyakov (RUSSIA CRIME LAW CONFLICT POLITICS)

October presidential election. Journalists were arrested, and at least two sentenced to prison on apparently concocted charges. The family of one them, Taoufik Ben Brik, who received a six-month sentence for allegedly assaulting a woman in public, began a hunger strike in January 2010. Meanwhile, a critical Tunisian journalist living in France received death threats.

Press freedom developments were even worse in Iran, where the authorities brutally cracked down on journalists following violent unrest sparked by allegations of vote-rigging during the re-election of President Ahmadinejad in June, and again following street protests in December. Dozens of journalists have been detained without trial, and several sentenced to long prison sentences.

Despite, however, the best repressive efforts of the authorities to ensure no news of the unrest and clampdown filtered out, social media tools like Twitter, Facebook and YouTube ensured it did – with much-debated implications for the future of newsgathering.

In Africa, the anarchic state of Somalia – gripped by an upsurge in violence since 2007 – held the dubious distinction of being the most dangerous country on the continent, for journalists. Nine were murdered there this year.

In the Middle East & North Africa – the focus of this year's World Press Freedom Review – the fight against terrorism, or, more broadly, the safeguarding of 'national security', again served as a pretext for the crushing of media dissent

Elsewhere in Africa, governments continued to show contempt for press freedom, by harassing, intimidating and imprisoning critical reporters, often under criminal defamation and sedition legislation.

Eritrea has dozens of journalists behind bars, 12 of whom were arrested in a

post-September 11th crackdown and are a focus of IPI's 'Justice Denied' campaign. They have been held incommunicado in a secret prison and there are confirmed reports that some of them may have died.

In the Gambia, President Yahya Jammeh set the tone by ominously declaring in a statement to state-owned GRTS television: "Any journalist who thinks that he or she can write whatever he or she wants, and go free, is making a big mistake."

Not long thereafter, six reporters were found guilty of defamation and sedition for questioning the suggestion by the government that it was not behind the still-unsolved murder in 2004 of prominent journalist Deyda Hydara.

The six were 'pardoned' in September by President Jammeh. AFP reported that five of them left prison chanting: "The truth will always prevail."

In Zambia, an editor who sent photographs of a woman giving birth in public to Zambia's vice-president and health minister, as well as other government and civil society officials, to highlight the

effects of a workers' pay strike, was arrested on 'obscenity' charges and faced up to five years in prison. Although she was acquitted, the whole affair was another example of government misuse of legislation to intimidate journalists.

Across the world, the killers of journalists are able to operate with shameful impunity.

Following a mission to Venezuela in November, IPI expressed concern about a continued deterioration of press freedom in the country – placed on IPI's Watch List in October 2000 – due to a climate of intimidation and hostility towards journalists and media outlets, as well as to a legal and judicial system that threatens the free practice of journalism

Nowhere is this more apparent than in Mexico, wracked by a violent standoff between the authorities and all-powerful, ruthlessly brutal drug cartels, where at least 11 reporters were murdered in circumstances apparently linked to their work. None of the perpetrators has been found.

Impunity was also the norm in Russia, where five journalists were killed in 2009, making it the fifth most dangerous country in the world for journalists last year. In December, AFP reported that relatives of murdered Russian journalists, bearing photographs of more than 300 journalists who were either killed or died under suspicious circumstances between 1993 and 2009, criticized the authorities for failing to carry out proper investigations into their deaths at a memorial event in Moscow.

Less violent, but nonetheless troubling, were efforts by Argentina's president, Cristina Fernandez de Kirchner, to pass anti-monopoly legislation that would undermine the position of the country's leading media player, Grupo Clarín – a political foe of Kirchner's – and would increase political influence in broadcast regulatory bodies.

In another political standoff, in Turkey, between Prime Minister Recep

Tayyip Erdoğan and the powerful Dogan media group, the group was slapped with a record US \$3.3 billion fine for alleged financial wrongdoings. According to the *Financial Times*, the European Union, in a recent report on Turkey's EU accession progress, said the fines "affect freedom of the press." In December, Dogan Holding Chairman Aydin Dogan said he would step down after he and three other Dogan Holding board members were criminally indicted. Dogan's move was seen as an effort to mend ties with the government. Simultaneously, Ertugrul Ozkok, the prominent, respected editor of Dogan's flagship daily paper *Hurriyet*, resigned from a post he had held for nearly 20 years. Analysts say his replacement is closer to the government's line of thinking, the *Financial Times* reported.

Also on the legislative front, in Ecuador, President Rafael Correa and his Alianza País party attempted to pass a bill that would allow only people who have obtained a journalism degree to work in the media. It would also establish a watchdog to supervise the media and their content as well as sanction and even close down an outlet in the event of repeat 'offences.'

Following a mission to Venezuela in November, IPI expressed concern about a continued deterioration of press freedom in the country due to a climate of intimidation and hostility towards journalists and media outlets, as well as to a legal and judicial system that threatens the free practice of journalism.

In July, Venezuela's attorney general introduced draft legislation on "media crimes" under which anyone who, through media outlets, provides "false information that harm[s] the interests of the state," could be sentenced to as many as four years in prison.

In Western countries, too, concerns about media freedom surfaced. Slovenia charged Finnish journalist Magnus Berglund with two counts of criminal defamation. He faced up to six months in prison if convicted, after a documentary he produced quoted unnamed sources as saying that members of the former Slovene government – including former Prime Minister Janez Jansa – allegedly accepted bribes in arms deals with Finnish arms maker Patria. Jansa rejected all of the allegations.

In Spain a Madrid prosecutor demanded a three year prison term - and a three year ban on practising journalism - for *El Mundo* deputy-editor Antonio Rubio, who was accused of allegedly "discovering and revealing state secrets" for writing about reports to Spain's secret services by an informer warning of terrorist attacks.

In December, two more Spanish journalists were given suspended prison sentences of a year and nine months, banned from working as journalists during that period, and handed hefty fines for "revealing secrets" in an article published in 2003 listing the names of dozens of people who allegedly registered irregularly as members of the Partido Popular as part of a recruiting effort.

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In Germany, the heavily-politicised Advisory Board of public broadcaster Zweites Deutsches Fernsehen (ZDF) blocked the contract extension of the TV station's editor-in-chief, Nikolaus Brenner, a staunchly independent journalist, raising concerns of political interference at the public broadcaster. At the time, Germany's *Der Spiegel* magazine said the decision showed that "prime ministers have the power to remove editors-in-chief of public broadcasters."

In Slovakia, the country's prime minister compared journalists to pigs.

Finally, in the US, progress on a federal shield law that would allow journalists to protect sources without going to jail stalled again.

Repression on the Rise

In the Middle East and North Africa (MENA), the Internet has offered many people access to information and the outside world that would have been unimaginable a few years ago. However, government control of the media remains tight in almost all MENA countries, and censorship and self-censorship are prevalent throughout the region.

At least six journalists lost their lives in the Middle East in 2009, while carrying out their professional duties. Throughout the MENA region, reporters, cameramen and photographers faced physical attacks, beatings and intimidation by security forces, militants, and other individuals. Various forms of censorship were imposed by regimes, often in the name of security concerns.

Events in **Iran** captured world attention in 2009. Doubts about whether 12 June presidential elections were free and fair began to surface as soon as incumbent President Mahmoud Ahmadinejad was declared the winner. As demonstrators took to the streets, a news blackout was imposed on the foreign media. And yet, through social media networks like Facebook, YouTube and Twitter, news of a violent government crackdown seeped out.

At least six journalists lost their lives in the Middle East in 2009, while carrying out their professional duties

In a June 2009 letter to the Iranian ambassador to Austria, IPI Director David Dadge said, "The Iranian people and the world have a right to information as well as commentary. The increasing reliance on social media networks and the Internet indicate a desire among Iranian citizens for access to news, and forums in which to express their opinions. It is not the role of any government to act as a filter between news and the public."

Scores of journalists and demonstrators were arrested immediately after, and in the months following, the disputed elections.

Over the rest of the year, reporters and activists were handed long prison terms, often after "show trials," fuelling a climate of fear and self-censorship.

Political unrest was behind harsh crackdowns on the media in many other countries, as well. In **Yemen**, tensions in the South worsened and several large demonstrations turned into clashes with state security forces; in the north, the insurgency led by Houthi rebels continued. There were numerous attacks on the media. Journalists reporting on government actions in the South were targeted, and copies of several newspapers were seized. Media houses were raided and journalists received threatening phone calls. A number of journalists were tried under national security legislation.

In **Iraq**, American troops this year began a phased withdrawal in June, which should see the last United States forces leave the country by 2011. Although violence has decreased over the past two years, journalists working in Iraq still face the threat of injury or death. Four Iraqi journalists were killed this year, compared with fourteen in 2008 and 41 in 2007. Nonetheless, the US military continues to imprison journalists without charge, while Iraqi security forces were responsible for numerous arbitrary beatings and detentions throughout the year. Impunity remains a serious problem.

Elections held in **Algeria**, **Iran**, and **Tunisia** prompted a rise in press freedom violations.

In **Lebanon** there has been a period of relative calm since legislative elections in June 2009, although at least two journalists were arrested and charged under criminal defamation laws and there were also reports of assault and intimidation.

One journalist was accused of insulting the president during a television in-

terview in which he criticised the head of state for his apparent inability to speed up the formation of a government delayed by months.

An IPI press freedom mission to Lebanon in October 2009, led by IPI Director David Dadge, noted that the country has a freer and more diverse and vibrant media than any other Arab country, but that a politically-polarised society is mirrored in much of the media landscape, particularly in television. Most of Lebanon's media outlets are unduly influenced in their journalism content by powerful political figures to whom they are financially and politically beholden.

The Iranian people and the world have a right to information as well as commentary

"Although there are many excellent media organisations in Lebanon, the politicisation of the media means that, too often, journalists are forced to choose between their natural desire for credibility and their loyalty to a media organisation," IPI Director David Dadge said in a statement issued after the mission.

Prosecutors in several MENA countries brought criminal charges against journalists to silence criticism and intimidate others. Criminal defamation laws exist in every country in the region. Laws forbidding criticism of royal family members or public officials exist in several countries, including **Bahrain**, the **United Arab Emirates (UAE)**, **Oman**, **Qatar**, **Algeria**, **Jordan**, **Morocco**, **Kuwait**, **Libya**, **Syria**, **Tunisia** and **Yemen**.

Expression that is interpreted as an insult to Islam, and therefore as blasphemy, is also widely criminalized across the



Relatives of detained rights activists and journalists demand their release outside the Cabinet's headquarters in Sanaa, 17 November, 2009. The posters read "No to arbitrary detentions". (REUTERS/Khaled Abdullah)

MENA region, and in some countries is punishable by death. Government control of moral content in the media was most visible this year in **Saudi Arabia** and **Sudan**. In Saudi Arabia, several people involved in the production of a television show about sexual attitudes were sentenced to flogging and jail terms. In Sudan, journalist Lubna Hussein was sentenced to a flogging for wearing trousers. Following international uproar, the punishment was reduced to a fine, which was then paid by a pro-government journalists' association.

Although there are many excellent media organisations in Lebanon, the politicisation of the media means that, too often, journalists are forced to choose between their natural desire for credibility and their loyalty to a media organisation

In many countries in the region, security forces are given powers to censor or control the media; in others, journalists who are critical of government policy are

frequently tried under national security legislation. This was notably the case in Iran and Yemen. In Algeria, copies of *Afrique Magazine* were confiscated in March for because they purportedly offended "national values." In **Egypt**, the thirty-year-old Emergency Law, which is supposed to combat terrorism, is frequently used to arrest and detain bloggers. A 2003 anti-terrorism law in Morocco is also considered a threat to press freedom. Security agencies are involved in censorship in Jordan, Israel, Syria and Sudan.

Control over online activities tightened further in several Middle East & North African countries, even as ever more people across the region gained access to the Internet. According to a report by the Arab Network for Human Rights Information (ANHRI), there are some 58 million Internet users in the Arab world. Jordan and the UAE, along with many of their neighbours, have made serious investments in IT infrastructure, and countries have begun efforts to boost online content in Arabic, the OpenNet Initiative reports. But despite the liberalisation of the information technology market, bloggers and online activists face increasing levels of censorship as well as legislation aimed at silencing online criticism.

Egypt, which has the largest number of Internet users, by country, in the region, also enforces draconian media legislation. Bloggers are routinely attacked, harassed and arrested.

In many countries in the region, security forces are given powers to censor or control the media; in others, journalists who are critical of government policy are frequently tried under national security legislation

Iran also cracked down on online media following the disputed June elections, and arrested online activists in an effort to stop the spread of dissenting information and opinions.

The Kuwait government introduced laws this year imposing restrictions on web content and bloggers.

Saudi Arabia and Tunisia were cited by ANHRI as the countries that most intensely monitor the Internet, while Lebanon and Egypt were given the dubious honour of being the countries that most intensely tap communications.

Death by Numbers in the Middle East & North Africa 2009



Palestinian Territories (1) Basil Ibrahim Faraj, 7 January

Iraq (4) Haidar Hashim Suhaib Adnan, 10 March. Alaa Abdel-Wahab, 31 May. Orhan Hijran, 21 October

Iran (1) Omidreza Mirsayafi, 18 March

Algeria

By Barbara Trionfi

For many years, Algerian courts and legislators have shown little understanding of the importance of protecting freedom of expression as a fundamental right. The situation further degenerated this year, as presidential elections, along with political disputes with Morocco, led to further restrictions on journalists exercising their profession.

Observers noted an intensification of press freedom violations in the run up to the 9 April elections, in which Algerian President Abdelaziz Bouteflika was re-elected to a third term.

Furthermore, newspapers which included articles allegedly critical of the government were banned, foreign journalists were prevented from entering the country to report on the elections and others were detained and expelled

The Algerian League for the Defense of Human Rights (LADDH) said that Algeria effectively prevented the media from engaging in any critical debate about the government of Bouteflika while the state-owned media's positive coverage of Bouteflika dominated the public discourse.

Furthermore, newspapers which included articles allegedly critical of the government were banned, foreign journalists were prevented from entering the country to report on the elections and others were detained and expelled.

Prior to the presidential elections, the issues of three French publications, *L'Express*, *Marianne* and *Journal du Dimanche*, were banned because they included articles about Bouteflika's government. *Afrique Magazine* was confiscated on 7 March because of an article entitled "Algeria, twilight of the generals," which supposedly violated "national values."

On 9 April, the day the presidential election was held, two Moroccan journalists, Hicham al-Madraoui and Mahfoud aït Bensaleh, were arrested, interrogated and prevented from carrying out their work. The two journalists had travelled to Algiers to cover the presidential election for the Moroccan weekly *Assahrae Al*

Ousbouiya after the Algerian embassy in Morocco told them that they would be able to receive accreditation for covering the elections at the press centre in Algiers, press freedom organisations and media reports said.

Upon their arrival in Algiers, they were turned away from the press centre, arrested, held at police headquarters and interrogated for over four hours before being finally released following the intervention of the Moroccan embassy, which also had to make sure that the two journalists could return to their country.

On 4 April, Tunisian journalist and human rights advocate Sihem Bensedrine, who flew to Algiers airport to take part in monitoring media coverage of the elections, was not allowed into the country.

Restrictions continued after the elections as well. On 15 July, Moroccan journalist Yahya Bentahar, with the weekly *Assahrae Al Ousbouiya*, was deported after her arrival in Algiers, where she planned to report on the political situation in Algeria following Bouteflika's reelection, a press freedom group reported.

Press freedom violations and the persecution of journalists in Algeria in 2009 did not occur solely in connection with the presidential elections.

According to information obtained by IPI, one journalist was imprisoned for over six months this year, while others received shorter prison sentences and steep fines as a consequence of their writing.

According to information obtained by IPI, one journalist was imprisoned for over six months this year, while others received shorter prison sentences and high fines as a consequence of their writing

Rabah Lamouchi, Tebessa correspondent for the daily *Ennahar*, was arrested on 9 June by local authorities, who accused him of not being accredited by the newspaper. *Ennahar's* editor denied that Lamouchi was not accredited. Observers suggested this could have been an attempt to scare journalists away from investigating local corruption.

On 14 July, a court in Tebessa condemned Lamouchi to six months in prison – which the journalist had to serve – on charges of lacking accreditation and defamation.

Nedjar al-Hadj Daoud, editor of *Al Waha*, was also sentenced to six months in prison on 11 May in connection with a 21 May 2006 article criticizing two government representatives, according to media reports. Hadj Daoud's paper has been banned since 2006. Daoud, who has reportedly been the victim of continued harassment, was jailed on 2 March. He was released on 4 March for medical reasons.

Al Watan editor Omar Belhouchet, one of IPI's 50 World Press Freedom Heroes, faced numerous lawsuits throughout 2009

On 3 May, Nouri Benzenine, the former correspondent for the newspaper *Echourouk Al Youmi*, was officially notified about a two-month prison sentence passed down to him following a complaint brought by a member of parliament in connection with a 2007 article about gas trafficking in Algeria's western regions. Benzenine said that, until receiving official notification, he had been unaware of the defamation case brought against him.

Al Watan editor Omar Belhouchet, one of IPI's 50 World Press Freedom Heroes, faced numerous lawsuits throughout 2009. On 10 May, Belhouchet received a 50,000 Algerian Dinar (approx. 480 Euros) fine in connection with a 2005 complaint filed against him by the secretary-general of the Air Algeria union, after Belhouchet published in his newspaper a statement made by the secretary-general.

At the end of 2008, Belhouchet and Salima Tlemçani, a reporter with *Al Watan*, were handed down a three month sentence and a 50,000 Dinar (approx. 480 Euros) fine each for defamation in connection with an allegedly defamatory article about a healer.

In March this year, *Al Watan* journalist Abdelouahab Souag received a 50,000 Dinar (approx. 480 Euros) fine for defamation in connection with two articles



Algeria's President Abdelaziz Bouteflika gives a speech during a ceremony for the start of the new academic semester at a university in Setif, some 300km (186 miles) east of Algiers, 12 November, 2009. (REUTERS/Zohra Bensemra)

published in 2006 and 2008 about a Muslim cleric, the International Federation of Journalists (IFJ) reported.

Freelance journalist and human rights activist Hafnaoui Ghoual was on trial in October facing 16 lawsuits on charges of criminal defamation, insulting government agencies, and contempt of court. These charges, still pending at year's end, were brought against Ghoual as a consequence of articles he had published in various publications exposing human rights violations, corruption and abuse

of power by various government officials. The Committee to Protect Journalists (CPJ) stated that Ghoual had been the target of harassment by Algerian officials for years. He has been repeatedly detained, beaten, and persecuted because of his writing.

In the night of 6 January 2009, Ghoual was assaulted by unknown persons armed with knives in front of his home in Djelfa, south of Algiers.

Recommendations

- Transform the state-controlled broadcasting service into a truly public broadcasting service.
- End state monopoly over the distribution of advertising, supply of newsprint and printing presses.
- Repeal the 1991 libel law which criminalizes defamation against President Abdelaziz Bouteflika and other senior government and military officials, and allows for penalties of up to one year imprisonment, along with hefty fines.

Algeria in Brief

Population: 34.9 million

Domestic Overview: Algeria won independence from France in 1962, after eight years of struggle led by the National Liberation Front. A bloody civil conflict began in 1992, after Algeria's military-backed government cancelled parliamentary elections, which the Islamic Salvation Front, or Front Islamique du Salut (FIS), was set to win. Between 70,000 and 150,000 people died in the conflict, which continued until 1999, when Abdelaziz Bouteflika won the presidency with the backing of the army, promising to end violence. Focusing on national reconciliation, Bouteflika released thousands of Muslim militants and won support for a civil accord in 1999 which offered an amnesty to armed militants. The effective decline of violence led

voters to approve a second amnesty for the remaining militants in 2005. Bouteflika won elections again in 2004 and, after amending the constitution to remove the two-term limit on the presidency, was re-elected in 2009. Power is concentrated in the presidency, with parliament playing a very limited role.

Beyond Borders: Recent finds of oil and gas have lifted the Algerian economy, attracting strong interest from foreign oil firms; however, poverty remains widespread. Algeria supports the exiled Sahrawi Polisario Front, a rebel movement working for the independence of Western Sahara from Morocco, causing tension between Algeria and Morocco. Each nation has accused the other of harbouring militants and of arms smuggling.

Bahrain

By Alison Bethel McKenzie

Although Bahrain has come a long way in terms of promoting an independent press, in 2009 serious concerns were raised by human rights and press freedom organisations over the unprecedented censorship of online media.

Growing complaints in 2009 about websites - particularly those dealing with religion and politics - being blocked by authorities, prompted press freedom groups to insist that King Hamad bin Isa

al-Khalifa stop the crackdown on websites. Before 2009, the nation enjoyed unhampered Internet access, compared to other Arab nations in the region.

As in most Arab countries, the law prohibits coverage of so-called sensitive subjects and coverage that is seen to defame or embarrass the government or government officials or that insults the king. Although officials have stressed in the recent past a desire for a free and

independent media, reporters in the island nation are governed by a press law (Ministerial Law 47/2002) that puts restrictions on publishing stories that criticize Islam or the king, or that incite violence against the government.

Reporters in 2009 still found it difficult to access certain official information and lawsuits brought against journalists continued, fuelling self-censorship among the country's media outlets. In February, a columnist for a privately-owned newspaper was brought up on criminal charges for "insulting the judiciary" in a series of investigative articles, according to media freedom observers. Her case is pending.

As in most Arab countries, the law prohibits coverage of so-called sensitive subjects and coverage that is seen to defame or embarrass the government or government officials or that insults the king

And late in 2009 the management and editorial board of *Al Bilad* newspaper told its journalists and staff not to enunciate any criticism of the Economic Development Board, the country's sovereign wealth fund and organisations related to it and any projects operated by the king or the crown prince, according to the Bahrain Centre for Human Rights (BCHR). The move came after one of the paper's journalists was ordered by the Royal Court to stop writing for the paper because of a series of stories he wrote addressing the king's reform process.

In January 2009, the Ministry of Information instituted Ministerial Law 1/2009, which gives the ministry the right to block certain websites without warning or referring the case to court. The law also requires telecommunications companies to "prohibit any means that allow access to sites blocked by the ministry, whether by Internet address, use of a proxy server or any other means."

Bahrain is one of the most web-connected countries in the Middle East. According to OpenNet Initiative, a partnership of four leading universities to "investigate, expose and analyse internet filtering and surveillance practices," the

number of Bahraini internet users rose to 250,000 in 2008 from 40,000 in 2000. Thirty-three percent of the population uses the Internet, OpenNet reported in 2009. And as of January 2008, there were 535 websites based in Bahrain covering a variety of topics, 59 government websites and 200 blogs, the majority of which were written anonymously, OpenNet Initiative said.

In January 2009, the Ministry of Information put into place Ministerial Law 1/2009, which gives the ministry the right to block certain web sites without warning or referring the case to court

There are currently 22 websites banned in Bahrain, according to BCHR. Among them are the centre's site, Bahrain news site "Al Shaheefa", and the political satire site "Bahrain Times".

"What is worrying is the increase in the number of articles and journalists that are being censored directly by officials and or are exercising self-censorship. This level of coercion and control on the media through the blocking of websites and the restriction of the press has led to the regression of Bahrain's position on international freedom rankings," officials from the BCHR wrote on their website in December.

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Besides the usual methods of restricting media freedom through legal actions and removing articles from the press and preventing journalists the opportunity to continue writing locally, it is also common practice that journalists are threatened or blackmailed directly or indirectly by members of authority in such places as the Royal Court, the Prime Minister's

Court, or the foreign media department in the Information Ministry. Journalists who breach the red line rule often get sidelined, do not receive invitations to cover big events and occasions, or their respective newspapers are punished through a reduction in the government advertising that they receive," according to BCHR.

The government continues to maintain that it is committed to a free and independent press. In 2009, the Bahrain information minister announced that the Bahrain Award for Freedom of Press would be handed out on World Press Freedom Day in 2010. The award comes with a US \$100,000 (69,565 Euros) prize, the English-language *Bahrain Tribune* reported. According to the newspaper, the award "aims to encourage creativity among journalists in Bahrain and the Arab world as a whole."

- Recommendations**
- End crackdown on Internet websites, so that bloggers may post content freely.
 - Facilitate access to information by journalists.
 - Transparently investigate all cases of alleged blackmail and threatening of journalists.

Egypt

By Nayana Jayarajan

Egypt has, over the past few years, emerged as a leading oppressor of the Internet and traditional media. Press freedom deteriorated in Egypt over the year, as the authorities used a combination of force, harassment, and restrictive legal provisions to stifle critical, independent reporting.

The space for access to information within Egypt has broadened marginally in recent years, with increased access to the Internet (as of June 2009, 15.9 percent of the population had access to the Internet) and therefore giving the population more room to express dissent, and allowing for greater proliferation of private satellite television channels which are more willing to be critical of the authorities.

Egypt has been under Emergency Law for over three decades. Since the assassination of President Anwar al-Sadat in October 1981, the Emergency Law has been repeatedly renewed – the last time in 2008 – despite promises from National Democratic Party leader Hosni Mubarak to repeal the law

However, the state has reacted to this broadening of space by reinforcing its draconian media legislation and regulation mechanisms, as well as by cracking down through violence and other tactics of intimidation against bloggers and online activists.

Egypt has been under Emergency Law for over three decades. Since the assassination of President Anwar al-Sadat in October 1981, the Emergency Law has been repeatedly renewed - the last time in 2008 - despite promises from National Democratic Party leader Hosni Mubarak to repeal the law. The National Democratic Party holds 340 seats in parliament, out of a total of 354 seats.

Although the government claimed that the renewal of the Emergency Law was designed to combat terrorism, events have shown that the renewal is aimed



A journalist works next to a newspaper with an article by columnist Sameera al-Rajab at Arabic newspaper *Akhbar Al Khaleej's* office in Manama in this posed picture taken on 22 June, 2009. Authorities suspended *Akhbar Al Khaleej* after it published the article by Rajab which criticised Iran's recent election and its political principles. *Akhbar Al Khaleej*, first published in 1976, is the oldest newspaper in the country. The headline reads, "Islamic Republic: Vehement Public Anger." (REUTERS/Hamad I Mohammed)

Bahrain in Brief

Population: 791,000

Domestic Overview: The former British protectorate gained its independence in 1971. A small archipelago in the centre of the Persian Gulf, Bahrain (an Arabic word meaning "two seas") was quicker than its Arab neighbours to discover oil but has recently diversified into international banking. The island nation has been headed by the al-Khalifah family since 1783. The nation continues to see tension between Sunni Muslims, to which the royal family belong, and the majority Shiite Muslims. On occasion, the tension has boiled over into civil unrest. In 2001, Bahrainis voted to turn the country, which consists of 33 islands, into a constitutional monarchy with an elected assembly that includes Shiites.

Beyond Borders: Bahrain is a hot tourist spot for vacationers in the region because of its relaxed environment. It is not currently embroiled in any international conflicts and is an ally of the United States, which has a naval base on the main island.

more at stamping out political opposition. Observers noted that article 3 of the Emergency Law gives the military ruler or his deputy the power to monitor the media, as well as to confiscate and censor publications. This is a clear violation not only of articles 17-19 of the International Covenant on Civil and Political Rights, to which Egypt is a party (signed 1967; ratified 1982), but also of articles 45 and 49 of the Egyptian constitution itself.

Egypt also monitors access to the Internet through real-world surveillance.

State security officers require owners of Internet cafes, which are used by a majority of users to access the Internet, to register the names and identity card numbers of users. Owners are also required to monitor which websites are visited, and to report to the security forces on people who visit “political” websites

According to a report by the Cairo Institute for Human Rights Studies (CIHRS), “the Emergency Law was applied broadly to repress freedom of expression, including detaining or abducting bloggers. Moreover, the Egyptian police state is increasingly acquiring certain theocratic features, which have reduced some religious freedoms, and have lead to an unprecedented expansion of sectarian violence within the country.”

According to the Arabic Network for Human Rights Information (ANHRI), the provisions of the emergency law have been used repeatedly in the recent past to censor and harass bloggers in particular. Those targeted, according to a 2009 ANHRI report, include: Israa Abdul-Fattah (who called for the strike of 6 April 2008); Abu Mus’ad Fajr (owner of the blog “We Want to Live”); Mohamed Adel (owner of the blog “Dead”); Abdul Aziz Mujahid (“Esterahet Mujahid” blog); Reda Abdul Rahman (owner of the blog “Justice – Freedom – Peace”); Diaa Eddin Gad (owner of the blog “An Angry

Voice”); Mohamed Rifaat (owner of the blog “Matabbat”); Philip Rizk (owner of the blog “Taboula Gaza”); Mohamed Khari (owner of the blog “Garr Shakal”); Ahmed Mohsen (owner of the blog “Open Your Eyes”); Abdul Rahman Faris (owner of the blog “My Tongue is the Pen”); Saif al-Islam Muhammad Ibrahim (owner of the blog “Saif-Not with Them”).

The cases of Philip Rizk and his fellow blogger Diaa Eddin Gad merit particular mention. Rizk was arrested on 6 February of this year for organizing a symbolic march against the Gaza blockade. He was detained with no contact with his family or the outside world for five days, after which he was deposited at his home. He had been blindfolded and interrogated. Diaa Eddin Gad, 23, was arrested on 6 February for critical articles he had written on Egyptian foreign policy towards Gaza. Gad is still being detained, and has not been charged, according to Human Rights Watch.

Unlike other countries, both in the region and beyond, Egypt does not practice online censorship and there are relatively fewer filters placed on access to content. Egypt’s approach to online activists and bloggers is composed more of a comprehensive real-world crackdown and wholesale intimidation. According to CIHRS, “while fewer prison terms were issued for crimes of publication or expression, (...) the greatest infringements of freedom of expression in Egypt were seen in the broad attacks launched by the security apparatus on bloggers and Internet activists, dozens of whom were placed under administrative detention, abducted, or temporarily taken to undisclosed locations, usually state security police headquarters; some have been detained for more than two years without charge or trial.”

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In May 2009, rights groups drew attention to the case of blogger Tamer Mabrouk, who was sued by a chemical company, Trust Chemical Co., for defama-

tion, over a blog entry in 2008 in which he accused the company of polluting a lake with effluents. He was fined about 2,600 Egyptian Pounds (approx. 340 Euros) at the original trial; the sum was increased to about 44,000 Egyptian Pounds (approx. 5,700 Euros) by an appeals court in May.

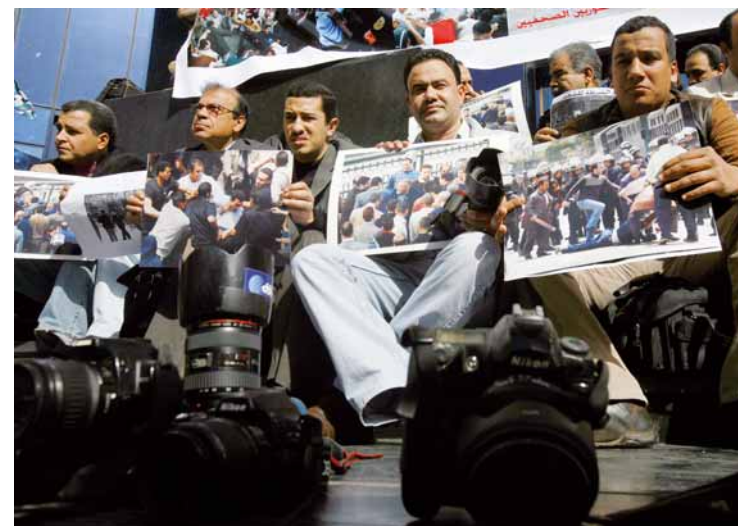
The harassment by Egyptian authorities was not limited to bloggers alone. Egypt continues to use the judiciary to censor journalists. A common practice is the issuing of prison sentences for defamation (which remains a criminal offence under the Egyptian broadcasting law of 2006) along with fines. The prison sentences are then commuted, while the fines are increased

In October, Per Bjorklund, a Cairo-based Swedish freelance journalist and blogger who covered a wave of factory strikes in Egypt was denied entry and deported, on returning to the country, because of orders from security forces, according to the Associated Press.

Earlier in the year authorities detained Islamist blogger Abdel Rahman Ayyash, who writes for “Al Ghareeb” and blogger Magdi Saad at Cairo airport. Another Islamist blogger, Ahmad Abu Khalil, who blogs at “Bayarek”, was reportedly arrested when security forces raided his home at dawn.

The harassment by Egyptian authorities was not limited to bloggers alone. Egypt continues to use the judiciary to censor journalists. A common practice is the issuing of prison sentences for defamation (which remains a criminal offence under the Egyptian broadcasting law of 2006) along with fines. The prison sentences are then commuted, while the fines are increased.

In July 2009, ANHRI reported that a court in Arrahmeneyia had commuted a prison sentence of six months and a fine of the equivalent of 12 Euros against journalist Kamal Mural of the weekly *Al*



Egyptian photographers protest violence against journalists in Egypt, in front of the press syndicate in Cairo, 25 January, 2009. Many photographers and cameramen were subjected to violence and were also prevented from taking pictures during demonstrations against Israel's attacks in Gaza. (REUTERS/Asmaa Waguhi)



Egyptian journalists demonstrate against violence against journalists in Egypt, outside the press syndicate in Cairo, 25 January, 2009. (REUTERS/Asmaa Waguhi)

Fajr, choosing instead to double the fine. Mural was arrested in June 2008 when he took photographs of a police officer harassing villagers in the Nile Delta. The police officers beat him, and then proceeded to charge him with assaulting the police and inciting the villagers against the security forces.

The court also dismissed the journalist’s claim alleging that he had been assaulted by the police officers in the course of his work.

In April, security forces prevented online journalist Khaled Hamza from travelling to the United Kingdom, where he was scheduled to receive medical attention.

Journalists and human rights activists are undesirables in this troubled region we call the Arab world. In spite of disagreements between Arab Interior Ministers on many issues, they all seem to agree on perpetrating hostile and obstructive acts against journalists and activists, and on denying them their right to movement or travel, ANHRI said.

In February, human rights observers reported that a court had suspended the prison sentences handed down to four journalists – Ibrahim Issa of the daily *Al Dustour*, Adel Hamouda of the weekly *Al Fajr*, Wael al-Abrashi of *Sawt Al Umma*, and Abdel Halim Kandil, former editor of the weekly *Al Karama* - for “publishing false information likely to disturb public order.” But the court upheld a 20,000 Egyptian Pound (approx. 2,500 Euros) fine against each of them. The journalists

were charged over articles criticising President Hosni Mubarak and his top aides.

The press in Egypt is regulated by the Supreme Press Council (SPC), a body which both owns the ‘national’ press outright and holds the sole right to license other publications. Since the SPC is an adjunct body of the Shura Council, which is the upper house of the bicameral parliament, and is therefore completely controlled by the ruling party, the independence of this body is illusory at best. The SPC is also the body charged with allocating resources to newspapers, establishing prices, and overseeing censorship. In addition to several legal bans on publishing information relating to “sensitive” subjects such as the armed forces, Egypt’s press laws also detail over 30 criminal offences, which range from defamation, to “publishing information on cases that should not be published.”

Recommendations

- Decriminalise defamation and other offences related to press freedom.
- Ensure that any form of regulation is purely voluntary.
- Prevent extra-judicial harassment by the security services of journalists, including bloggers.

Egypt in Brief

Population: 83 million

Domestic Overview:

Egypt has been governed by President Hosni Mubarak since 1981, following the assassination of President Mohammed Anwar al-Sadat. Mubarak is currently serving his fifth term in office, and is the leader of the ruling National Democratic Party. Dr. Ahmed Nazif was sworn in as prime minister on 9 July 2004. Although theoretically a bicameral multi-party system, Egypt is in reality fully controlled by the ruling party and the president. The last presidential election, in which Mubarak won a fifth consecutive term, was held in September 2005. Mubarak has intimated that he will not run in the 2011 presidential elections, although this may clear the way for his son, Gamal Mubarak, to run for office. The head of the International Atomic Energy Agency (IAEA), Mohammed al-Baradei, is also rumoured to be a possible contender.

Beyond Borders:

Egypt has had strong involvement in the Israeli-Palestinian conflict. A state of war between the two countries ended in 1979, but relations since then have not always been smooth. Egypt has very close ties to neighbouring Sudan.

Blogging against the Rules

By Mohamed Khaled

In 1981, President Sadat was assassinated, a state of emergency was declared and President Mubarak took power due to his position as Vice-President of the Republic. And now, 28 years later, the state of emergency is still in place and is renewed without change, which has turned Egypt into an oppressive police state. The security apparatus, whose main duty should be to serve and protect the people, has become a tool for protecting the ruling class alone while neglecting its original duty.



Mohamed Khaled, aka 'Demagh Mak', is photo coordinator for the Egyptian daily *Al Masry Al Youm* newspaper. He has been a blogger and human rights activist since 2006, focusing on police abuses committed against citizens, as well as human rights violations and corruption in Egypt. He contributed to the unveiling of incidents of alleged police torture in Egyptian police stations. His blog is: www.demaghmak.blogspot.com.

During demonstrations in the past – if there were any demonstrations at all – nobody could cross the red line that had forever been in place: criticising the Egyptian ruler, whether he was a king or a president. This red line frightened everyone to death, so the most that demonstrators could do was criticise the government or ministers or, on occasion, the prime minister.

This was not so long ago, but then the Internet spawned a communications revolution the likes of which has never before been seen on our planet. The expression “global village” became an undisputed reality.

The Internet in Egypt has brought great benefits beyond mere scientific and technological advancement, namely the stimulation of political activity for the first time in two decades of total stagnation in every sphere of life since President Mubarak came to power.

This stagnation continued on the Egyptian street until a new generation of youth appeared and found in the Internet a long sought-after means of expressing their feelings of oppression and subjugation, caused by government policies that have resulted in many being unemployed or forced to work for less-than-survival wages.

Egyptian blogs appeared and spread rapidly; the youth found these to be the only outlets for self-expression available to them, as most of the Egyptian media is owned by the government. Besides, cor-

ruption has made it impossible to find a media job without connections and even if you could, the scissors of the censor and state security would not allow you to express your opinions freely.

And so young Egyptians emerged from everywhere, blogging about the personal or social problems they face in their lives and criticising government policies. They crossed the red line and vehemently criticised the President like never before, and when they started to organise protests and demonstrations, they shouted their criticism out loud in the streets of Egypt.

People started to read what these young people were writing, especially as the Internet made it easy for all to follow this youth movement that was calling them to action to save their country and liberate it from the despotic rule and corruption of the last 28 years. Indeed, people found that they could trust the news and articles from this new source more than the government-controlled media, which always paints a rosy picture of what is happening in the country and distorts all the news to conceal from the people what is really going on.

Government-controlled media censorship became blatantly apparent to the people with the 2006 sexual harassment story: bloggers revealed an incident in the streets of Cairo city centre in which hundreds of young men harassed women. The bloggers supported their reports with pictures taken from their mobile phones.

The absence of security was clear for all to see.

The bloggers' main concern was for this news to reach the public, as well as for the government to investigate and punish those responsible for the terrible security failure that was to blame for this incident.

Instead, all the government newspapers came out and denied the news, and the Assistant Minister of the Interior launched an unprecedented attack on bloggers in a discussion programme, accusing them of harming Egypt's reputation abroad and spreading false rumours. He completely ignored the terrible security failure his ministry was responsible for in terms of safeguarding thousands of people who had gathered together in one place.

Far from acknowledging the incidents of harassment that now occur every year at the same time and in the same place, without any serious measures being taken by the Ministry of the Interior, the government-controlled media and Ministry of Foreign Affairs allow the government to hide the real problem from the public and only provide the people with the information that they see fit.

The same reaction from the government-controlled media was repeated with the story of Emad al-Kabeer, a minibus driver who police allegedly tortured in a police station by sticking a baton up his rectum. The incident was filmed on a mobile phone camera.

When the video was discovered and first posted on the Internet, it reverberated around the world until the matter came before the courts. The government-controlled media claimed the video was a fake and accused me of fabrication, and a large number of government-sponsored television soap operas then appeared to

glorify the police and the role they play in providing security for the nation. Finally, the officer and his subordinate who tortured Emad were sentenced to three years in prison.

Overall, there is now a situation in which a government that only wanted the public to know what the government wanted it to know found itself facing a technological revolution in which the bloggers had broken the government's monopoly on information and news.

There were now two options:

The first was to block the websites, but this would not have been a wise option because it would have destroyed Egypt's reputation around the world and revealed it to be a state that closes down websites. It would have been very costly and it would also have been easy for any blogger to open a new blog if shut down, as blogs are free and available to all.

The second option, which the Egyptian government is very good at, was oppression and brutality, especially with the continued declaration of a state of emergency, which allows it to do what it wants whenever it wants to.

Indeed, the government started to implement this approach with the arrest of Kareem Amer on charges of insulting the President of the Republic and disrespecting Islam. He was sentenced to four years in prison in a step that was and still is seen as a pre-emptive strike to destroy bloggers and scare those thinking of blogging. However, the move backfired on the government after bloggers launched a huge campaign to support Kareem Amer. This turned into a global campaign which damaged the Egyptian government's reputation around the world, as its oppression of Internet freedoms became known – precisely the outcome it was trying to avoid.

The situation persisted until the Egyptian security apparatus started kidnapping bloggers and torturing them for weeks. After discovering their location, the police would issue warrants for their arrest under emergency laws and hold them on average for between four and six months before releasing them. The abuses have continued in this way with the primary aim, in my opinion, of scaring young people who are thinking of launching a blog through which to express

their opinions before they even start. It has now become difficult for the authorities to arrest or kidnap the better known and more popular bloggers due to their fame both in Egypt and abroad. But it is still a difficult situation for all concerned, as all our means of communication are under constant surveillance, from mobile phones to e-mail and even normal meetings in public places. We are also restricted in terms of travel and returning to Egypt and we have our laptops, memory sticks and cameras confiscated and not returned. We then receive news that they have been given to an officer as a gift and we are advised to forget about the prospect of ever seeing them again.

The security apparatus, whose main duty should be to serve and protect the people, has become a tool for protecting the ruling class alone while neglecting its original duty

The government has begun issuing laws to restrict Internet freedoms, starting with a law to ban pornographic websites. The underlying objective is to ban critical blogs, since the government has been given the freedom to block websites that threaten public decency or contain offensive language – floating definitions that can be interpreted in a thousand different ways. They all lead, in the end, to the banning of websites that stand in opposition to the corrupt ruling establishment in Egypt.

The Egyptian government is not working to impose order through its laws as much as to assert its control and give itself room to abuse the freedoms that have been afforded by a constitution that lies forgotten in the drawers of its desks.

I can say that the emergency law that has been in place in Egypt during the Mubarak era has become a burden not only on bloggers, but on all sectors of society, all of which have personally experienced the power that this law affords police officers. Policemen have gone so far beyond the articles of the emergency law itself in exploiting this power that they have come to believe that they are gods ruling over slaves.

I was with my brother in our village in the Nile Delta when a policeman stopped me for no reason. When I went over to him, he started to pull me by my clothes, so I asked him to treat me with respect. Suddenly, he and his force of nine men began assaulting me, without even asking my name and before I could talk to him. He then handcuffed me and beat me and my brother violently, before putting us in the police car and explaining why he had done this. He told me, “I’m going to make you [...] kiss the boots of any policeman you see.” It was clear that he was surprised when I asked him to treat me with respect, as I should have shown him absolute deference, no matter how much he insulted me.

Even though this attitude has nothing to do with the fact that I am a blogger, it confirmed to me the dreadful extent of corruption in the police, whose main aim has become to safeguard the ruler and his men instead of protecting the people.

Until now, the international community has remained distant from the problem faced by bloggers not only in Egypt, but everywhere in the third world. The situation is bad for us all and especially in countries like Egypt, Iran, Saudi Arabia, Tunisia, and Jordan, in fact, all the Arab nations, together with Burma, Korea, Vietnam and China, where freedoms are absolutely oppressed, without restrictions.

If the international community is constantly calling for and demanding democracy in our countries, then the first and foremost expression of democracy is the freedom of opinion and speech provided for in all constitutions and international human rights conventions. If people are powerless to express their opinions, they will not be able to secure any of their human rights, and yet the Western governments continue their support for our oppressive governments with billions of dollars each year. There is no pressure on them to expand our freedoms and secure our rights in nations whose bones have been broken with the oppression of their people. There are no strong indications of what is happening in our country in the international media, which focuses on issues in which governments have a shared interest rather than on the oppression of peoples.

The disputed 12 June 2009 elections in Iran and the protests that followed had strongly negative repercussions for Iranian journalists and bloggers as well as for foreign journalists who were trying to report on the events.

The government of Iran's Supreme Leader, Ayatollah Ali Khamenei, has long implemented some of the world's most repressive policies towards the media. In 2009, however, Iran became the leading jailer of journalists in the world, imprisoning over 100 reporters and bloggers in the aftermath of the disputed elections.

Throughout 2009, journalists and bloggers, charged with "mutiny" and "disruption of public order," faced lengthy prison sentences, unfair trials, and torture. Numerous publications were shut down and the government set up a Web Crime Unit, to enforce Internet censorship. Media reports and human rights observers say over 50 journalists fled into exile to avoid persecution.

Foreign journalists encountered major restrictions on their ability to report on events in Iran. During the turmoil that followed the contested election, on 16

On 18 April 2009, she was sentenced behind closed doors by the Revolutionary Court in Tehran to eight years in prison. During the appeal hearing on 10 May, the charge of espionage was reduced to the lesser charge of "having access to classified information" and the eight-year prison sentence reduced to a two-year suspended sentence. She was released the next day. Saberi had been working as a freelance journalist in Iran since 2003. She had filed stories for NPR, Fox News, the BBC, and other international news organizations. In 2006 her press credentials were revoked by the Ministry of Culture and Islamic Guidance.

IPI was a vocal participant in the campaign for the release of Saberi. In April, it was one of 35 International Freedom of Expression exchange members to sign a protest letter to Iran's Minister of Justice. "Clearly this is a case of the government playing politics with a journalist," IPI told CNN at the time.

One journalist died this year in Iran, most likely as a consequence of torture by the authorities

One journalist died this year in Iran, most likely as a consequence of torture by the authorities.

Omidreza Mirsayafi, a 29-year-old blogger, died on 18 March in Tehran's Evin prison, where most prisoners of conscience are held. The blogger was summoned to Tehran's revolutionary court for interrogation on 7 February 2009. He had been sentenced in November 2008 to two years and six months in prison for insulting Supreme Leader Ayatollah Ali Khamenei and Ayatollah Ruhollah Khomeini, leader of the 1979 revolution. After the interrogation on 7 February, he was taken to prison.

Mirsayafi's lawyer, Mohammad Ali Dadkhah, told the International Campaign for Human Rights in Iran that Mirsayafi's sentence was hurriedly implemented without proper judicial procedures and that he had not been officially notified of the sentence before it was implemented.

Hesam Firooz, a physician also imprisoned in Evin, reported that Mirsayafi suffered from serious depression and died after taking extra doses of his medication,

the organization Human Rights Activists in Iran said. The physician noted that the prison doctors failed to provide proper care by not sending Mirsayafi immediately to a hospital in an attempt to save his life.

In a separate case, former journalist Alireza Eftekhari, who had been working with the economic daily *Abnar* until 2008, died on 15 June, in the aftermath of President Ahmadinejad's disputed reelection. Local sources say Eftekhari died from a brain hemorrhage after being beaten by security forces.

Most of the journalists held in prison at the end of 2009, often at unknown locations or in solitary confinement, are still awaiting trial. Some journalists have been lengthy prison sentences, mostly in "show" trials, in severe violation of the universal right to a fair trial.

Five journalists, who were convicted between 2006 and 2008, are still languishing in prison.

On 30 November, journalists Hengameh Shahidi and Saeed Laylaz were sentenced to six and nine years in prison, respectively. It was reported that Shahidi, an adviser to defeated presidential candidate Mehdi Karubi, and a blogger and contributor to reformist newspapers such as *Etemad e Melli*, was arrested on June 30. She was charged with mutiny for having participated in riots and conducted interviews with the "anti-revolutionary" BBC, among other charges. Shahidi spent 50 days in solitary confinement, underwent repeated interrogations, and was sentenced on 30 November.

Most of the journalists held in prison at year's end, often at unknown locations or in solitary confinement, are still awaiting trial

Laylaz, an economist, political analyst and journalist, who has often criticized President Mahmoud Ahmadinejad's policies, was arrested at his home on 17 June and charged with "mutiny against national security, propagation against the regime, disrupting public order, and keeping classified documents," according to local and international news sources. He spent over three months in solitary confinement and was sentenced to nine years in prison on 30 November. Laylaz

was also an advisor to former moderate Iranian President Mohammad Khatami. Until his arrest, Laylaz edited the daily *Sarmayeh*, which was closed by the authorities in November.

Reza Rafiee Foroshani, a freelance journalist, who has contributed to Iranian and international media including *The Times*, was arrested on 26 June in Tehran. He was given a seven-year prison sentence plus a suspended sentence of another five years on spying charges.

In February, four Iranian bloggers were sentenced to prison terms, fines and flogging by Iran's Judiciary Court despite the head of the judiciary's admission that they had been coerced into confessing

Masoud Bastani, a journalist with the daily *Farhikhteghan* and a contributor to *Jomhoriyat*, a news website affiliated with the defeated reformist candidate Mir Hossein Mousavi, was arrested on 5 July, when he went to a Tehran court seeking information about his wife, Mehsa Amrabadi. Amrabadi had been arrested on 15 June, when police went to their house looking for Bastani during the mass arrests that followed the June elections. Not having found Bastani, police took with them his pregnant wife. When Bastani went to look for her, police told him that his wife would be released if he gave himself up. Amrabadi was released on 25 August. Bastani was given a six-year prison sentence on 18 October.

Reza Norbakhsh, the editor of the daily *Farhikhteghan*, was arrested on 4 August at his office in Tehran. He was also given a six-year prison sentence.

In February, four Iranian bloggers were sentenced to prison terms, fines and flogging by Iran's Judiciary Court despite the head of the judiciary's admission that they had been coerced into confessing, Human Rights Watch and the International Campaign for Human Rights in Iran reported.

Omid Memarian, Roozbeh Mirebrahimi, Shahram Rafizadeh, and Javad Gholamtamimi were arrested in September and October 2004 and detained

without charge. They were held in solitary confinement in a secret detention centre for prolonged periods of time and were tortured during interrogation. On 20 April 2005, a judiciary spokesman said that an official investigation confirmed that their confessions had been coerced. In spite of this, on 3 February 2009, Tehran's Judiciary Court sentenced each of the four bloggers to prison terms of up to three years and three months, and to be flogged for "participating in the establishment of illegal organisations," "membership in illegal organisations," "propaganda against the state," "disseminating lies," and "disturbing public order." Memarian was also fined 500,000 Tomans (approx. 416 Euros).



Reuters and other foreign media are subject to Iranian restrictions on their ability to film or take pictures in Tehran. A student supporter of opposition leader Mirhossein Mousavi shouts during protests in central Tehran, 7 December, 2009.(REUTERS/via Your View)

tions," "propaganda against the state," "disseminating lies," and "disturbing public order." Memarian was also fined 500,000 Tomans (approx. 416 Euros).

Iran has been violating the right to freedom of expression for years, and journalists jailed in recent years remain in prison serving lengthy prison sentences. While trials and legal proceedings are often marred by irregularities, and convictions are based on confessions obtained through torture, Iran this year also arrested prominent human rights lawyers as a further means of ensuring that dissidents do not have proper legal representation.

The unjust imprisonment of journalists Adnan Hassanpour and Abdolvahed



Iranians hold signs and shout slogans denouncing Iran's President Mahmoud Ahmadinejad as they protest near the United Nations headquarters in New York, 23 September, 2009. Thousands of people gathered to rally against the Iranian government and to protest its alleged human-rights abuses following disputed presidential elections in June. (REUTERS/Natalie Behring)

At year's end, dozens of journalists were still being held in Iran's prisons, according to IPI's information, in great part arrested between June and December. Furthermore, the government continued to impose restrictions on the media, in particular on websites and online media, to prevent the distribution of dissenting information and opinions about the election outcome. Numerous pro-reform newspapers had their licenses revoked and were forced to halt publication.

At the time of the June crackdown, IPI Director David Dudge said: "In a world where news is instant, it is deeply depressing to see a government still seeking to prevent the free flow of information without realising it is already seeping out through every pore and fissure in Iranian society."

June, the Ministry of Culture and Islamic Orientation issued an order banning "foreign news media from participating in or covering demonstrations organised without interior ministry permission." Many foreign reporters were expelled from the country, including two Dutch TV journalists working for Nederland 2, reporter Yolanda Alvarez of the Spanish television station TVE, and Jon Leyne of the BBC.

In this bleak environment, the release of Iranian-American freelance journalist Roxana Saberi on 11 May came as unexpected good news. Saberi had been held since January 2009 on charges of "espionage."

She was widely believed to have been used as a pawn in the political standoff between Iran and the United States.

Iraq

By Naomi Hunt

Botimar has been highlighted by IPI through its Justice Denied Campaign.

Abdolvahed Botimar, a journalist and environmental activist, was arrested by Iranian authorities on 25 December 2006. His cousin, Adnan Hassanpour, editor and journalist with the now-defunct Kurdish-Farsi weekly *Aso*, was taken into custody exactly one month later. They were arrested in Marivan, in the north-western province of Kurdistan. *Aso* was shut down by the Ministry for Culture and Islamic Guidance in August 2005 following its coverage of violent protests in Kurdistan.

Iran has been violating the right to freedom of expression for years, and journalists jailed in recent years remain in prison serving lengthy prison sentences

On 16 July 2007, two days after they began a hunger strike, Hassanpour and Botimar were sentenced to death in a closed trial by the revolutionary court of Marivan. The charges included spying, “subversive activity against national security” and spreading “separatist propaganda.” In July 2009, Hassanpour and Botimar had their death sentences commuted to ten years imprisonment each.

In a separate case, journalist Mohammad Hossein Fallahiyazadeh, a television reporter with Al Alam, was arrested on 1

November 2006 in connection with his reporting on the government’s harsh treatment of Iranian-Arab protesters in the city of Ahwaz, Human Rights Activists in Iran said. A Revolutionary Court convicted him during closed proceedings and sentenced him to a three-year prison term for spreading propaganda against the Islamic regime and for communicating with opposition groups. Fallahiyazadeh was denied access to a lawyer, sources reported.

Saeed Matinpour, a human rights activist and a journalist with the newspapers *Yar Pag* and *Mouj Bidari* in western Iran, is currently being held in Evin Prison. Matinpour was initially arrested in May 2007 and released on bail after nine months. In July 2009, Matinpour was found guilty of association with foreign countries considered to be enemies of the state, and of spreading anti-regime propaganda, based on a confession extracted under torture and accusations made by others. He was sentenced to eight years in prison.

Meanwhile, Stephan Hashemi, the son of photojournalist Zahra Kazemi, who was imprisoned and beaten to death by prison personnel in July 2003, has filed a case against the Islamic Republic of Iran before a Canadian court. Kazemi had dual Iranian and Canadian citizenship and lived in Montreal.

Kazemi was detained on 23 June 2003 for taking pictures of Teheran’s Evin Prison. Following her death, Iran’s Vice President Ali Abtahi admitted the journalist had died “of a brain hemorrhage

resulting from beatings.”

Following Kazemi’s killing, the Canadian government restricted diplomatic relations with Iran.

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In an attempt to have the lawsuit dismissed, lawyers representing the Iranian state are invoking the Canadian State Immunity Act, which declares that foreign states are immune from the jurisdiction of Canadian courts. The plaintiffs, however, have argued that the State Immunity Act contravenes Canada’s Charter of Rights and Freedoms as well as the 1960 Bill of Rights.

Recommendations

- Immediately drop all charges against journalists imprisoned for distributing information or expressing ideas.
- Repeal the 1986 Press Law, which imposes severe restrictions on press freedom and harsh punishment for content deemed inappropriate.
- Cease legal persecution of journalists and respect journalists’ right to a fair trial.

There were some positive developments in Iraq in 2009: The number of journalist deaths in Iraq has substantially decreased over the past three years, from 41 in 2007, to 14 in 2008, to four in 2009. And in late April, Qadir Hama Jan, the director of Sulaymaniyah province security forces, announced a decision to drop all lawsuits filed by the security forces against journalists in Sulaymaniyah.

But in a year when American forces began a phased withdrawal in June, pulling troops from Iraqi cities, violence and attacks against journalists continued to create a dangerous environment for the media and media workers.

Furthermore, the United States military continues to detain and hold journalists without charge. Iraqi security forces have been responsible for numerous beatings and detentions of reporters. And Iraqi officials continue to use criminal defamation and other antiquated laws to punish critical journalists.

Four Iraqi journalists were killed in connection with their work in 2009. On 10 March, Al Baghdadia television correspondent Haidar Hashim Suhail, 30, and cameraman Suhaib Adnan, 25, were killed by a suicide bomb in the town of Abu Ghraib. Over thirty people were killed in the blast, and several journalists were wounded, some severely.

Jassem Mohamed, who heads the Dalal TV station, was arrested on 25 February for saying in an interview that his detention for two weeks in January had no legal basis and was a “human rights violation”

Alaa Abdel-Wahab, a sports journalist for Al Baghdadia TV, was killed on 31 May when a bomb placed under his car exploded. The motive for the attack is unclear. Sports presenter Sultan Jerjis, of local radio station Al Rasheed, was also injured in the attack, according to the Journalistic Freedoms Observatory.

On 21 October, cameraman Orhan Hijran, 18, was killed by a blast near his home in the Al Khadrah neighbourhood of Kirkuk. Hijran worked as a camera-

man for the Al Rasheed satellite channel, which covers art, culture and entertainment. At the time of the blast, Hijran and Al Baghdadia TV correspondent Mohammed Abdullah Zadeh were returning home from assignment. His colleague, who carried Hijran to the hospital, was reportedly only slightly injured.

Numerous press freedom violations were reported in the federal entity of Iraqi Kurdistan, which is administrated by the Kurdish Regional Government (KRG). Some 20 lawsuits were filed against journalists in January 2009 alone, according to the Kurdistan Journalists Syndicate.

In November 2008, Doctor Adel Hussein was sentenced to six months in prison in Erbil for writing an article about homosexuality for *Hawlati*, an independent weekly. He was found guilty of “offending public decency” but was freed on 7 December after receiving a pardon from KRG President Massoud Barzani.

On 4 February, *Awene* newspaper editor Shwan Muhammad was fined 3 million Dinars (approx. 1,820 Euros) for defaming a tribal leader in a November 2006 article published by an anonymous author. He was reportedly also criminally charged with “hiding information from the court,” because he refused to reveal the author’s name.

Jassem Mohamed, who heads the Dalal TV station, was arrested on 25 February for saying in an interview that his detention for two weeks in January had no legal basis and was a “human rights violation.”

In March, *Hawlati* newspaper, and its former editor-in-chief, Abid Aref, were fined for defaming Iraqi President Jalal Talabani. Aref was sentenced to a fine of three million Dinars (approx. 1,800 Euros), and the newspaper to a fine of 10 million Dinars (approx. 6,000 Euros), for publishing a translation of a report entitled “Is Iraqi Kurdistan a Good Ally?,” written in 2008 by Michael Rubin of the American Enterprise Institute.

On 17 March, Surwan Omar was arrested after Raniyah mayor Jiwir Gorna filed a complaint regarding a report about abuse of authority. Omar, editor of *Rika* magazine and a representative of the Kurdistan News agency had to pay bail of three million Dinars (approx. 1,820 Euros), press freedom groups reported.

On 9 April, the correspondent of weekly *Roudaou*, Azeez Mahmoud, narrowly escaped a murder attempt as she drove home in Sulaymaniyah on 9 April.

On 23 April, the Minister of Martyrs and Anfal Affairs, Chinar S’ad, filed a lawsuit against the editor-in-chief of *Jehan* magazine for defamation. S’ad is seeking one billion Iraqi Dinars (approx. 600,000 Euros) from Nabaz Goran, who currently faces 17 other lawsuits, for damage to her reputation, after the magazine reported that she had taken a two-month trip to London. The minister’s office had confirmed this information, according to at least one press freedom organisation.

As the Iraq government prepared for parliamentary elections, set for 21 January 2010, government members filed a disturbing number of defamation and other lawsuits against journalists throughout the country and abroad

In June, *Hawlati* reporter Goran Dukani reportedly received a threatening visit from Captain Mahmood Jaf, the chief security officer of the Patriotic Union of Kurdistan (PUK)’s Dukan office. Dukani had unsuccessfully attempted to interview Jaf for a story about a knife attack against a security officer from the PUK in Dukan.

As the Iraq government prepared for parliamentary elections, set for March 2010, government members filed a disturbing number of defamation and other lawsuits against journalists throughout the country and abroad.

Two individuals – Hussein al-Shahristani, the Iraqi oil minister, and the head of a company named Al Mansour – brought lawsuits against the newspaper *Al Bayanat Al Jedida* in March over articles that alleged corruption within the company and at a petroleum depot near Baghdad, press freedom observers reported. The minister demanded 500 million Dinars (approx. 315,000 Euros) in damages; the head of Al Mansour sued for 300 million Dinars (approx. 189,000 Euros).

Iran in Brief

Population: 74.2 million

Domestic Overview: The controversial re-election in June 2009 of Iran’s ultra-conservative President Mahmoud Ahmadinejad led to serious internal unrest. Iran’s supreme leader, Ayatollah Khamenei, endorsed the results of the disputed election. Supporters of opposition candidate Mir Hossein Mousavi took to the streets. Over 1,000 people were arrested in the wave of protests that followed, and more than a dozen people were reportedly killed, according to media reports and human rights groups.

Beyond Borders: President Mahmoud Ahmadinejad’s strongly confrontational stance toward the West has caused serious tensions. Meanwhile, Iran’s nuclear programme has raised international concerns and led to the imposition of sanctions. Iran maintains that its nuclear programme is purely peaceful. After the International Atomic Energy Agency (IAEA) reported on Iran’s non-compliance with its safeguards agreement to the UN Security Council, the Council passed a resolution in September 2009 demanding that Iran suspends its nuclear enrichment activities.



Iraq's Prime Minister Nuri al-Maliki speaks to the media at a news conference in Baghdad 3 January, 2010. (REUTERS/Iraqi Government/Handout)

In April, the Iraqi military filed lawsuits against the London-based *Al Hayat* newspaper and the Dubai-based Al Sharqiya satellite channel, the *New York Times* reported. Major General Qassim Atta al-Moussawi accused *Al Hayat* of misquoting him in an article that was then picked up by the satellite broadcaster. Official government newspaper Al-Sabah also picked up the quote, but was not threatened with closure. Courts fined Al Sharqiya 100 million Dinars (approx. 60,000 Euros) in August for misquoting al-Moussawi.

On 19 April, the head of the Iraqi state railway company sued private television station Al Diyar Sat TV for broadcasting a report about the working conditions of its employees in Anbar province, press freedom observers reported. An appeals court awarded the company 10 million Dinars (approx. 6,300 Euros) in damages.

In May, Abdel Fella Hassan al-Sudani, Iraq's trade minister, reportedly brought a series of complaints against newspapers *Al Parliament* and *Al Mashriq*, according to press freedom observers. The dailies had published a report by the Public Integrity Commission, which combats corruption in Iraq, implicating the minister in a corruption ring. The minister demanded a total of around 166 million Iraqi Dinars (approx. 100,000 Euros) from *Al Mashriq*, and about 52 million Iraqi Dinars (approx. 31,500 Euros) from *Al Parliament*, press freedom observers reported.

On 18 May, a Baghdad court ordered Iraqi news website Kitabab, which is based in Germany, to pay 1 billion Dinars (approx. 605,600 Euros) in damages to Prime Minister Nouri al-Maliki for alleging nepotism by his chief of staff. However, the suit was withdrawn following an international outcry.

Haydar al-Qotbi from US-funded Radio Sawa was attacked by Sahwa militiamen in Baghdad on 10 July. After showing a press ID, he was reportedly insulted because he worked for an American news outlet, dragged from his car and beaten by six men

On 28 May, the Iraqi National Intelligence Service (INIS) filed a case demanding around 1.2 billion Iraqi Dinars (approx. 690,000 Euros) from the London-based newspaper *The Guardian* over an article by reporter Ghaith Abdul-Ahad describing Prime Minister al-Maliki's government as "authoritarian." In November, a Baghdad court fined the newspaper 100 million Dinars (approx. 60,500 Euros). *The Guardian* announced it would appeal the decision.

Other instances of government interference in the work of journalists were also reported. Several cases of harassment were registered during the January 2009

elections for provincial councils. In Basra, journalists gathered near a polling station were assaulted by prison guards, who broke the reporters' equipment, local news agencies reported. In Fallujah and Hillah, reporters were prevented from entering polling stations.

On 28 July, as the Iraqi army entered the Ashraf camp near Baghdad, where an exiled Iranian opposition group was housed, journalists were prevented from entering, according to press freedom monitors. Fighting reportedly broke out between the army and camp residents. The camp, whose 3,500 residents are protected under the Geneva Conventions, was handed to Iraqi authorities on 1 January 2009.

Finally, a draft Journalists Protection Law, published by the government on 31 July, caused concern among journalists and local and international press freedom groups. On the one hand, the law provides certain protections and state benefits to journalists; however, other elements of the law appear to constitute an attempt to restrict the rights of journalists. The law prohibits publication of material that could compromise "security and stability," and offers inadequate protection of a journalist's right to keep sources confidential, and against arbitrary detention and seizure of equipment.

Writing about the law in a 21 August IndexonCensorship.org article, IPI noted: "Journalists in Iraq are worried that there too the draft law will be broadly and cynically interpreted to dramatically narrow the scope for, and eventually extinguish completely, critical, investigative and independent reporting. It portends, they fear, a sliding return to the dark days of censorship and repression."

On 14 August, hundreds of journalists gathered to protest the draft law as well as government attempts to censor books and publications, and block websites, according to the International Freedom of Expression eXchange (IFEX). Demonstrators were also protesting in solidarity with Ahmed Abd al-Hussein, a journalist with the state-owned *Al Sabah* newspaper who had recently received death threats from a Shiite political party. Hussein was threatened after he blamed the party for a major bank holdup in July during which some US \$7 million (approx. 5 million Euros) was stolen and eight people killed. However, according to IFEX, it was re-

vealed that some of the protest leaders were political rivals of the Shiite group.

United States forces were also responsible for several violations. The detention of Reuters photographer Ibrahim Jassam continued through this year. Jassam was arrested and taken to a US military camp on 1 September 2008. On 30 November, the Iraqi central criminal court cleared him of all charges, but US forces nonetheless refused to release him, claiming that the United States was not bound by Iraqi court orders. He remains in detention.

In a 2 September statement, IPI Director David Dudge said: "The continued detention of Ibrahim Jassam without charge, a year after he was arrested, is a slap in the face to the US government's stated belief in press freedom, as well as its long-cherished belief in due process."

On 1 January, US troops shot Biladi TV editor Hadil Emad, 25. She was critically wounded near a checkpoint in the al-Karrada district of Baghdad, reports said. A US military statement said that US troops shot a woman who "acted suspiciously and failed to respond to warnings."

Muntazer al-Zaidi, the Iraqi journalist who famously threw his shoes at former US President George W. Bush in December 2009, was released from prison on 15 September. Zaidi was originally sentenced to three years in prison for insulting a foreign head of state, but his term was later reduced to one year. He was freed three months early for good behaviour. Zaidi claims that he was tortured by senior government officials while in prison. His family and attorney say he was beaten, whipped and subjected to electric shocks and water-boarding.

At the time, IPI condemned the wholly disproportionate sentence he received and expressed grave concern at the torture allegations.

The Iraqi government has been criticised for failing to bring to justice those who kill and attack journalists. It has been over a year since 23-year-old *Living* magazine reporter Soran Mama Hama was murdered, and no one has yet been tried for the crime. The young journalist began receiving death threats after publishing an article about the alleged complicity of the police and other security officials in the sex trade in Kirkuk, according to press freedom monitors. In

September, *Living* editor-in-chief Ahmed Mira survived an assassination attempt.

The Iraqi government has been criticised for failing to bring to justice those who kill and attack journalists.

There were limited efforts to tackle impunity in 2009. In April, a trial began for two suspects accused of plotting to murder *Living* editor-in-chief Mira. According to press freedom monitors, this was the first instance of suspects being charged with plotting to kill a journalist in Iraq.

On 4 August, the authorities announced the arrest of three militants who had reportedly confessed to the 2006 murder of Atwar Bahjat, Khaled Mahmoud al-Falahi and Adnan Khairallah, a reporter, cameraman and soundman, respectively, for Al Arabiya satellite TV.

Iraqi journalists nonetheless continued to be targeted for their work in 2009.

On 30 May, two media workers from the Al Iraqiya television broadcaster were seriously wounded when a bomb planted in their car exploded in the Al A'zamiya district of Baghdad, according to media reports.

Reporters Ali al-Juburi, of the Ifaq satellite broadcaster, Ahmad Omad of Biladi TV and Karim al-Qasimi of *Al Fiha* newspaper were physically attacked and then detained by Sahwa militiamen and Iraqi police in Babil province, media monitors reported. They were returning home after covering a visit by the prime minister to the region.

Haydar al-Qotbi from US-funded Radio Sawa was attacked by Sahwa militiamen in Baghdad on 10 July. After showing a press ID he was reportedly insulted because he worked for an American news outlet, dragged from his car and beaten by six men. The Sahwa militia are part of the Sons of Iraq coalition between Iraqi forces and tribal sheikhs, who have joined forces to maintain security.

Investigative journalist and editor Nabaz Goran was attacked on 29 October by unknown assailants and brutally beaten while leaving his office in Erbil, the capital of Iraqi Kurdistan. The 32-year old, who edits the Kurdish-language *Jihal* newspaper, believes that he was attacked by members of the Kurdish Democratic Party, he told press freedom observers. He left to take refuge in Sulaymaniyah, saying that he never wanted to see Erbil again.

Recommendations

- Sensitization training for Iraqi security forces and cooperating militias on the protection of journalists.
- Investigate the murders of journalists and bring killers to justice.
- Repeal outdated laws criminalizing defamation and insults.
- Enact a comprehensive Freedom of Information Act, and legislation ensuring broad protections for the right to free expression and a free press.
- Refrain from censorship of media, including online media, who report on political, social and other issues.

Iraq in Brief

Population: 30.7 million

Domestic Overview: After the US-led ouster of President Saddam Hussein in 2003, the situation in the country remains volatile. In January 2005, Iraq held its first parliamentary elections since the ousting of Saddam and the country's first multi-party elections in 50 years. Parties representing the Shiite Muslim community won a majority of seats. Parties representing the Kurdish community also won a number of seats in parliament, while those representing the Sunni Arab community boycotted the elections.

Beyond Borders: Iraq's diplomatic relations with Iran were restored in 1990, after the end of the 1980-88 war between the two countries. However, relations remain cool as some of the issues from the war, including prisoners of war exchanges and support of armed opposition parties operating in each other's territory, have yet to be solved. In November 2006, the EU started talks with Iraq about the EU-Iraq Partnership and Cooperation Agreement. The EU says it hopes to finalise negotiations in 2010. The EU's interest in developing closer relations with Iraq is a consequence of the country's important role in the region and potential as a trading partner. Iraq has very friendly relations with the US.

Israel & The Palestinian Territories

By Naomi Hunt



Islamic Jihad militants take part in a training drill in front of the media near Gaza city 26 December, 2009. (REUTERS/Ibraheem Abu Mustafa)



An Israeli army Merkava tank turns its turret armed, with a 120 mm gun, towards journalists and scavengers in northern Gaza Strip, 26 December, 2009. (REUTERS/Yannis Behrakis)

For Israeli journalists, Israel has one of the most open media environments in the Middle East, and a wide range of opinions and commentary can be found in both the broadcast and print media. However, Israeli security policy prevents Israeli journalists from travelling into the Palestinian Territories without special permission, and Palestinian journalists are prevented from entering Israel. In the West Bank, Israeli soldiers and Palestinian security forces regularly interfere with the work of Palestinian journalists, and a large number of press freedom violations were reported in Jerusalem and the West Bank in 2009.

The political and military movement Hamas took control of the Gaza Strip in 2007. Journalists in Gaza exercise self-censorship and are prevented from reporting on Hamas military affairs. They have also been required to register with the Gaza authorities. Since the takeover, journalists in Gaza and the West Bank have suffered as a result of the ongoing conflict between Hamas and Fatah, with security forces from each party frequently detaining and arresting journalists affiliated with either pro-Hamas or pro-Fatah news outlets.

Israel

On 27 December 2008, Israel launched an air offensive against Gaza, followed by ground operations on 3 January 2009, in retaliation for rockets launched after a ceasefire between Israel and Hamas fell apart late in 2008. Shortly before operations began, foreign journalists were barred from entering Gaza. (Israeli journalists had been banned from travelling into Gaza and the West Bank without special permission for several years.) The Israeli army were responsible for targeted attacks on several media houses during the Gaza offensive, and several journalists were wounded as a result of the fighting. With access barred to outside journalists, international news media relied on the work of local Palestinian stringers, who worked around the clock under difficult and dangerous conditions. Specific press freedom violations from the attacks are recorded in the report on Gaza below.

With access barred to outside journalists, international news media relied on the work of local Palestinian stringers, who worked around the clock under difficult and dangerous conditions

The media in Israel enjoy broad protections of the right to freedom of the press, and news outlets are often vocal in their criticism of Israeli policy. Nonetheless, security restrictions and military censorship continue to hamper journalistic activities, and Israeli journalists are not permitted to enter the Palestinian territories without special permission. Journalists working in Israel are accredited by the Government Press Office, and press passes are required for entry to official press conferences and certain other state institutions. While many foreign journalists receive accreditation, Palestinian journalists do not and are therefore excluded from covering certain press conferences and other official events that may have a direct impact on their audience. Besides the barring of foreign journalists from Gaza, most press freedom

violations recorded in Israel this year were attacks against Palestinian journalists.

Journalists from Palestinian media were detained, arrested or had their equipment seized on several occasions near or in Al Aqsa Mosque in Jerusalem, according to reports from the Palestinian Centre for Development and Media Freedoms (Mada). Journalists are not allowed to film inside the mosque without special permission. On occasion, however, Israeli security forces reportedly assaulted journalists who were filming from inside the mosque yard. On 3 October, for example, photographer Abdullah Fathi Zidan from news website "Falestine 48" was reportedly punched in the face by an Israeli soldier while trying to film protesters at the mosque, Mada reported. At least one journalist was also injured by a stone thrown by a Palestinian youth at the mosque.

Other attacks against journalists were reported in Silwan, a predominantly Arab neighbourhood in Jerusalem, during November, as houses in the area were being demolished. For instance, Al Jazeera English News cameraman Mamoun Siyam was beaten by Israeli security forces twice in one day on 18 November, Mada reported. In the morning, he was hit while covering demolitions in Al Esawiya, and was beaten in the afternoon in Silwan, also covering a demolition. Siyam told Mada that "they beat me brutally, and they tried to break my camera by throwing it into the wall but I defended it fiercely like my son, and I took it so my hand was injured." On the same day, Siyam reportedly also narrowly missed being hit by a sniper's rubber bullets.

Recommendations

- End the use of violence against Palestinian journalists by Israeli security forces.
- Ensure Israeli security forces are sensitized to the rights and duties of journalists, including Palestinian journalists, covering events in Jerusalem.
- Award accreditation to Palestinian journalists covering official events in Israel.
- Enable Israeli media to enter the Palestinian Territories without the need for special permission.

Gaza

Foreign journalists were barred by the Israeli authorities from entering Gaza beginning 6 November 2008, as tensions between Israel and the Hamas authorities in Gaza worsened. Although the ban was lifted for one day in December, it was immediately reinstated. On 27 December, the Israeli army began Operation Cast Lead, an air offensive on the Gaza strip. This was followed by ground operations on 3 January. Fighting ended on 17 January, when Israel adopted a unilateral ceasefire. Israel's Foreign Press Association responded to the journalist ban by filing a complaint with the Supreme Court, which ruled on 31 December that the Israeli army should bring journalists into Gaza in groups of twelve. This decision was never implemented, although a handful of journalists were eventually allowed into Gaza under the supervision of Israeli forces. Egypt opened a crossing point into Gaza on 15 January, allowing journalists to gain access there. The Israeli army said journalists reporting in Gaza could give away key tactical information, and that the Israeli army could not guarantee their safety.

Foreign journalists were barred by the Israeli authorities from entering Gaza beginning 6 November 2008, as tensions between Israel and the Hamas authorities in Gaza worsened

According to media freedom observers RSF, the several hundred journalists working in Gaza at the time overcame daily challenges and threats in order to get reports to their respective news agencies. Travel throughout Gaza was dangerous. Material obstacles included power cuts, broken phone lines and damaged vehicles and equipment. Journalists reportedly complained that they had no wartime insurance coverage. However, RSF also reported that a "strong solidarity developed between the different agencies so they could overcome the technical, material and human difficulties."

Four journalists lost their lives during the offensive, and many more were wounded by bomb blasts and shrapnel. Amongst those killed was Basil Ibrahim Faraj, a cameraman for ENTV and the Palestine Broadcast Production Company, who was wounded in an Israeli air

NBC and Al Arabiya, among other news outlets.

The last Israeli soldiers had withdrawn from Gaza by 21 January, but Israeli security forces continued to prevent journalists from travelling into Gaza. In February and June, cargo vessels containing

mation coming out of Gaza, and journalists who covered weapons imports and other security related affairs were threatened or even assaulted. An RSF report on Gaza operations notes that, for instance, no Hamas members were recorded launching missiles.

The Palestinian Centre for Development and Media Freedoms (Mada) reported that security forces in Gaza were responsible for numerous arbitrary detentions, arrests, raids on journalists' homes, beatings, destruction or confiscation of equipment, and other forms of intimidation and censorship.

Three Fatah members were sentenced to death on 24 May for the 2007 murder of two journalists who worked for *Palestine*, a Hamas-affiliated newspaper. While press freedom groups welcomed the fact that the perpetrators have been brought to justice, they criticized the use of the death penalty, and voiced concern that the punishment may simply have been retribution against Fatah party members.

Four journalists lost their lives during the offensive, and many more were wounded by bomb blasts and shrapnel

Tear gas canisters fired by Israeli soldiers land near journalists and protesters during a protest against the controversial Israeli barrier in the West Bank village of Bil'in near Ramallah, 17 July, 2009. (REUTERS/Darren Whiteside)

strike on 27 December and later passed away on 7 January, the International Federation of Journalists (IFJ) reported. Omar Silawi, Ihab al-Wahidi and Alaa Murtaja died after air strikes on their home neighbourhoods on January 3, 8 and 9, according to the Committee to Protect Journalists (CPJ). Israeli air strikes also hit several different media buildings. On 28 December, Hamas-run Al Aqsa television was hit and destroyed; a few days later, the offices of *Al Rissala*, a Hamas-funded newspaper, were bombed. The Al Johara Tower, containing some 20 news organisations, was hit in January – despite the fact that it was clearly marked as a media building, IFJ reported at the time. On 15 January, Shuruq Tower was hit, injuring two journalists. The building housed Fox News, Sky News, Reuters,

humanitarian aid and carrying Al Jazeera journalists were stopped, and the journalists were detained for questioning before being released. On 12 May, *Haaretz* journalist Amira Hass was arrested while returning to Israel after spending four months in Gaza. She was charged with “illegally entering enemy territory.” On 23 August, reporter Donald Bostrom and a photographer from Sweden's *Aftonbladet* newspaper were prevented from entering Gaza, following the publication of an article in which Bostrom reported allegations that Israeli soldiers had stolen organs from Palestinians.

Palestinian officials and security forces in Hamas-controlled Gaza were responsible for a series of violations against the media in 2009. During Operation Cast Lead, Hamas attempted to control infor-

mation coming out of Gaza, and journalists who covered weapons imports and other security related affairs were threatened or even assaulted. An RSF report on Gaza operations notes that, for instance, no Hamas members were recorded launching missiles.

Palestinian police detained numerous journalists, raided their homes and confiscated their equipment, and confiscated or destroyed reporters' footage on at least six occasions throughout the year. These attacks primarily affected journalists from foreign media and media considered to be pro-Fatah, although reporters from Hamas-run Al Quds TV were on one occasion detained and, on another, beaten.

In October, Faiz Shukri Abu Aoun from *Al Ayyam* and Radio Sawt Al Sha'b executive director Bassam Abu Aoun were attacked by civilians during coverage of a sit-in in Gaza City, which was held to protest the closure of several shops in the area, according to Mada. One assailant told police that Faiz Abu Aoun was sending reports to Fatah in the West Bank, but was himself arrested once

it was confirmed that Abu Aoun was an independent journalist.

Ramattan news agency reportedly closed its offices in Gaza in November, saying that it had been targeted by security forces and had suffered numerous violations of press freedom and the law. The day before it announced its closure, security forces broke into the office to prevent a press conference from being held there.

Palestinian officials and security forces in Hamas-controlled Gaza were responsible for a series of violations against the media in 2009

On 10 November, Hamas officials stopped a journalists meeting organized by the International Federation of Journalists (IFJ), whose purpose was to build a dialogue between journalists in Gaza and the West Bank. The event, which was to link journalists in the two Palestinian areas via video, was cancelled by the venue's owners on the orders of Hamas, IFJ reported.

Recommendations

- End the arrest and intimidation of journalists and media outlets covering events in Gaza.
- Permit journalists in Gaza to communicate and coordinate with counterparts outside Gaza, including in the West Bank.
- End the targeted harassment of journalists affiliated with pro-Fatah and other media.
- Allow Israeli and foreign journalists to report freely from within Gaza.

West Bank

In the West Bank, Palestinian security forces as well as Israeli soldiers were responsible for a number of attacks on journalists, according to reports by the Palestinian Centre for Development and Media Freedoms (Mada). Palestinian Preventive Security and other Palestinian intelligence forces were responsible for the arbitrary arrest and detention of a

tinian military intelligence services came to the home of former Al Aqsa TV cameraman Osaid Amarnah on 12 November, and told his mother that if the journalists did not come out within half an hour, the house would be raided. Amarnah came out and was taken away; he was released two weeks later, Mada reported.



An Israeli army officer (C) grabs a camera from Reuters cameraman Yusri al-Jamal as he prevents him from covering news events in the West Bank city of Hebron 2 January, 2009. (REUTERS/Stringer)

number of journalists affiliated with pro-Hamas media, especially Al Quds and Al Aqsa television networks, and *Filasteen* newspaper.

In January, two correspondents from London-based Al Quds TV were arrested and detained. Samer Khuaira, detained on 24 January, was not released until 2 March, and spent a week in solitary confinement, according to IFJ. Ahmed Bikawi, detained on 26 January, was freed on 12 April. Media freedom observers said he was denied access to a lawyer and his family for the first month and a half.

On several occasions, Palestinian security raided the homes of journalists, sometimes confiscating computers and other equipment before taking the reporters away. In one typical example, Pales-

Palestinian security also prevented the media from covering certain issues. Palestinian security stopped an Al Jazeera crew on 15 June, as they were travelling from Dura village to Hebron. The crew was filming a documentary about a detainee who had died in the custody of the Palestinian Authority. Security personnel reportedly deleted their footage and detained the crew for an hour.

In November, Palestinian police raided the Ramallah headquarters of Sawt Al Hurieha radio station, according to Mada. Detectives reportedly told director Majdi al-Arabad that they had an order to close the station; however, they were unwilling to show him official identification and he told them to leave. Shortly thereafter, around 30 policemen reportedly raided the station and arrested five

Jordan

By Anthony Mills

employees. They were released on bail. According to Mada, the radio was closed on an order from the Israeli authorities, who said that the station's signal was interfering with frequencies used by Ben Gurion International Airport. This was the second time the station, which was previously headquartered in Gaza, had been closed, Mada reported. After the Hamas takeover of the Gaza Strip, an armed group confiscated the station's equipment, forcing them to move to the West Bank.

Israeli soldiers were responsible for a number of violent attacks on journalists. On 9 May, for instance, Associated Press cameraman Abd al-Rahman Khabisa was injured while covering a weekly march against the separation wall in Bil'in village. According to a Mada report, Israeli soldiers at the march fired a gas canister at Khabisa, which burnt his clothing and the top of his legs. He moved 10 meters away, but a few minutes later soldiers reportedly fired a sound grenade at him and burned his abdomen. Khabisa was transferred to hospital in Ramallah.

In November, Palestinian police raided the Ramallah headquarters of Sawt Al Hurieha radio station, according to Mada. Detectives reportedly told director Majdi al-Arabad that they had an order to close the station; however, they were unwilling to show him official identification

In one particularly worrying case, freelance cameraman Hamouda Saed A'mireh and Israeli photographer David Reed were injured while covering another march against the separation wall, this time in Ni'lin village near Ramallah. A'mireh said that following the march, clashes began between some men and the soldiers. Suddenly one of the soldiers reportedly fired a live round at him, and A'mireh was wounded by shrapnel in his right foot. Reid was hit by shrapnel in his

right leg. A'mireh told Mada that they were definitely targeted, because the soldier "saw us clearly and the distance between us was less than a hundred meters."

On several occasions, Palestinian security raided the homes of journalists, sometimes confiscating computers and other equipment before taking the reporters away

The Israeli army also shut down a media outlet in the West Bank this year. On 25 August, forces raided the Radio Bethlehem 2000 station in Beit Jala, near Bethlehem, and confiscated their equipment, taking them off the air. According to media freedom observers, the soldiers arrived in five jeeps and, after ordering a technician to stop broadcasting, took equipment with them with no further explanation and without showing a warrant. One soldier reportedly said, "We don't want to hear Radio Bethlehem 2000 anymore."

Recommendations

- End the targeted harassment of journalists from pro-Hamas and other foreign media.
- Provide sensitisation training on the rights and duties of journalists to both Palestinian and Israeli security forces.
- Stop practices that amount to censorship including the confiscation of equipment, erasure of photos and footage, and preventing journalists from covering certain events.
- Prosecute Israeli soldiers who assault journalists in the West Bank as they would be for similar assaults in Israel.
- Prosecute Palestinian security forces who assault journalists.

Israel and the Palestinian Territories in Brief

Israeli Population: 7.2 million

Palestinian Population: 4.3 million

Domestic Overview: Since the creation in 1948 of the Jewish state of Israel in the territories that used to belong to the former British mandate of Palestine, armed conflicts have resulted in many deaths and casualties. Since 1967, Palestinians in the West Bank and Gaza lived under Israeli occupation. In 2005, Israel implemented its "Disengagement Plan" to remove all its settlers from the Gaza Strip and from four settlements in the West Bank. Tension increased after Hamas won a clear majority of seats in January 2006 Palestinian parliamentary elections. The United States and Israel rejected the idea of a Hamas leadership. Hamas seized control of Gaza from Fatah in June 2007.

In Israel, Binyamin Netanyahu, of the right-wing Likud party, was elected President in February 2009.

Beyond Borders: 110 UN member states have officially recognised the state of Palestine. After the 1994 establishment of the Palestinian Authority as the organ to govern parts of the West Bank and the Gaza Strip, numerous foreign countries exchanged embassies and delegations with the PA. In total, about 146 countries now offer some form of recognition to Palestine. The Palestine Liberation Organization (PLO) was granted observer status at the UN in 1974.

Israel today enjoys diplomatic relations with 163 countries, including a number of Arab and Muslim countries. It has signed peace treaties with Jordan and Egypt.

The press in Jordan is not free, despite the fact that limited criticism of the government and its allies, as well as the expression of pro-Islamist sentiment, are often tolerated. The state exercises firm control through interference and indirect pressure. Press freedom is further curtailed by repressive laws. Journalists may be imprisoned for criticising the king, heads of states of foreign countries or religious symbols.

Although Jordan's constitution guarantees the right to freedom of expression and the press, the media climate is stifled by oppressive media laws as well as government pressure directed at advertisers. In a 2009 report, Freedom House said that security agencies continued to harass journalists and a government body blocked the launching of the country's first private television station.

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In 2007, the Jordanian parliament approved a new Press and Publications Law which prohibits "detention as a result of the enunciation of an opinion in speech, writing, or through other means." However, the new law also vastly increased criminal defamation fines, which can rise as high as 28,000 Dinars (approx. 27,400 Euros) for offending religious beliefs and the prophets, or slandering the government. The penal code also allows for the prosecution of journalists, who can be imprisoned for up to three years for defaming the king, the royal family, government officials, or the intelligence forces.

In April 2007, an Access to Information Law was passed in Jordan – for the first time anywhere in the Arab world. Unfortunately, however, the law incorporates opaque national security exemptions and an oversight mechanism whose independence is questionable.

If, under the new law, a person's request for information is denied, he or

she can complain to the Information Council. However, according to Freedom House there were no registered complaints in 2008 because no information requests were ever filed.

Jordanian journalists say attempts to obtain information are routinely blocked. Most senior officials won't allow subordinates to speak to the media without top-level permission.

In addition, reporters are only legally considered bona fide journalists if they are members of the Jordan Press Association. Critical journalists have sometimes

ply for doing their job, reporters and editors say they have been warned to steer clear of certain sensitive topics, and that printing houses have been forced to halt printing until undesirable articles have been pulled.

Jordan's government is a key shareholder in the country's two major newspapers. Any legal publication has to be licensed by the state. Under the new Press and Publications Law courts may prevent publication of printed material and revoke licenses.



Jordan's King Abdullah II (R) and his wife Queen Rania offer condolences to the relatives of three Jordanian peacekeepers killed in the Haiti earthquake after their arrival at Amman airport, 19 January, 2010. (REUTERS/Yousef Allan)

been excluded from the association.

The intelligence services closely monitor journalists, and along with police and the judiciary are allowed by the government to stifle critical media. It has also been alleged that government informants operate within media outlets, and that printing press operators serve as government censors. Unsurprisingly, the threat of criminal prosecution and heavy fines has fuelled self-censorship. According to the Jordan-based Center for Defending Freedom of Journalists (CDFJ), 94 percent of journalists in Jordan engage in self-censorship.

Freedom House notes that although King Abdullah II said in November 2008 that no journalists would be arrested sim-

AmmanNet, the Arab world's first online radio station, was launched in 2000 by Palestinian journalist and IPI member Daoud Kuttub. It covers news and current affairs, as well as culture, entertainment and sports.

According to Freedom House, 18.2 percent of Jordanians accessed the Internet in 2008.

In September 2007, the Press and Publications law was applied to online publications, and in early 2008 the Ministry of Interior ordered Internet cafe owners to install cameras and note down the identities and personal details of users.

Several infringements on press freedom were noted in 2009 in Jordan.

Jordan in Brief

Population: 6.3 million

Domestic Overview: When Jordan's King Hussein died in February 1999 after ruling for 46 years, Jordan faced serious social and economic challenges. Hussein's son and successor, Abdullah, is attempting to juggle the twin tasks of ensuring stability while accommodating calls for reform. A National Agenda blueprint outlining long-term political, economic and social change has not yet been implemented. Jordan saw the introduction of multi-party politics in 1992; however real power is held by the king.

In December 2009, King Abdullah II, whom many in the West regard as being one of the Middle East's most enlightened leaders, dismissed the prime minister and replaced him with a palace aide and loyalist, dissolved parliament and put off parliamentary elections for a year.

Beyond Borders:

Jordan is a small country and has few natural resources. However, its strategic location has placed it at the heart of Middle East politics and the Israeli-Palestinian conflict. Jordan is one of only two Arab countries to have concluded a full peace with Israel and is also a vital regional ally of the United States.

On 9 January 2009, Jordanian riot police attacked an Al Jazeera television crew covering a demonstration in the Jordanian capital Amman against Israeli military operations in the Gaza Strip, the network reported. Bureau chief Yassir Abu Hilala, and cameramen Malik al-Laham, Muhammad al-Huwaiti, and Safwan al-Awawida were all transported to a local hospital for treatment.

A crowd of hundreds of people had congregated following Friday prayers, to express anger at Israel's Gaza offensive, in front of a mosque in the Al Rabia neighborhood of Amman. Riot police employed tear gas and water cannon to break up the crowd as it attempted to march on

the Israeli Embassy, which is located close to the mosque, according to local and regional media reports.

The Al Jazeera crew was attacked after the police had dispersed the crowd, Abu Hilala told AmmanNet radio. He said that when he saw a group of plainclothes men tearing down a mock cemetery representing Palestinian victims in Gaza he asked for their identity. At that point one of the men allegedly told him, "If you don't leave, I will break your face," according to an AmmanNet transcript.

Abu Hilala told AmmanNet that following the threat he approached a nearby group of uniformed police officers seeking protection, but that they assaulted him with their batons.

In February, Khaled Mahadin, a columnist for the government-owned *Al Rai* newspaper was charged with insulting parliament in an article he wrote criticising parliamentarians' personal expenses

News reports said that the other members of the Al Jazeera crew were also struck. Abu Hilala received 12 stitches to the head and was discharged from the hospital on 11 January.

In February, Khaled Mahadin, a columnist for the government-owned *Al Rai* newspaper was charged with insulting parliament in an article he wrote criticising parliamentarians' personal expenses. The article was posted on the website "Khabbarni" on 13 February. Mahadin, who is 68, had been an adviser to the late King Hussein.

Parliamentarians brought a lawsuit over the article, which was entitled "For God's Sakes, Abdullah" and urged King Abdullah to dissolve parliament because of the "illegal privileges" enjoyed by MPs. Mahadin expressed criticism over "the work of parliamentarians and the privileges given to them at the expense of Jordanian tax payers" and suggested that they "cut spending and cancel plans to increase their salaries in a bid to face the global economic crisis."

Because the article was posted online, Mahadin was tried under the criminal code rather than the press law. He faced up to two years in prison for defamation under Article 364 of Jordan's criminal code.

Following an initial hearing on 8 March, a 30 March hearing was postponed until 21 April to allow Mahadin to travel abroad for health reasons. He was acquitted on 27 April.

On 30 June, the Jordanian government closed the Amman bureaus of two state-financed, Iranian satellite TV stations – Arabic-language Al Alam and English-language Press TV.

The move was widely perceived as a product of political tension between Iran and Jordan.

The Jordanian government claimed that the stations' bureaus were shut down because the journalists did not have the proper accreditation, although one international media watchdog quoted an Al Alam journalist as saying that over seven months his station had submitted a number of accreditation renewal requests to the Ministry of Media and Communication. For several years, Press TV's accreditation had been automatically renewed annually, but that procedure abruptly came to an end in 2009.

In addition, Al Alam was accused of "working without authorisation" for filming the interior of Jordan's Royal Council.

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The Beirut-based free media organisation SKeyes reported that the Jordan Press Association had expressed displeasure at a 26 October announcement that a Journalists Club would be established. SKeyes reported that the board of the Jordan Press Association subsequently filed a lawsuit against the Journalists Club founders for the "impersonation of journalists" and against the Minister of Culture for allowing them to proceed "in

violation of law organising syndicates."

The Jordan Press Association is effectively controlled by newspaper owners, and has reportedly been traditionally close to the Jordanian authorities. It apparently considered the establishment of the Journalists Club as an attempt to circumvent the Jordan Press Association and that the Jordanian culture minister opted to grant the license in response to positions taken against him by the Jordan Press Association.

The Jordan Press Association subsequently filed a lawsuit against the Journalists Club founders for the "impersonation of journalists"

The founders of the Journalists Club said it was designed to create a framework for dialogue among writers and was not at odds with the role of the Jordan Press Association.

Recommendations

- Stop pressuring, either directly or indirectly, editors of media outlets, and printers.
- Cease the monitoring of journalists by intelligence agencies.
- Repeal the criminal defamation laws.
- Ensure that admittance to the Jordan Press Association is transparent and open to all journalists.
- Ensure that the Information Council established under the Right to Information law is independent.

Although Kuwait has some of the most outspoken newspapers in the Arab world, it remained a concern for press freedom advocates in 2009 as the number of defamation and slander cases brought against journalists in the oil-rich nation continued to escalate.

While press freedom and freedom of expression are guaranteed under Kuwait's constitution in theory, in practice any Kuwaiti citizen can file a criminal complaint, which can result in jail time, against a journalist who is deemed to have criticized the emir or other government officials or insulted God, The Prophet or Islam or in some way damaged the state.

In November, heavy criticism was directed against the Kuwaiti government after the arrest and imprisonment of a lawyer and journalist who was accused by the government of libel and slander. Muhammad Abd al-Qadir al-Jasim was charged after he allegedly was caught on videotape at a family gathering making disparaging remarks about the prime minister.

Known for imposing heavy prison sentences on journalists in previous years, Kuwaiti officials appear to have softened their stance slightly, but the nation's criminal code still counts libel and slander as criminal offences with a maximum prison sentence of three years.

Although most of the newspapers in the country are private, the government, which owns a number of broadcast media outlets, continues to control the publication of "outside" media sources. In 2009, the Kuwait government upheld for the second year its ban of several Egyptian newspapers.

The government has also stepped up efforts to monitor the Internet, introduc-

ing this year a law that would impose severe restrictions on Internet content and bloggers. Already, certain email sites have been banned and internet cafes are required to provide the name and contact information of customers if asked by the Ministry of Information.

Assaults against journalists continued in 2009, with Article 19 reporting that a journalist known for his activism on corruption was physically attacked in October by an unknown assailant.

The government has also stepped up efforts to monitor the Internet, introducing this year a law that would impose severe restrictions on web content and bloggers

A fear of lawsuits, fines and imprisonment has resulted in self-imposed censorship on the part of media outlets. And there continues to be strong criticism from media organizations in and outside of the country over the practice of so-called "yellow journalism" by some media outlets.

Recommendations

- Create a code of ethics, written by journalists' groups, for the industry.
- Abolish legislation that allows enormous fines for journalists and the jailing of journalists.
- Ensure that the proposed laws concerning online journalists and bloggers allow for free expression, in line with international human rights standards.

Kuwait in Brief

Population: 3 million

Domestic Overview: Kuwait, a major exporter of oil and the first Arab country in the Gulf with an elected parliament, is a rich country, housing nearly 90 percent of the world's oil reserves. It has been ruled by the al-Sabah family since 1756. In 2005, the country granted women full political rights, including the right to run for public office and the right to vote. In recent years, Kuwait has faced violence from Islamic extremists who, in some cases, have targeted the West.

Beyond Borders: Kuwait's foreign reserves and investment income are substantial. Since the death of Iraqi leader Saddam Hussein, Kuwait has contributed greatly to the wealth of its neighbour through humanitarian aid.



Kuwaiti men stand at the main entrance of the Kuwait Parliament, 10 December 2009. (Stephanie McGehee/Reuters)

INTERVIEW WITH ILDIKO KAPOSÍ, UNIVERSITY OF KUWAIT



Ildiko Kaposi is a faculty member in the Communications and Media Department at the American University of Kuwait. She suggested that although there are challenges to press freedom in Kuwait things often are not as bad as they appear.

Before sharing her views on the state of Kuwaiti press freedom, Kaposi noted: "By the nature of my work (as a media and communications professor), I am much more familiar with the liberal segments of Kuwaiti society. My conversations tend to be with people who are liberal or open, and I have little first-hand knowledge of the population that has Bedouin roots or is strongly religious. My views are therefore slanted since I don't have equal access to all of Kuwaiti society."

IPI: How would you characterise the idea of press freedom in Kuwait? Are the media generally free to print what they want? What about Internet journalists/bloggers?

KAPOSÍ: "Kuwait is a semi-democratic country, but its citizens are proud of their democratic traditions. The idea of press freedom is included in this broader relation to democracy. People take pride in having a press that enjoys more freedom than any other GCC (Gulf Cooperation Country), and more freedom than many/most Arab countries.

There are limitations on the freedom to publish. The constitution prohibits public criticism of the emir and the crown prince. This is a sign of lingering authoritarianism, but there are also some good reasons for this prohibition because arguably the person of the emir is what holds the heterogeneous population (and the country) together. The law can be and has been used to silence criticisms, but the silencing usually seems to be more for the sake of appearances than a tool of gagging the press or the critics. If somebody is taken into custody for speaking too critically, there will be public protest, and the person who was arrested will be released in a few hours or days. So the legal restrictions are stricter on paper than in actual implementation.

The press and the Kuwaiti satellite channels will say pretty much anything they want. Bloggers and other online wri-

ters (including, e.g., on Facebook) enjoy even greater freedom, openly addressing all political issues and questions of religion. When the government of Kuwait recently proposed amendments to the press and audiovisual laws that would see the curbing of press freedom, the front pages of newspapers carried headlines screaming protests. The points the Kuwait Journalists Association, the editors-in-chiefs of newspapers, and the directors of satellite channels stressed when voicing their critiques of the proposed changes to the laws were constitutional rights, the rights of free expression, and Kuwait's leading position in press freedom in the Middle East. The problem is that conservative, religious MPs want to see greater restrictions on the press. These would be MPs who, according to Kuwaitis, still refuse to acknowledge their female colleagues in parliament. But because parliament does have the power to "grill" ministers, the demands of MPs cannot simply be ignored. Press freedom is but one element in the ongoing political struggles between the legislative and executive branches in Kuwait. But at least the politics surrounding press freedom is quite widely and openly discussed in the media.

IPI: Is safety an issue for journalists?

KAPOSÍ: I'm not aware of journalists being killed in Kuwait if that's what you mean. As I said above, journalists or opinion writers/columnists may be arrested occasionally, but they will be released, and the sentences, if there's a court sentence, will be suspended. The biggest safety issue perhaps is deportation. A lot of the political journalists are expatriates – from Egypt, Lebanon and other Arab countries. If they cross the line they may be sent packing; it is not difficult to deport non-citizens.

IPI: What are the biggest obstacles to having a freer press in Kuwait?

KAPOSÍ: Parliament and lawmakers who are pushing for a stricter implementation

of Islamic law, powerful individuals from the political and business elites who can exercise great control over what is published and elements of culture, instilled into young people, in families and in the government school system that generally discourage critical, inquisitive approaches or challenging authority.

IPI: Some people have said that Kuwait's press freedom has improved a great deal compared to what it was, say, 10 years ago, and certainly since the 2006 press law. Do you think that is true?

KAPOSÍ: Yes, I believe the 2006 press law was very important. It was passed specifically so that not only the old, powerful merchant families and the ruling family could have their newspapers (and by implication a public voice). Diversity always helps freedom. Also, it was the 2006 law that stated no journalist can be jailed and no newspaper can be closed down without a final court verdict.

IPI: What three recommendations would you have for government officials or journalists in terms of ensuring greater press freedom?

KAPOSÍ:

1. Professionalism

If journalists abide by the clear rules and ethics of their profession, they become harder to target. Right now the concept of a code of ethics is alien to Kuwaiti media – as is, often, the need to separate fact and opinion. It is hard to establish the facts and have a common ground for discussion.

2. Transparency

Corruption in government and among journalists is a widely acknowledged fact. If society's work is based on personal favours (or *wasta* – an Arabic expression meaning to use whom you know or your clout to get things done), then corruption permeates all relations. The press is not exempt from it; therefore, it has little legitimacy to hold officials accountable.

3. Strong education, higher prestige for journalism

Journalism is a badly paid, very low-prestige occupation. Kuwaitis try to stay away from it. Changing the public perception of the profession would attract more Kuwaiti citizens to it, and the circulation of information would become better too.

Lebanon by Anthony Mills

Lebanon has a freer and more diverse and vibrant media than any other Arab country. However, Lebanon enjoys only partial press freedom, despite the fact that the country's constitution permits freedom of the press. Although the media do not face direct government interference, political instability in recent years involving deadly street fighting and assassinations targeting prominent figures, including journalists, increased security risks for reporters, and fuelled self-censorship.

Journalists in Lebanon can be charged with a criminal offense for insulting the head of state or foreign leaders, or for inciting sectarian strife, and reporters charged with press offenses may be ordered to appear before a special publications court. Nonetheless, criticism of officials and policies is widespread in the media.

Lebanon's broadcasting scene is vibrant, developed and diverse, and is a reflection of the country's pluralism, and also divisions. Lebanon was the first Arab country to allow private radio and television stations. However, the government can decide who may operate stations and whether or not they are allowed to broadcast news. Most TV stations are owned by leading politicians.

Lebanon boasts more than 10 daily newspapers. All of the country's national daily newspapers are privately owned, as are the bulk of television and radio stations.

During an October 2009 mission to Lebanon, IPI noted that the country's fractured media landscape reflects deep-seated societal divisions. Most of the country's media outlets are unduly influenced in their journalism content by powerful political figures to whom they are financially and politically beholden.

In a statement released after the mission, IPI Director David Dudge said: "Although there are many excellent media organisations in Lebanon, the politicisation of the media means that, too often, journalists are forced to choose between their natural desire for credibility and their loyalty to a media organisation. All those who would seek to influence the media must realise that the politicisation of the media only furthers the prejudices that exist within Lebanese society and that the best way to overcome these prejudices is to enable a free and independent media to practise accurate, fair and balanced news."

The fracturing of the media along political and sectarian lines, coupled with politically-influenced interference in editorial independence, has deepened divisions among citizens.

A report by the Maharat NGO in Lebanon noted that the country's print laws date back to the 1960s, broadcast laws last amended in the 1990s reflect the country's political and religious divisions, and declining advertising revenues have prompted media to accept funding from political benefactors. It also pointed to the absence of freedom of information laws and a skewed process for appointment of the National Audiovisual Media Council's members, chosen principally along sectarian lines.

Following legislative elections in June 2009, relative political calm has reflected positively on the overall security situation in the country and on the safety of journalists, compared to 2008, when political tensions boiled over into street fighting, and media outlets were attacked and closed.

In April, the editor-in-chief of the pro-Syrian daily *Al Diyar*, Charles Ayoub, said he had received death threats warning him of the consequences of continuing to publish editorials critical of another pro-Syrian figure

Although 2009 was overall a better year for the media in Lebanon than 2008, instances of press freedom violations were recorded.

In March 2009, TV presenter Neshan Derharoutounian was taken from his car, north of Beirut, by three assailants who beat him, breaking his jaw and one of his fingers.

In April, the editor-in-chief of the pro-Syrian daily *Al Diyar*, Charles Ayoub, said he had received death threats warning him of the consequences of continuing to publish editorials critical of another pro-Syrian figure.

On 26 April, an Al Manar TV crew was attacked during violence that followed a football match at Beirut Municipal stadium. According to media re-

ports, and SKeyes, stones were thrown at the crew and the Al Manar crew says gunshots shattered their car window without injuring anyone.

On 7 June, during Lebanon's one-day general elections, a team from LBC Television were filming in the Al Bastah district of Beirut when they were attacked, according to the Beirut-based media freedom organisation SKeyes. Their camera was destroyed before soldiers from the Lebanese army intervened and brought the situation under control.

At dawn on 9 June 9, 2009 a car belonging to *Middle East* daily newspaper reporter Sana al-Jack was vandalised in front of her house in the neighbourhood of Barbour, Beirut.

On 20 October, Lebanon's Publications Court fined *Al Diyar* editor-in-chief Ayoub and the paper's chief executive, Youssef Howayek, 50 million LL (approx. 23,100 Euros) in a case filed by then-Prime Minister-designate Saad Hariri, for publishing false news and threatening public safety, even though Hariri had dropped his "personal right" in the charge, according to the "NowLebanon" Website.

According to Lebanon's *Daily Star* newspaper, on 31 November the press court sentenced journalist Ghada Eid to three months in prison and a fine of LL20 million (approx. 9,300 Euros) for slandering a judge during a television show entitled "Al Fasad" – Arabic for corruption – which she hosts on New TV. According to the *Daily Star*, she called the judge "one of the corrupt judges." She was also fined, along with the broadcaster, LL30 million (approx. 13,900 Euros) to be paid to Judge Shamseddine as personal compensation. The judge demanded, as well, that Eid read out the accusation during the first episode of her show following the implementation of the sentence. Charges against the director of political programming at New TV, Maryam al-Bassam, were dropped for lack of sufficient evidence.

Also in November, the owner of the "Al Kalima" online newspaper and a writer for *Al Diyar* newspaper, Simon Abou Fadel, was charged with "insulting" the president after criticising his role in months-long efforts to create a national unity cabinet, in a show aired by private broadcaster MTV.

Abou Fadel told IPI by phone that

he was first contacted by the public prosecutor on Thursday afternoon, and told to appear before him on Monday, when he was charged with insulting the president.

"I said in my (television) interview that the president should be more present in the establishment of the government," Abou Fadel told IPI. "I am a journalist. I said what the people are saying. I offer analysis. I didn't insult the president."

MTV's news and current affairs director, Ghayath Yazbeck, expressed surprise at the decision to prosecute Abou Fadel.

"From my side, I consider that the journalist did not insult the president at all," he told IPI. "He criticized (the president's) management of the country and asked him to do his job, and I can't find anything to explain this attitude from the president."

Yazbeck added: "This is the first time that this president has taken the decision (to use this law)."

Recommendations

- Ensure all groups and parties in Lebanon, as well as states and parties beyond the country's borders, respect editorial independence and the right of the media to report free of harassment and intimidation.
- Promote accurate, fair and balanced reporting by establishing voluntary codes of practice at all news outlets.
- Ensure financial transparency at all media outlets in Lebanon, to bolster credibility.
- Redouble investigative and judicial efforts of the Lebanese authorities, the United Nations international tribunal set up in 2007 to try those responsible for political killings in Lebanon, and the French authorities investigating the murder of *Al Nahar* columnist Samir Kassir in 2005, in order to break the cycle of impunity.
- Pursue grievances by concerned parties through the civil courts, not through outdated, disproportionate criminal defamation laws.
- Establish detailed, internal army and security service guidelines on how to treat journalists practising their profession.
- The Lebanese government should commit to removing all barriers that prevent or inhibit people from becoming journalists.



Lebanese news journalists chant slogans during a protest against the forced closure of media institutions by Hezbollah gunmen and its allies in Beirut, 10 May, 2008. (REUTERS/Mohamed Azakir)

Lebanon in Brief

Population: 4.2 million

Domestic Overview: The election of Lebanon's president, General Michel Suleiman, in May 2008, after an unstable political vacuum following the departure of President Emile Lahoud in November 2007 helped end several years of political instability and violence that had at times threatened to spiral into renewed civil war.

General Suleiman – formerly the head of the country's armed forces – had emerged as a compromise candidate acceptable to both the Western-backed government and the Hezbollah-led opposition.

He is regarded as a generally neutral figure able to bridge both sides of Lebanon's political divide.

In December 2009, Prime Minister Saad Hariri, the son of assassinated former Prime Minister Rafik Hariri, formed a national unity government after four months of political negotiations, helping consolidate an atmosphere of relative political calm.

Beyond Borders: Lebanon is a politically and religiously fractured country whose geographic location bordering Israel has sometimes placed it at the violent heart of the Israeli-Palestinian conflict. Different political parties enjoy backing from different Middle East states, including Iran and Saudi Arabia. Lebanon was shaken in 2006 by a month-long war between Israel and the militant Hezbollah group after Hezbollah kidnapped two Israel soldiers from inside Israel.

In December, Prime Minister Saad Hariri visited Syria to meet with Syrian President Bashar al-Assad and patch up relations that had deteriorated following the assassination of his father in February 2005 in an act blamed by many Lebanese on Syria. Syria has consistently denied any involvement.

Facing Censorship in Lebanon

By Magda Abu-Fadil

Press freedom is suffering in Lebanon, despite a modicum of manoeuvrability allowed by the law and the government's non-interference with journalists, Information Minister Tarek Mitri claimed in December.



IPI Member **Magda Abu-Fadil** has many years' experience as a foreign correspondent and editor with international news organizations such as AFP and UPI, and is director of the Journalism Training Program at the American University of Beirut (AUB).

She also wrote for dailies *Asharq Al Awsat* and *Al Riyadh* as well as *Defense News*. Before taking up her position at AUB, Abu-Fadil was director of the Institute for Professional Journalists at the Lebanese American University (LAU) and has taught journalism at her alma mater, the American University in Washington, DC. She has conducted seminars and workshops in English, Arabic and French for professional journalists in Washington and across the Arab world, has collaborated with various international organizations and has been involved in consulting projects. She speaks regularly at international conferences and has published extensively on media issues, journalism education and training.

“Journalists come to complain to me about being harassed at work, even if they belong to the same party or religious sect as the media's owners or officials,” he said of reporters, editors, anchors and others laid off in droves the last six months of 2009 some, admittedly, for their political affiliations.

“I love these officials' concern with the public good as they one-up each other, as if their ministries were corruption-filled dumps before they assumed their portfolios and then turned into masterpieces when they joined the cabinet,” wrote Sana'a al-Jack in the Arabic-language daily *Al Nahar*.

El Jack, a columnist for *An-Nahar* and editor/correspondent for the pan-Arab daily *Asharq Al Awsat*, is no stranger to scathing criticism of Hezbollah and factions previously referred to as the opposition before current Prime Minister Saad Hariri formed his government of national unity, which includes them.

Shiite El Jack's reward for her outspokenness? Assaults slashed her tires and poured petrol on her car's engine in front of her home in June 2009 on a street straddling Sunni and Shiite Muslim neighborhoods where tensions have run high following urban clashes in May 2008 pitting then pro- and anti-government forces against each other.

Unidentified assailants also pelted former MP and journalist Bassem al-Sabaa's home with rocks that night. He is another outspoken Shiite ally of the current Sunni premier who heads the Western-backed Future Movement.

Hariri's family owns interests in print and broadcast media, including Future TV, whose reporter Omar Harqous was battered and nearly crippled in late 2008. The station has been attacked on several occasions.

Journalists come to complain to me about being harassed at work, even if they belong to the same party or religious sect as the media's owners or officials

Hariri's father Rafiq, a former prime minister, was assassinated by a car bomb in 2005 and several journalists have since been targeted by groups allied with Syria - the major powerbroker in Lebanon until that year - and Iran. Both countries still have active allies within Lebanese media and political ranks.

Key among those killed: senior *Al Nahar* columnist Samir Kassir and the paper's publisher Gebran Tueni, both tar-

gets of car bombs in 2005.

But condemnations of attacks on journalists by Minister Mitri, his predecessor Ghazi Aridi, the Press Syndicate (PS), the Journalists Union (JU), the state-run National Audiovisual Media Council, and various media-related organisations have been mostly of the lip service variety.

Class action suits are a rarity in a country where patronage is key, where journalists' unions are run by intractable octogenarians re-elected for decades, where non-cronies are barred from union membership, where reporters are woefully underpaid and often juggle several jobs to keep afloat, where media operate along political/sectarian lines, albeit in a relatively freer environment than other Arab countries, and where journalism is taught primarily by non-practicing ivory tower types, with professional media instructors relegated to academia's back benches.

The Catholic observatory UCIPLIBAN tasked with defending Lebanese media against violations of their freedom and rights, has often criticised attacks on journalists.

In March 2009 it condemned an attack on TV presenter Neshan Derharoutounian by three assailants north of Beirut who broke his jaw, one of his fingers and badly bruised him. The cause remains unknown.



Lebanese soldier forbids journalists from entering the vicinity as he secures the area, in Tayr Fils village, southern Lebanon, 13 October, 2009. (Ali Hashisho/Reuters)

Long a proponent of free thought and expression, UCIPLIBAN previously identified the following constraints on news collection and dissemination:

1. Political censors – general political parameters that crimp journalists' style and modus operandi.
2. Security apparatus' censors – using national security as a cover to terrorise reporters.
3. Ruling regime's censors – fear of the ruler's fear for his fate.
4. Controlling party's censors – pressures leading to cheerleading in the media for the ruling regime.
5. Trade union/association censors – learning how to slalom between thorny issues, to avoid taboos, and to abide by ethics codes (such as they are).
6. Self-censorship – drawing on all taboos and harmful precedents befalling colleagues to ensure one's survival.
7. Ghost censors – inability to distinguish between what is permissible, and what is not, resulting in insipid and safe coverage.
8. Readers' censorship – fear of losing one's audience and a resultant cryptic writing style.

UCIPLIBAN also pinpointed these costs paid by Lebanese journalists in performing their duties:

1. Internal disciplinary actions imposed by various media and external punishments imposed by unions.
2. Fines exacted according to media laws. (Print laws were last amended in 1994, and date back to 1962. Broadcast laws were also last amended in 1994. All are out of sync with the 21st Century).
3. Moral and physical persecution of journalists seeking to uncover the truth.
4. Political persecution and prevention of journalists from exercising their political presence, the danger of covering political dissidents, and the stifling of political reporters.
5. Religious and sectarian persecution by insular communities wanting to prevent journalists other than their own ilk from knowing much about them, and resorting to professional harassment and physical or material attacks.
6. Racial and ethnic persecution barring certain journalists from covering news outside their ethnic circles.

Compounding the problem is the convergence of media and politics whereby journalists enter the political fray and become legislators. It is not considered a conflict of interest in Lebanon.

Six journalists ran during the 2009 parliamentary elections. Three allies of Prime Minister Hariri won, including Gebran Tueni's daughter Nayla who followed in her assassinated father's footsteps into the family newspaper and legislature.

Key among those killed: senior *Al Nahar* columnist Samir Kassir and the paper's publisher Gebran Tueni, both targets of car bombs in 2005

The National Observatory of the Freedom of Opinion and Expression in its 2008 report claimed Lebanese journalists felt objectivity was a rarity, freedom in short supply, and harassment on the job increasing.

It also accused the media of fomenting conflicts and sedition in line with political paymasters' desires, a charge repeatedly leveled during a highly incendiary parliamentary campaign.

Freedom of Expression – Challenges for the Lebanese Media

By Roula Mikhael

Lebanon enjoys more freedom than its Arab neighbours. Alongside constitutional and legal provisions which guarantee freedom of opinion and expression, Beirut has become a cultural and intellectual centre.



Roula Mikhael is the executive director of the Maharat Foundation, a Lebanese NGO founded in 2004 to monitor freedom of expression in Lebanon. Maharat acts as a watchdog, submitting reports, indicators and alerts, and lobbying for a change in laws that limit freedom of expression.

Roula is a journalist by formation and has been working as a reporter at one of Lebanon's leading news-papers for 15 years.

Her work with Maharat also involves regular training workshops for young and professional journalists in areas such as "peace journalism" and "citizenship journalism."

Evidence of this is the presence of eight private television stations as well as Lebanese public television, and the presence of dozens of private radio stations, daily newspapers and magazines, in various languages. They reflect the different political, religious and intellectual trends in Lebanese society and emphasize the pluralism enshrined in the country. Furthermore, foreign journalists enjoy freedom of action, coverage and analysis without any pressure from political powers.

However, these positive elements are only the tip of the iceberg. They conceal other factors which constitute a real threat to media freedom in Lebanon. Lebanese media organisations are actually bound, rather than free, and the professional and social conditions for journalists in Lebanon restrict their freedom and reduce the margin of their opinions and decision-making.

1 The difficulties of media institutions:

Most if not all media institutions are unable to balance their finances from their revenues, which means they choose financial dependency in order to ensure continuity in publication. Studies show that the size of the advertising market in Lebanon has decreased in recent years by more than 50 percent. In addition, the proportion of newspaper readers has fallen to around 2 percent.

Since most Lebanese media operate on a deficit they seek support from domestic and external parties, which limits their independence and means the editorial line follows the views of the donors.

2 The difficulties of reporters:

The financial constraints affecting media institutions reflect also on journalists, who are pressured by the outlets they work for to commit to a certain editorial line. Furthermore, in the past few weeks three major media institutions in Lebanon laid off dozens of journalists and workers and the risk of further redundancies remains real.

A field study carried out by Maharat found that most Lebanese journalists do not see the Lebanese media as independent and impartial because of the various pressures they face from within the institutions they work for and because of the limited freedom they enjoy when writing. Journalists also note that their salaries and social benefits do not provide them with the financial security



Lebanese Prime Minister Saad al-Hariri, leader of the anti-Syrian alliance, speaks to journalists after casting his vote outside a polling station in Beirut, 7 June, 2009. (REUTERS/Jamal Saidi)

with which to maintain integrity and independence. There is an absence of effective trade unions that organise work in the media sector and ensure the rights of journalists.

3 Legal impediments in the audiovisual media

Despite the fact that Lebanese laws guarantee freedom of expression and opinion, in practice they need reform and development.

Among the most prominent constraints are:

- The fact that private television stations are licensed according to political and sectarian quotas, which reinforces sectarian and political partisanship in the country and means television stations often seek to promote political parties and ideologies, at the expense of neutrality and the truth. Therefore, it is necessary to reconsider the distribution of these licenses.
- The fact that the National Council for Audiovisual Media, the body in charge of supervising audiovisual media stations, does not have any executive

authority and that its role is limited to an advisory one, has made it lose its effectiveness. In addition, the mechanism of its formation does not guarantee its impartiality and professionalism.

4 Legal impediments in the printed press

The main obstacles reflected in the printed press are laws that restrict the creation of political publications to those who can afford one of a limited number of exorbitantly-priced licenses. These laws create a powerful obstacle to freedom of political expression. Freedom becomes the right of rich people who are able to buy privileges with millions of dollars. It is therefore necessary to amend the laws governing the right to publish, distribute and sell newspapers and to ensure that no prior authorization is needed. This would foster equality among citizens in their right to freedom of expression and publication.

There is a need to establish the right of journalists to access sources of information, something not enshrined under current Lebanese laws.

An independent body should be established to oversee the professional development and protection of the written press.

5 Professional impediments

In addition to legal obstacles, there are professional weaknesses which need to be addressed.

- The critical role of journalists is being threatened by a tendency to cover the activities and statements of politicians and influential people's activities and statements at the expense of criticizing their actions and addressing social and economic concerns.
- Corruption in the media needs to be combated. This includes the use of inaccurate information, discrimination, intimidation, incitement and bribery. It is necessary for journalists in Lebanon to voluntarily abide by a code of ethics.

Libya

By Barbara Trionfi



Libya's leader Muammar Gaddafi speaks at the U.N. Food and Agriculture Organisation (FAO) food security summit in Rome, 16 November, 2009. (REUTERS/Ettore Ferrari/Pool)

After 40 years of rule by Colonel Muammar Gaddafi, Libya is today one of the most repressive countries in North Africa.

Gaddafi's understanding of independent media and press freedom is laid out in his 'Green Book', a 1975 publication outlining the Libyan leader's political philosophy: "Democratically, private individuals should not be permitted to own any public means of publication or information. [...] The democratic press is that which is issued by a People's Committee, comprising all the groups of society."

After 40 years of rule by Colonel Muammar Gaddafi, Libya is today one of the most repressive countries in North Africa as far as press freedom is concerned

Muammar Gaddafi, who took power in 1969 in a bloodless coup, is the longest serving African leader, in a country that has never seen parliamentary democracy and where still today the decisions of the legislative and executive branch are strongly influenced by the non-elected

Revolutionary Leader (Gaddafi) and the Revolutionary Committees.

All media in Libya are directly controlled by the state. The circulation of the four main newspapers – three of which are controlled by the information ministry (the Public Press Institution), and one by the Revolutionary Committees – does not exceed 4,000 copies, according to the Arabic Network for Human Rights Information (ANHRI).

The broadcasting sector is also completely under the control of the state. However, Libyans, in particular those living in Tripoli, have access to satellite television channels.

Access to the Internet is severely restricted: Internet cafes are monitored by the authorities, critical and opposition websites are blocked and those who try to access them risk punishment.

Journalists and political activists are also directly harassed through arrests, interrogations, and imprisonment. All this contributes to high levels of self-censorship, in addition to the censorship imposed by state organs.

In October this year, Libyan journalist Mohamed al-Sareet published an article on the London-based website "Jeel Libya" about a demonstration organised in Benghazi by women of a state-run centre for

orphans. The demonstrators called for an end to sexual harassment which they alleged was occurring within the centre.

After the article was published, the police and then the general prosecutor's office summoned al-Sareet for interrogation and charged him with criminal defamation, Human Rights Watch reported. Al-Sareet also reportedly received threats to burn down his house if he did not retract his article.

Gaddafi is also known for persecuting his critics in other countries, in particular through defamation cases brought by Libyan embassies.

On 18 February, the Libyan ambassador in Uganda filed criminal defamation charges against Richard Tusiime and Francis Mutazindwa, editor-in-chief and news editor, respectively, of Red Pepper, one of Uganda's most popular newspapers. The charges were brought in connection with articles that portrayed Gaddafi as being in love with Best Kemigisa, the attractive mother of King Oyo Nyimba Kabamba Iguru Rukidi IV of Toro, one of five ancient kingdoms that make up Uganda, the UK newspaper, *The Times*, reported.

The Ugandan director of public prosecutions, which has taken over the case, accused the editors of defaming a foreign

dignitary with intent to disturb peace and friendship between Uganda and Libya. If found guilty, they face up to two years in prison.

Journalists and political activists are also directly harassed through arrests, interrogations, and jailing. All this contributes to high levels of self-censorship, in addition to the censorship imposed by state organs

In June, the Libyan embassy in Morocco sought to have charges filed against three Moroccan newspapers – *Al Massa*, the country's leading daily, *Al Garida Al Oula* and *Al Abdath Al Magrebia* – in connection with articles allegedly criticizing Gaddafi. A court in Morocco ordered each of the three newspapers to pay a fine of 100,000 Dirhams (approx. 8,800 Euros) and damages of one million Dirhams (approx. 88,000 Euros) to Gaddafi.

In a positive development, Libya this year released close to a hundred political prisoners, who had been jailed for expressing their views. On 15 October, 88 prisoners were released – most of them members of the Libyan Islamic Fighting

Group (LIFG) – after they renounced violence.

In March, dissidents Jamal al-Haji and Faraj Humaid were released after spending two years in prison. In February 2007, the Libyan State Security Court had sentenced them, together with another 10 dissidents, to prison terms, including 12 years for al-Haji and 15 years for Humaid, after they planned a peaceful demonstration to mark the anniversary of the death of protesters in a clash with the police, HRW reported.

The government has also reportedly announced plans to reform the Libyan penal code, however specific amendments have not yet been announced. The Libyan penal code restricts freedom of expression by criminalizing acts such as "insulting public officials" and "promoting anti-state theories."

Recommendations

- Remove criminal defamation provisions from Libya's penal code and bring other laws into line with international standards on press freedom.
- Allow for the development of an independent media sector.
- Allow free access to the Internet.

Libya in Brief

Population: 6.4 million

Domestic Overview: Libya is a military dictatorship. The country gained independence from Italy in 1951. Colonel Muammar Gaddafi has rule over Libya since a 1969 coup against the Idriss al Swnissi monarchy. Gaddafi has embraced what he baptised "The Third International Theory," a self-styled mixture of socialism and Islam. Gaddafi introduced a constitution, which was amended in 1977. The state organs include a legislative unicameral branch or the General People's Congress, whose members are elected via universal and mandatory suffrage across a pyramid of people's committees, local councils, etc. There is one Supreme Court, with the whole legal regime variously predicated both upon civil law and Islamic law (Sharia). At the executive level, Gaddafi is the head of state, with no official title, and Mohamed Abdul Qasim al-Zwai is the premier or head of government. The Libyan economy is mainly based upon oil exports, while the country imports 75 percent of its food and consumer goods.

Beyond Borders: The UN, the EU, the US and other countries imposed sanctions on Libya in 1992, following Libya's refusal to turn over to British authorities two suspects accused of being responsible for the Lockerbie bombing in 1988. In 2003, Libya accepted responsibility for the attacks and agreed to pay the victims' families compensation. This led to American and European pressure to lift the sanctions against Libya.

Morocco

By Barbara Trionfi

Throughout 2009, Moroccan courts handed down prison sentences to at least 12 editors and journalists, continuing a disturbing pattern of judicial harassment that has affected Moroccan journalists for years.

Overall, the media situation in the country has improved in the past 10 years of rule under King Mohammed VI. Only few months after coming to power in 1999, King Mohammed dismissed the iron-fisted Interior Minister, Driss Basri, a key figure in the suppression of press freedom during the rule of King Hassan II. Since then, the number and variety of media outlets available to the population has increased exponentially and issues that were taboo 10 years ago – Morocco's claim to sovereignty over Western Sahara, the monarchy and the sanctity of Islam – are now widely covered by the independent media, determined to enjoy their right to report on issues of public concern. Nevertheless, criminal persecution and very high fines remain a threat for those who choose to cover these issues, and this, in turn, encourages self-censorship. While sentences against Moroccan journalists are not rare, no reporters are currently in prison. Most prison sentences are suspended.

Restrictive laws serve as a tool for the judicial harassment of independent media.

The Press Code, a highly restrictive media law, was reformed in 2002, as part of King Mohammed's attempts to present himself as a liberal. However, while the penalties for defamation were reduced as part of the 2002 reform, the law remains very strict. It calls for prison sentences from three to five years for defaming the royal family. Under the old law the penalties were from five to 20 years.

Observers have pointed out that a 2003 anti-terrorism law also represents a threat to press freedom, since the vaguely-worded passages about news coverage of terrorist activities leave space for arbitrary interpretation by the courts.

An analysis of the sentences and fines handed down in recent years does not show a clear pattern with regard to specific topics which the government does not want to see covered. Rather, there appears to be systematic politically-motivated persecution of independent newspapers.

On 23 March, Managing Editor Ali Anouzla and Publishing Director Jamal

Boudouma of the daily *Al Jarida Al Oula* were sentenced to a two-month suspended jail sentence and fined 200,000 Dirhams (approx. 17,600 Euros) for “defamation” and “insulting the judiciary” in connection with reports in *Al Jarida Al Oula* that a relative of King Mohammed VI had shot and injured a traffic policeman, media observers reported.

On 26 October, a court gave Ali Anouzla a one-year suspended sentence for “ill-intentioned publication of false information” about the health of King Mohammed

Already in January, a court had fined *Al Jarida Al Oula* 160,000 Dirhams (approx. 14,000 Euros) in a separate lawsuit in connection with the same article.

On 29 June, a Moroccan court ordered *Al Jarida Al Oula*, as well as *Al Massa* and *Al Abdath Al Magrebia*, to pay a fine of 100,000 Dirhams (approx. 8,800 Euros) and damages of one million Dirhams (approx 88,000 Euro) each to Libyan leader Muammar Gaddafi. The Libyan embassy in Rabat had issued a complaint against the three papers for publishing allegedly offensive articles about the Libyan leader.

At the beginning of September, *Al Jarida Al Oula* managing editor, Ali Anouzla, and journalist Bouchra Eddou were detained for two days for publishing false news about King Mohammed’s health, after a 27 August article reported that the king was ill with a virus, according to news reports.

On 26 October, a court gave Ali Anouzla a one-year suspended sentence for “ill-intentioned publication of false information” about the health of King Mohammed. Bouchra Eddou received a three-month suspended sentence in connection with the same article. The journalists, who were also fined 10,000 and 5,000 Dirhams (approx. 880 and 440 Euros) respectively, have lodged appeals.

Also in connection with reports about King Mohammed’s health, a one-year prison sentence was handed down in October to the managing editor of the independent daily *Al Michael*, Driss Chahtan, and a three-month sentence given to

journalists Mostafa Hiran and Rashid Mahameed. The journalists were also fined 5,000 Dirhams (approx. 440 Euros) each for “intentionally publishing false information” in a number of articles about the state of health of King Mohammed VI. Immediately after the court ruling, police stormed the offices of *Al Michael* and arrested Chahtan, media observers reported. The arrest apparently also violated the country’s penal code, since the public prosecutor had no legal basis for requesting imprisonment after the court had issued its decision. The editor, who was later released, appealed the sentence.

On 30 October, Taoufik Bouachrine and Khalid Gueddar, the publisher of, and a cartoonist for, the daily *Akhbar Al Youm* received a three-year deferred prison sentence for “lacking respect toward the royal family.” The sentence was issued in connection with a cartoon published in the 26-27 September issue of the newspaper about the marriage of Prince Moulay Ismail, a relative of King Mohammed VI, to a German woman. The newspaper was also ordered to pay 3 million Dirhams (approx. 265,000 Euros) in damages to Prince Moulay Ismail and a 100,000-Dirham (approx. 8,800 Euros) fine for “flag desecration,” as the cartoon depicted the Moroccan flag.

The Press Code, a highly restrictive media law, was reformed in 2002, as part of King Mohammed’s attempts to present himself as a liberal

Following the publication of the cartoon, Morocco’s ministry of interior ordered the seizure and banning of independent Moroccan newspaper *Akhbar Al Youm* for three days in a row, from 26-28 September. On 29 September, Taoufik Bouachrine and dozens of *Akhbar Al Youm* staff members were forbidden by police from entering the offices of their newspaper.

Moroccan authorities also banned from circulation two editions of French newspaper *Le Monde* and one edition of the Spanish daily *El Pais* after the dailies republished the cartoon together with another one by French cartoonist Jean Plantu.

Interestingly, not only satirical or critical material was the object of censorship by Morocco’s authorities this year, but also reports showing the positive outcome of an opinion poll on King Mohammed’s rule.

Moroccan authorities also banned from circulation two editions of French newspaper *Le Monde* and one edition of the Spanish daily *El Pais* after the dailies republished the cartoon together with another one by French cartoonist Jean Plantu

On 2 August, the Ministry of Interior ordered the seizure and destruction of over 100,000 copies of two weekly magazines, *TelQuel* and *Nichane*, which carried results of an opinion poll on King Mohammed VI’s decade on the throne, the International Federation of Journalists (IFJ) reported. The poll showed that over 91 percent of Moroccans rated the last decade of the king’s rule as either “positive” or “very positive.”

More recently, on 16 November, Rachid Niny, the founding editor of Morocco’s biggest-selling daily *Al Massae*, was sentenced to three months in jail for “publishing false information” in a report about the dismantling of a major drug trafficking network in Morocco on 17 August. Journalist Said Laajal, who wrote the report, was given a two-month prison term for writing the article, AFP reported.

Bloggers, too, were targeted by the authorities in 2009.

On 26 February, blogger Hassan Barhoun was arrested and on 6 March he was sentenced to six months in jail on charges of circulating false news, after he published a petition signed by more than 60 people, including activists, journalists and officials, accusing the king’s deputy in Tetuan, the public prosecutor, of collusion in a corruption case, ANHRI reported. After Barhoun appealed the sentence, the Court of Appeal increased the sentence to ten months.



Satellite dishes on rooftops in Casablanca 2007. (Rafael Marchante / Reuters)

The failure by US Secretary of State Hillary Clinton to address freedom of expression violations during a two-day visit to Morocco in early November was strongly criticised by IPI.

In a statement, IPI Deputy Director Alison Bethel McKenzie said: “It is unfortunate that in a country with one of the more lively media environments in the region, journalists are still being charged, fined and jailed for writing about the royal family. Instead of helping create a media environment in which journalists don’t have to fear going to prison for doing their job, Moroccan courts are still systematically handing down prison sentences. Press freedom there is getting worse, not better, and world leaders such as Mrs. Clinton seem to fall silent on the issue.”

Recommendations

- Stop legal persecution of journalists and respect journalists’ right to a fair trial.
- Repeal the 2002 Press Code, which imposes severe restrictions on press freedom, criminalizes defamation and allows for the imposition of high fines
- Allow the media to cover issues of public interest and thereby fulfil their role.
- Ensure independent allocation of government financial support for the media.

Morocco in Brief

Population: 32 million

Domestic Overview: Between 1961 and 1999 Morocco was ruled by King Hassan II, who suppressed domestic opposition through severe human rights violations. After his death in 1999, Hassan was succeeded by his son, King Mohammed VI. Originally seen as a moderniser, because he initiated political and economic changes and an investigation into human rights abuses during his father’s rule, King Mohammed has nonetheless maintained sweeping powers.

Beyond Borders: Morocco’s annexation of Western Sahara in 1975 has caused strong political tensions with neighbouring Algeria. In 2004, Morocco was designated a major non-Nato US ally by then-President George W. Bush, in recognition of the country’s support in the US-led ‘war on terror’.



Aboubakr Jamaï

is one of Morocco's most respected investigative journalists. He co-founded *Le Journal Hebdomadaire* (previously called *Le Journal*), one of Morocco's leading weekly newspapers, in 1997 and *Assahifa Al Ousbouiya* (previously called *Assahifa*), an Arab language weekly, in 1998.

In 2000, the Moroccan government permanently closed both papers reportedly for publishing a letter tying a former prime minister to a 1972 assassination plot against King Hassan II. The papers eventually reopened using slightly different names.

In 2001, Jamaï was convicted of defaming Foreign Minister Muhammad Ben Aissa in an article in *Le Journal*. Jamaï was sentenced to three months in prison and ordered to pay fines and damages totalling two million Dirhams (approximately US \$200,000).

The sentences were eventually suspended, but Jamaï was forced to officially resign from *Le Journal* in 2007 and is now living in exile to shield the magazine from a fine he was ordered to pay last year in a controversial defamation suit.

Jamaï is however still carrying out his duties as editor of *Le Journal*.

IPI's Barbara Trionfi interviewed Aboubakr Jamaï in December 2009 about the media situation in Morocco and his experience as an editor over the past 10 years.

IPI: Numerous editors and journalists have been subjected to legal harassment, mostly in connection with articles regarding the king and the royal family. Does this represent a new trend in Morocco or have these forms of harassment been going on for years?

JAMAÏ: It has been going on for some years. Actually if the analysts who were working on Morocco today took the pain to look at the analysis done by press freedom groups in the past ten years, they would discover that barely a year has gone by without some major government/state-led infringement on freedom of the press.

Just to give you one example – I am citing our case but we are not the only one – my newspaper was banned by this new king twice in 2000. It was banned by executive order, not even through a judicial process. The full communiqué was read on TV, on the newscast; we were depicted as traitors to the nation. I was given a firm jail sentence in 2001. I did not go to jail as the sentence was subsequently changed into a suspended jail sentence. We were handed down the equivalent of a 200,000-Euro fine, for damages, in 2001. Our colleague, Ali Lmrabet, was sentenced to jail, and he went to jail and he had to go through a hunger strike that lasted more than 30 days to build up the pressure on the king to pardon him.

There are many other examples I could cite. Therefore this trend is not new. There is something that is very, very unusual, in a negative way, with what happened recently: before, the regime always made sure to shroud its repressive decisions in legalism; so you always had some laws and some legal texts to back up their bans, their sentences, etc. What happened recently, especially with *Akhbar Al Youm*, a daily newspaper which was banned a few weeks ago, allegedly because of the publication of a cartoon on the King's cousin, was that they decided to shut down its headquarters and to seal its financial accounts, and they have absolutely no legal grounding to do that. So they did this basically in violation of the laws. And I think the message was: "We are not even bound by the laws of the country. We do whatever we want to do." This is new because, for example, when we were banned in the year 2000, they followed an executive order. Executive

orders are allowed by the books. This was therefore a legal option for them. Obviously the laws were very badly done, as they are very badly done today, in terms of freedom of the press. But nonetheless the authorities felt the need to show that the state was acting in a legal way.

What happens today is basically: "Forget about the law, we do whatever we want to do and that is it. You have stepped outside of the boundaries we have set for you and hence we clamp down on you."

IPI: Does this persecution affect only journalists who report on the king and the royal family, or also those who report about other government officials?

JAMAÏ: The problem is that the king's business and decisions are everywhere in the public sphere. Therefore if you want to be a journalist and fulfil your watchdog role, or even your role of providing public space for debate, ultimately, if you do your job correctly, at some point you have to look at what the king is doing, because he is everywhere.

Not all the cases, though, were directly related to the king. When my newspaper was banned for the first time in April 2000, it was because I published my interview with Muhammad Abdelaziz, leader of the Polisario Front rebel movement. The second time it was banned because we had revealed some information about the coup attempt back in 1972. And in fact in many instances when you analyse the deep reasons for clamping down on the press, for initiating repressive action against the press, you will find that, in fact, the officially-stated reasons for the repressive actions are not the real reasons. They make you pay for other things you have written before, but which they found difficult to persecute you for, because it would have been too damaging for them.

For example, I believe that most of the problems we are going through at *Le Journal Hebdomadaire*, and others, have to do with the fact that we are exposing the king's power within the business community and the fact that we are supposed to have moved from a state economy to a free market economy, when in fact we have moved from a state economy to a monarchic economy. So, we are denouncing this, and we know that they can not go after us because of this, because we are not insulting, we are just stating facts which are evident. We are

just stating this reality and we analyse it in a way that does not shed a positive light on the monarchy. So they cannot go after us for this, but they will use other issues. Normally what they use is the Sahara issue and they rally crowds by telling them that we are anti-national, anti-patriot, etc.

Or they can use Islam. I believe that one of the most egregious cases of repression is what they did to *Le Journal* in 2006, after the Danish cartoon controversy, when they paid jobless people to come and demonstrate in front of *Le Journal's* building, claiming that we had insulted the Prophet because we had reprinted the cartoons, which was not exactly true. So they tried to instrumentalise the anger of Moroccan Muslims. I must tell you that seldom have I been so afraid for my life as during that time. If in the evening newscast of the only two Moroccan television stations you are depicted as someone who insulted the Prophet in a country where over 90 percent of the population are Muslims, you can imagine that some crazy guy will decide to exercise jihad on you and your family.

Clearly they did not organise the demonstrations because we insulted the Prophet. They organised it because our editorial line is critical of them. So for them this was an opportunity to go after us. Therefore, whenever you see a story about repression in Morocco, do not be deceived by the appearances. Very often the reason stated is not the real reason; there are deeper reasons that have to do with basically questioning the quasi-absolutism of the king's rule.

IPI: Does this harassment lead to self-censorship?

JAMAÏ: Yes, absolutely. Let me define the term "independent media" in Moroccan terms: these are newspapers or media outlets which are not owned totally or partially by political parties. It does not mean that they are editorially independent. And in fact most of the independent media are not independent at all from an editorial standpoint.

What happens is that you have a lot of resources coming into the sector at some point, which has made some individuals very rich. A very powerful weapon is the threat to impoverish people. So, if you were a simple journalist and were entrepreneurial enough to found your own newspaper and you earn a lot of

money, you begin to think twice before starting controversy, because you know that your fortune will be jeopardised.

Maybe the most damaging thing that happened to *Le Journal* and to the media sector through *Le Journal* was again back in 2000. Between 2000 and 2001 *Le Journal* lost 80 percent of its advertising revenue, 80 percent! Since 2001 we have been barely surviving from an economic standpoint, while in 2001 we were really on the launching pad to found a big media group and we were equipped to do this. The regime, through us, was sending a message to other media outlets, and not only us. Others came after us and also became punching bags. So basically through us they showed other news outlets what would happen to them if they were crazy enough to go down that editorial road.

IPI: Is this a consequence of the fact that the monarchy and the business elites are so closely interconnected?

JAMAÏ: Well, yes. In order to understand the whole issue it is important to analyse it within its historical context. The advent of the independent press in Morocco can be dated back to the early 1990s, and there is a reason for that. The reason is that what happened in the 1980s and 1990s are two major developments coming to fruition:

The first one is the economic failure of the regime, which manifested itself in riots, the so called "bread riots" (which also took place in other Arab countries, such as Tunisia, Algeria, Jordan, among others.) These riots were the symptoms of the failure of the regimes' economic system. This is what led to the implementation of the IMF and World Bank recipe, including privatisation, and so on.

From a political point of view, this gave more negotiating power to the business community, because entrepreneurs are the centrepiece of free markets, so they gained negotiating power with the regimes. The demand of this business community was not so much democracy – they did not think in terms of election, eg. separation of powers – but they wanted the rule of law, in order to have some form of contractual relationship with the regime, as a sort of insurance for their business interests. Because of this altered balance of power between the business community and the regime, a space opened up in the media: they needed a

voice. It is therefore not a coincidence that the independent press was born from the wounds of the economic press, which, even if they were business-oriented newspapers, were politically editorially much freer than what existed at the time.

The reaction from the regime has been to reclaim the space that they had to give up. And hence the reoccupation of the space by the king. As I said before we thought that we were moving from a state economy to a free economy, but in fact we now have a monarchic economy.

The second evolution that came to fruition at the end of the 1980s and early 1990s was the end of the Cold War. This had a direct impact on our regimes, which could no longer hide behind their powerful allies, be it the Soviet Union or the West, in order to justify their anti-human rights and anti-democratic attitude. In a lot of countries in the Arab world we witnessed a movement toward greater opening in the early 1990s. This also led to allowing society a margin within which to express itself.

So you had these two elements coming together to give rights to the independent press.

What Morocco has witnessed since 1999, since the death of King Hassan II, is basically the roll-back of this movement. The interpretation of reality that the people in Morocco are accepting today, as if they had no memory, is surprising. People have basically bought the argument that is being promoted by the regime, that in 1999 we moved from total obscurity, total political absolutism to some kind of democratic system. This is a complete lie!

Le Journal was founded in 1997, and things back then were freer than they are today. Back then there was a will to open up. Today we receive the opposite message from the monarchy: today there is no will to open up. So when you write and publish anything, you know that you are basically facing a wall. Back then you might have been afraid that your writings might be perceived as too liberal, but the sense of the movement was clear to us. Today, the movement has reversed itself. And the reason why King Hassan II was more liberal was not because he had become a democrat, but it was because of the two revolutions that I mentioned before: the economic one and the geostrategic one through the end of the Cold War.

Oman

By Colin Peters



View of the Al Alam Royal Palace in Muscat, 10 February, 2009
(Benoit Tessier / Reuters)



Oman's leader Sultan Qaboos bin Said attends the opening of the Gulf Cooperation Council (GCC) summit in Doha, 3 December, 2007.
(REUTERS/Fadi Al-Assaad)

Oman continues to have a poor record on press freedom. In 2009, press freedom monitors criticised the constraints placed on a media that is either loyalist, i.e. supportive of the regime, or too scared to speak out. Criticism of Sultan Qaboos Bin Said Al Said or his policies does not exist in the mainstream media, and, as Menassat, an Arab media news monitor, notes: “Editorials are supportive of government news. There is little in-depth reporting on domestic issues. The law prohibits criticism of the sultan in any form or medium. Although criticism of government officials is tolerated, it never really gets any media coverage.”

One of the main, long-standing obstacles to press freedom in Oman is the 1984 Press and Publication Law, which “allows censorship of all domestic and foreign publications on all matters deemed to be politically, culturally or sexually offensive”.

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Oman’s censorship is of course not just applied to traditional forms of media, and a report published in August by the OpenNet Initiative (ONI), an independent group established to investigate, expose and analyse Internet filtering and surveillance practices, describes the extent of Internet censorship meted out by Oman’s authorities.

The report said: “Although filtering of political content is highly selective, laws and regulations restrict free expression online and encourage self-censorship.”

It added: “To use the Internet, individuals, companies and institutions are asked to sign an agreement not to publish anything that destabilises the state, insults or criticises the head of state or the royal family, questions trust in the justice of the government, creates hatred toward the

government or any ethnicity or religion, promotes religious extremism, pornography or violence, promotes any religious or political system that contradicts the state’s system, or insults other states.”

On 8 April, the Arabic Network for Human Rights Information sent a joint letter of protest to the Sultan of Oman, in an effort to stop a trial against journalist Ali al-Zwaidi which could have seen him sentenced to three years in prison.

Al-Zwaidi, co-founder of the Omani Writer’s Society and a journalist since 1986, also administrated an Internet forum that was critical of some of Oman’s institutions.

In August 2008, al-Zwaidi admitted to posting an English-language article on the forum criticising the head of Oman’s main telecommunications company, Omantel. The article, in particular its subsequent Arabic translation, caused a considerable stir, resulting in the head of Omantel’s head filing a complaint against al-Zwaidi.

Al-Zwaidi was subsequently arrested under Article 61 of the Omani Communications Law, for “using a system or a device or a means of communication to direct a message while knowing it is untrue or causes harm to a person or service.”

Al-Zwaidi was also charged with leaking an official document “about plans by the Council of Ministers for a television programme called “Hadha al-Sabah”, according to the protest letter.

Oman in Brief

Population: 2.8 million

Domestic Overview: Sultan Qaboos Bin Said seized power in a 1970 coup and has ruled over Oman since then. Oil is one of Oman’s main sources of revenue. Sultan Qaboos has implemented a successful policy of spending oil revenue on health, education and welfare.

Beyond Borders: Since the 1970s, Sultan Qaboos has successfully reversed the isolationism imposed by his predecessor. With the exception of a dispute with the United Arab Emirates over Oman’s northern boundary, the country generally enjoys friendly relations with its neighbours. Oman’s foreign policy has also been defined as “non-confrontational” and “conciliatory” towards Western interests in the region.

Qatar

By Colin Peters

In the protest letter, the two human rights defenders called for an end to the trial and an order to release al-Zwaidi on the grounds that “his actions were limited to the defence of free expression and to the realm of publishing.”

One of the main, long-standing obstacles to press freedom in Oman is the 1984 Press and Publication Law, which “allows censorship of all domestic and foreign publications on all matters deemed to be politically, culturally or sexually offensive”

They also called for “the immediate abolition of all unnecessary restrictions on the lives and activities” of Oman’s citizens, urging the sultan not to let his “kingdom be included among those countries in the region that repress freedom of expression.”

On 21 April, a court in Muscat handed Ali al-Zwaidi a 10-day suspended prison sentence and a fine of 200 Omani Rials (approx. 400 Euros).

Recommendations

- Allow the media to criticise the regime.
- Repeal all repressive elements of the Press and Publication law.
- Repeal all regulations censoring journalists who post to the Internet.



A general view of Doha city with buildings under construction, 3 December, 2009.
(REUTERS/Fadi Al-Assaad)

According to Qatar’s 1979 press law, it is a punishable offence to offend the royal family, the army or the Islamic faith. Since the majority of businesses operating in Qatar are linked to these institutions, media organisations are forced into heavy self-censorship.

Another press freedom issue in Qatar this year was the transfer of Internet regulation from Internet Service Providers (ISPs) to a government authority, ‘ictQatar’, along with a new policy that would involve seeking public opinion on the filtering of online content and “other regulatory factors.”

“Can you imagine what the news would look like on TV if the viewers had

to vote for the news they want to watch on it,” Xavier V. Rinaldi, of the Doha Centre for Media Freedom, was reported as saying by “ITP.net”. “The transfer of responsibility from the ISPs to ictQatar is a threat to media freedom since ictQatar states that the majority should choose what is right and wrong, what is good and what is bad. In a democratic country, the concept of ‘majority’ is a political concept, and this concept has nothing to do with the Internet. It strictly means that the majority has the right to censor the minorities.”

Much of the debate around press freedom in Qatar in 2009 revolved around the new Doha Centre for Media Freedom



Qatar's Emir Sheikh Hamad bin Khalifa al-Thani on 14 December, 2009. (REUTERS/Stephanie McGehee)

(DCMF) and its former director-general, and former head of Reporters Sans Frontières (RSF), Robert Ménard.

“I was ready to make compromises as long as what was essential – the ability to distribute aid and express our views – was safe. This is no longer the case”

The centre – created by the ruling Emir, Sheikh Hamad bin Khalifah al-Thani, in a 2007 decree, and under the patronage of the country's first lady, Sheikha Mozah bint Nasser al-Missned – aspired “to be a refuge for journalists who risk their lives or freedom in keeping the global public informed,” the Qatari newspaper *Al Arab* reported around the time of the centre's launch in October 2008.

Al Arab also noted that the centre had already been in action prior to its official launch, providing 98 grants to 34 countries, and stepping in, in June 2008, to obtain refuge for a young Afghan TV presenter, Nilofar Habibi, who had been attacked on at least two occasions in retaliation for her reporting.

However, early in 2009 Ménard clashed with Qatari officials when authorities refused to issue visas for some journalists who were to be given sanctuary in the organisation's safe houses.

And in February, during a press conference held to mark the release of the centre's first annual report, Ménard threatened to take his team and leave Qatar, should the country's oppressive 1979 press law not be amended.

At the same press conference, Ménard rued the lack of a professional organisation or union to defend journalists. The report presented at the conference said that journalists must “tread carefully to

avoid being sacked or even deported.”

Ménard's criticism continued, and provoked a series of counter-attacks from column writers for certain Qatari newspapers, who accused him of “immorality” and of “insulting Qataris.”

“It's been a year since the centre opened, and six months since it became operational, at phenomenal cost,” said the editor-in-chief of *Al Sharq* in one column. “It was hoped it would provide added value to the local landscape, but it hasn't, and its limelight-seeking director has limited himself to fiery statements.”

Furthermore, the Qatari advisory council – one of the country's legislative wings – alleged that foreign journalists were being brought into the country to slander its name through negative reporting.

On 19 June, Ménard followed up on his earlier ultimatum, taking his team and leaving the centre, citing “suffocation” by the Qatari authorities

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In a statement, Ménard said: “Certain Qatari officials never wanted an independent centre, one that was free to express its views without being limited by political or diplomatic considerations, one that was free to criticise Qatar itself. But how can you be credible if you say nothing about the problems in the country in which you are based?”

“I was ready to make compromises as long as what was essential – the ability to distribute aid and express our views – was safe. This is no longer the case,” said Ménard.

Recommendations

- Revisit the 1979 press law, under which it is a crime to offend the royal family.
- Ensure that Internet regulation does not stifle the right of bloggers to freedom of expression.
- Ensure that any business linkage of media outlets to the Royal Family or the army in no way jeopardises editorial integrity.

Saudi Arabia *By Naomi Hunt*

The Islamic Kingdom of Saudi Arabia, home to Islam's two holiest cities, is a conservative country. The theocratic monarchy legitimises its rule by virtue of the country's strict Sunni identity. Because, in its self-conception, the state unifies both ideal spiritual and political rule, there is little space for political or religious plurality. Political parties are banned, and activists and critical journalists must contend with surveillance, harassment, intimidation, detentions and arrest.

Criticism of the royal family or government policy is generally prohibited, and Saudi Arabia maintains tight control over media content

Over the past few years, journalists have enjoyed slightly more freedom to report on formerly taboo subjects including crime, drug trafficking, employment, human rights and religious extremism. Nonetheless, criticism of the royal family or government policy is generally prohibited, and Saudi Arabia maintains tight control over media content. Newspapers are created by royal decree, the Broadcasting Service of the Kingdom of Saudi Arabia is responsible for all broadcasting, and the government blocks websites it deems offensive. As a result, journalists and bloggers must exercise a large degree of self-censorship.

Although Saudi Arabia has no formal constitution, the Basic Law issued by King Fahd bin Abdel-Aziz in 1992 fulfils similar functions. The Basic Law gives the state the right to control morality, stipulating that the state protects Islam and implements Islamic law, and “orders people to do right and shun evil; it fulfils the duty regarding God's call.” This right is exercised frequently – in July, for instance, authorities cancelled the country's only film festival, to be hosted in Jeddah, at the last moment, reportedly as a result of pressure from religious elements.

The establishment is unrelentingly intolerant of behaviour and media content that it deems “immoral.” The Saudi bureau of the Lebanese Broadcasting Corporation (LBC), a private Lebanese satellite television station, were shut by the information ministry in August. This decision

came shortly after the broadcast of an episode of the social issues show “Ahmar Bel Khat Al Arid” which featured a Saudi man speaking openly about his extra-marital sexual experiences. Abdul Jawad was sentenced to 1000 lashes and five years in prison for his appearance on the show. Three friends of his who appear briefly in the segment each received 300 lashes and a two-year prison term.

Also in connection with the programme, LBC fixer and production assistant Ruzana al-Yami, 22, was sentenced to 60 lashes in October for violating the “common decency law” and cooperating with an unlicensed media organization, the Arabic Network for Human Rights Information (ANHRI) reported. She was pardoned by King Abdullah Bin Abdel Aziz al-Saud shortly thereafter.

Saudi Prince al-Waleed bin Talal, who owns the majority share in LBC, did not face any charges.

The Basic Law does not guarantee press freedom, stipulating instead that “information, publication, and all other media shall employ courteous language and the state's regulations, and they shall contribute to the education of the nation and the bolstering of its unity,” and explicitly forbidding acts that “foster sedition or division,” or that “harm the state's security and its public relations.”

Journalists who offend the authorities and other powerful actors face fines, detention, interrogation, dismissal, and harassment.

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In November, satellite operators in Saudi Arabia and Egypt dropped Arabic broadcasts by the Iranian television network Al Alam. Saudi-based Arabsat, as well as Cairo-based NileSat, claimed an unspecified breach of contract, although it is believed that Al Alam's coverage of unrest in Yemen was at the root of the decision.

Saudi Arabia shares a border with North Yemen, where an off-and-on conflict between Houthi rebels and the Yemeni government reignited in 2009.



Saudi Arabia's King Abdullah is pictured during his visit to Jizan near the border with Yemen, 2 December, 2009. (REUTERS/Saudi Press Agency/Handout)

A large number of political exiles and economic immigrants from Yemen, including many from southern Yemen, live in Saudi Arabia.

According to a Human Rights Watch (HRW) report published in December 2009, a number of Yemeni journalists and online activists were detained and ‘rendered’ to Yemen this year by the Saudi intelligence service, in cooperation with its Yemeni counterpart. Ali Shayif, a blogger for Bawwab al-Dhali, was taken from his Jeddah apartment in October 2008 and held incommunicado by the Saudi authorities until May or June 2009, when he was transferred to Yemen. Although allowed intermittent contact with his family, he remains in custody without charge or trial, HRW reported. The Saudi authorities also detained Yemeni blogger Fahmi Ali Nasr, who was handed over to the Yemeni Political Security Organization before being released, and blogger Muhammad al-Rabi'i, who reportedly remains in Saudi custody.

Over 6.2 million Saudi residents use the Internet, many of them women, and there are reportedly as many as 5000 blogs, the BBC reports. Nonetheless, the authorities exercise strong control.

In April this year, the Saudi Interior Ministry issued new regulations to Internet cafes in the country, ordering them to install surveillance cameras and keep records of users and identities. The new rules also stipulate that Internet cafe owners must be Saudi, and customers must be over 18 years old to go online.

Qatar in Brief

Population: 1.4 million

Domestic Overview: Qatar's Emir Sheikh Hamad bin Khalifah al-Thani came to power in a 1995 coup against his father. He survived a 1996 attempted coup against him. Sheikh Hamad is also head of the armed forces and defence minister. Sheikh Hamad has started a democratisation process away from absolute monarchy to constitutional monarchy. National elections are however not allowed.

Beyond Borders: Qatar's founding of the broadcaster Al Jazeera boosted the country's international presence and its image among citizens of Arab and Muslim countries.



Saudi Prince Al-Waleed bin Talal attends a news conference in Riyadh, 30 August, 2009. Private satellite television station LBC, whose programme "Bold Red Line" led to the sentencing of several Saudi subjects in 2009, is owned primarily by the Prince. (REUTERS/Fahad Shadeed)

Online journalists and bloggers who fall afoul of the Saudi censors must reckon with detentions and harassment.

Online journalists and bloggers who fall afoul of the Saudi censors must reckon with detentions and harassment

On 13 January, Hamoud bin Saleh was detained after he announced on his blog that he had converted from Islam to Christianity. He was arrested again on 28 March. In an April interview with Compass News, Arabic Network for Human Rights Information (ANHRI) Director Gamal Eid said, in an apparent quip, that

he believed Saleh was released because he has mental problems. "He is mentally not stable, because he had the courage to say in his blog that he is a Christian," Eid said. "Anyone in his right mind in Saudi Arabia wouldn't do that."

Syrian blogger Raafat al-Ghanem was arrested by Saudi security forces on 29 July and taken to an undisclosed location, ANHRI reported. The 25-year-old Saudi resident was arrested on an errand for his father at the Riyadh passport office, and authorities later came to his house and confiscated his computer hard disk.

Activists Walid Abdelkhair and Khaled al-Nasser had their Twitter pages blocked starting on 20 August, apparently as a result of human rights content they had posted, media observers reported in August.

Recommendations

- Adopt legislation that gives broad protection to freedom of expression and freedom of the press.
- Remove Internet filters which prevent Saudi bloggers from reporting freely.
- Repeal requirements which prevent Saudi residents from freely accessing the Internet, including video surveillance and mandatory registration at Internet cafes.
- Allow the establishment of private, independent media that are free to operate without fear of censorship, harassment, detention or other legal reprisals.

Saudi Arabia in Brief

Population: 25.7 million

Domestic Overview: Saudi Arabian oil resources have made the country one of the wealthiest in the region. The al-Saud dynasty, from which the country derives its name, has held political and economic power in the country since the 18th century. Saudi Arabia was an absolute monarchy until 1992, when the Saudi royal family introduced the country's first constitution. Political parties are forbidden. The legal system is based on Sharia law.

Beyond Borders: Saudi Arabia has traditionally been an ally of the US, following a 1951 mutual defence agreement, but the relationship deteriorated after the 9/11 attacks, as 15 of the 19 aeroplane hijackers on that day were Saudi nationals. Although Saudi Arabia immediately condemned the attacks, media reports indicated US frustration with Saudi Arabia.

Sudan

By Nayana Jayarajan

The condition of press freedom in Sudan has deteriorated sharply in the last year. Government crackdowns on media outlets, and the harassment and illegal detention of journalists, have become increasingly common. International monitoring agencies and press freedom groups have tied this increasing censorship to the issuance of a warrant for the arrest of the country's leader, President Omar al-Bashir, by the International Criminal Court in July 2008.

Bashir has remained in control of Sudan since he came to power in a bloodless coup in 1989. In July 2008, the International Criminal Court issued the first-ever arrest warrant for a sitting head of government, calling for Sudan to arrest Bashir on charges of war crimes and crimes against humanity for his role in the conflict in Darfur, where at least 200,000 people have died since 2003 in a campaign described by the George W. Bush administration as government-sponsored genocide, according to *TIME* magazine. Observers say Sudan is unlikely to ever honour the warrant.

Media outlets that fail to cooperate with the censors may have their publication confiscated and destroyed after printing. The government reportedly attaches to each publication a security officer, whose job it is to ensure that no sensitive material is published.

The Sudanese weekly *Al Maidan* was not distributed on February 10, 2009, because of official censorship, Abdul Qadir Muhammad, a reporter for the newspaper told the Committee to Protect Journalists (CPJ) in an e-mail. Muhammad wrote that the Sudanese security staff responsible for censorship omitted six articles, along with the banner headline on the front page and at least 10 articles on the remaining 11 pages of the newspaper.

"The leading political commentary, a piece discussing our opinion, on the conflict in Darfur and its tragic consequences and our perception of a possible model for its resolution [was deleted]," a statement from the newspaper said.

Al Maidan is a weekly for the Sudanese Communist Party.

According to Muhammad, *Al Maidan* has been a target of government censorship since November 2007. "Now it has reached a point of almost restricting all the articles without a specific criteria or reason," he wrote.

In February 2009, Sudanese authorities expelled Canadian-Egyptian journalist Heba Aly from the country. According to the Canadian Journalists for Free Expression, Aly, who has worked for *The Globe and Mail*, CBC Radio and Bloomberg, was forced to leave the country after she attempted to acquire information about Sudan's domestic arms production.

According to a statement released by Sudan's security service to Reuters, Aly had been "practising activities outside her assignment which harm Sudan's national security." The announcement also said that she had been expelled for violating immigration regulations, and the government also refused to renew her license to report from the country.

Aly had also previously been questioned by Sudanese officials over her reporting. In December 2008, she was reportedly detained for two hours at Khartoum airport, while officials searched her laptop and notebooks. They also deleted all the images on her camera.

Government crackdowns on media outlets, and the harassment and illegal detention of journalists, have become increasingly common

Later in the year Sudanese authorities expelled another foreign journalist, a freelance reporter working for the pan-Arabic daily *Al Hayat*. Zouhair Latif was arrested at his Khartoum home by security forces and held for two days before being forced to leave the country. His computer and other data were confiscated.

Latif had just spent 21 days in the western region of Darfur although the travel permits issued to journalists by the authorities are usually for periods of no longer than two weeks.

On 19 March, Alhaj Warrag, editor-in-chief of *Ajras Al Hurriyya*, an independent newspaper, was arrested and taken into custody. Warrag's newspaper and his staff had routinely been subjected to harassment and censorship in the past. In this instance, Warrag was arrested in connection with criminal defamation proceedings initiated in 2007.

In April 2009, the Sudanese Ministry of Information and Communication tab-

led a Draft Communications Bill for reading in parliament, as a part of its obligations under the 2005 Comprehensive Peace Agreement between Northern and Southern Sudan. While the bill was lauded as an attempt to repeal Sudan's highly repressive Press and Printed Press Materials Law 2004, it soon became evident that the bill contained several very troubling clauses with regard to press freedom.

A report by Article 19 draws attention to several shortcomings in the law, specifically the fact that print publications would now be forced to apply for licenses to publish, and that individual jour-

The law fails to define what would constitute an offence requiring such punitive measures, nor does it take measures to ensure the independence of the NPPC, a body closely tied to the president's office.

In July 2009, Sudan's poor record on freedom of expression was highlighted when Lubna Hussein, a former journalist and UN employee was arrested for wearing trousers in public at a restaurant. For years Hussein had been writing a well-known "Men Talk" column in Sudanese papers, in which she had bitterly criticised government practices and confronted fundamentalists.



A Sudanese rebel soldier stands guard in Darfur. (REUTERS/Mohamed Nureldin)

nals would be forced to register with the Press Council of Sudan (a body with very close ties to the administration and controlled by the president) before they were allowed to practice their profession. The Press Council would also have powers to impose criminal sanctions for violations of the law.

The draft law was met with criticism from the international community, and a group of about 50 journalists protested before the parliament. The bill gives the National Press and Publication Council (NPPC) the power to shut down newspapers, arbitrarily investigate journalists, revoke licenses, confiscate equipment and levy outrageously high fines of up to 50,000 Sudanese Pounds (approx. 15,200 Euros). A recent story in the *Sudan Tribune*, however, said the Sudanese parliament had agreed to drop the fine provision in the law.)

Hussein was arrested at the restaurant and charged with dressing "sensationally," a charge which carries a punishment of 40 lashes in the event of a conviction.

Hussein retaliated by sending out invitation cards to her flogging.

Sudanese authorities then arrested another female journalist, Amal Habbani, for writing an article on the Lubna Hussein case, in which she suggested that the practice of penalising women for their clothing was unrelated to fashion, but was instead a method of oppressing women.

Habbani was questioned, on suspicion of criminal defamation, by the press and publications prosecution on 20 July, according to the Arabic Network for Human Rights Information (ANHRI). The general discipline police authority demanded compensation of 10 million Sudanese Pounds (almost 3 million Euros), to be paid by Amal.

Faced with strong international pressure in the Hussein case, the Sudanese government asserted that Lubna Hussein's status as an employee with the UN gave her diplomatic immunity from prosecution. Hussein opted to resign, nullifying this protection, and go to trial.

In September 2009, following several postponements, a court found the former journalist guilty and ordered her to pay a fine of 500 Sudanese Pounds (approx. 200 Euros) or go to prison for a month. Hussein refused to pay the fine, asserting that she had done nothing wrong. Finally, the fine was paid by the head of the journalists union, Mohyideen Titawi. Observers suggested that the union acted on orders from the government, which wished to bring an embarrassing situation and a public relations nightmare to an end.

Zouhair Latif was arrested at his Khartoum home by security forces and held for two days before being forced to leave the country. His computer and other data were confiscated

IPI followed the case closely and issued a number of condemnatory statements. In response to the charges brought against Habbani, IPI Director David Dudge said: "The Sudanese government must accept that the media has a legitimate right to criticise cases where there are concerns about the fair administration of justice."

IPI fellow and former board member Vuslat Dogan Sabanci traveled to the Sudanese capital Khartoum for Hussein's trial.

In a report she wrote upon her return to Turkey, for the daily *Hurriyet* newspaper – of which she is the CEO – she recalled a conversation she had in Sudan with Habbani: "We discussed the fact there were many women deputies in Sudan's parliament in 1965. Amal told me now they cannot enter the building for wearing pants. She explained how the country has retreated on women's rights during the last 20 years."

In September, Bashir announced that his government would suspend the practice of assigning security forces to news-



Lubna Hussein, a former journalist and U.N. press officer, smiles after her release in Sudan's capital Khartoum, September 8, 2009. (REUTERS/Mohamed Nureldin Abdallah)

papers to enforce pre-publication censorship. If fully implemented, this would constitute a positive step for press freedom in the country. However, journalists and editors fear that the move may have been motivated by Bashir's desire to improve his image in the international community ahead of Sudan's presidential elections in 2010.

In April, Sudanese authorities executed nine men found guilty of involvement in the 2006 murder of editor Mohammed Taha Mohammed Ahmed, who was kidnapped and beheaded in East Khartoum. Taha was known for his critical articles on the political opposition. Despite being a former member of the Islamic National Front, he had reportedly offended the Islamists with an article that reportedly questioned the ancestry of the Prophet. Several press freedom organiza-

tions called attention to the fact that the editor had made powerful enemies, and yet no attempt had been made to identify the planners behind the attack.

While media in the south of the country are less prone to outright harassment and intimidation, the situation is far from perfect. For many journalists in the south, as the International Media Society notes, the April 2010 elections will be their first experience covering an election of any description. Journalists in the region face acute shortages of infrastructure and training.

In September, the *Sudan Tribune* reported that the former guerilla movement of South Sudan, the Sudan People's Liberation Army was establishing its own television and radio programs to raise awareness of the group's activities.

Sudan in Brief

Population: 42.3 million

Domestic Overview: In recent decades, more than two million people have died in civil war in Sudan. A North/South Comprehensive Peace Agreement was signed in January 2005, but the transitional period mandated by the agreement is due to end in a referendum in 2011. A separate conflict, which broke out in the western region of Darfur in 2003, has displaced nearly two million people and caused an estimated 200,000 to 400,000 deaths.

Beyond Borders: The turmoil in Sudan has become increasingly regional in scope, and has brought instability to eastern Chad, and Sudanese incursions into the Central African Republic. Sudan has also faced large refugee influxes from neighbouring countries, primarily Ethiopia and Chad. Armed conflict, poor transport infrastructure, and a lack of government support have chronically obstructed the provision of humanitarian assistance to affected populations.

Syria

By Anthony Mills

In a positive development, in August, the former Information and Broadcasting Minister, and current Minister of Culture, Youth and Sports, Gabriel Changson Chang, announced the passing of two bills on the right of citizens to access information and the independence of the media. The minister also announced the setting up of a commission to facilitate citizens' and media access to government information.

IPI fellow and former board member Vuslat Dogan Sabanci traveled to the Sudanese capital Khartoum for Hussein's trial

However, in June, police in Juba detained a political reporter named Isaac Vuni for five days, according to the paper he wrote for, the *Sudan Tribune*. Mr. Vuni told the *Tribune* that he was arrested for exposing the collapse of the Nile Commercial Bank.

While in custody, the reporter was allegedly denied water, food, and access to toilets.

Earlier in the year, the managing editor of the *Juba Post*, Billy Gideon, was detained for nine hours regarding a press release that had appeared in his paper two months before. The press release mentioned SPLA Brigadier William Deng as having been involved in land mismanagement. Brigadier Deng has filed charges against Gideon for libel and defamation, according to the *Sudan Tribune*.

Recommendations

- Invest more in infrastructure and training for journalists.
- Revise the Communications Bill.
- Implement a government promise to cease pre-publication censorship.

Most Syrian media outlets are either owned or controlled by the government, or the Baath party, which underpins it. Exceptions are a few radio stations prohibited from broadcasting news or political commentary. All Syrian TV outlets are state-controlled.

Criticism of the president and his family is a criminal offence and foreign media are subject to censorship over material judged to be detrimental to Syria's interests and image. Self-censorship is the norm and foreign journalists find it very difficult to acquire accreditation.

Syria's constitution technically allows for freedoms of speech and the media, but in practice these rights are severely curtailed. Journalists are constantly monitored by a plethora of security agencies.

A 2001 Press Law gives the authorities wide-ranging control over all print media, and outlaws any form of reporting on topics the government considers sensitive. These include "attacking the state's prestige or dignity, national unity or army morale (...) the national economy (...) or the security of the currency" – tags that can be broadly and unfairly applied to stifle any form of criticism. Permits for journalists can only be issued by the prime minister.

Syria's constitution technically allows for freedoms of speech and the media, but in practice these rights are severely curtailed. Journalists are constantly monitored by a plethora of security agencies

Publications that infringe upon content regulations can be suspended.

Journalists are also prohibited from publishing "inaccurate" information.

The government exercises tight control over the flow of information. It responds to criticism with arbitrary detention, extralegal intimidation, criminal suits, fines, harassment, refusal of accreditation, banishment from the country and dismissal from the workplace. Such dismissals can also happen when Syrian journalists meet with their international counterparts.

Censorship of both domestic and foreign media is routine, and Syria enforces



A man reads newspapers before Iftar, when Muslims break their fast, during the holy month of Ramadan at the historic Umayyad Mosque in Old Damascus, 26 August, 2009. (REUTERS/Khaled al-Hariri)

a blanket ban on all Kurdish-language publications.

Among the foreign publications that have been banned from distribution in Syria, according to the Beirut-based free media organisation SKeyes, are Lebanon's *Al Nahar*, *Al Mustaqbal*, and *Al Anwar*, Kuwaiti dailies *Al Siyasa* and *Al Ra'i*, the London-published *Al Sharq Al Awsat*, and the Egyptian magazine *Rose ul Yusuf*.

Private, commercial FM broadcasters have been given the go-ahead, but stations are not allowed to transmit news or political content, according to a BBC News profile of Syria.

By 2008, Syria had 2.1 million Internet users, according to the International Telecommunications Union. The Internet has emerged as a platform for dissent and is a thorn in the side of the authorities. As a consequence, the government has increased online censorship and monitoring. Bloggers and online journalists have been subject to harassment and arrest.

Although there are no Internet laws per se in Syria, online journalists and bloggers can be charged under the Press Law, the Emergency Law and the penal code.

Syria ranks among the top foes of a free Internet and censors independent and opposition news websites. In 2008, Syria's Ministry of Communications ordered all Internet cafe owners to take down the personal details of all their cus-



Syrian President Bashar Assad seen during a meeting in Tehran, Iran, Wednesday, Aug.19, 2009. (AP Photo/Vahid Salemi)

tomers as well as the exact time at which they accessed the Internet, and share the records thus gathered with the authorities at regular intervals.

On 10 May a committee ordered to come up with a new press law, at an informal meeting, suggested that updated legislation – still to be governed by the penal code – be expanded to encompass Internet users as well.

Although there are no Internet laws per se in Syria, online journalists and bloggers can be charged under the Press Law, the Emergency Law and the penal code

Unfortunately, 2009 was another bad year for press freedom in Syria, which has one of the world's worst records on media freedom, with numerous arbitrary arrests of journalists reported and the banning of at least one newspaper.

In March, cyber-dissident Habib Saleh was sentenced to three years in prison for posting articles criticising the govern-

ment online. He was convicted under article 285 of the criminal code of "weakening national sentiment." Saleh, now 62, was arrested on 6 May 2008.

Starting on 22 April, Syria prohibited the publication in Syria of Lebanon's *Al Diyar* newspaper. This coincided with death threats received in April by the editor-in-chief of *Al Diyar*, Charles Ayoub, in Lebanon, warning him of the consequences of continuing to publish editorials critical of another Lebanese pro-Syrian figure. In the months leading up to April, several issues of *Al Diyar* had been censored in Syria.

On 5 April, Faruq Haji Mustafa, a Syrian Kurdish journalist and writer, was arrested by political security officers, after meeting a German journalist and subsequently receiving a series of summonses to appear before the political security office.

Mustafa has written for newspapers like Syria's *Al Watan*, the London-based pan-Arab *Al Hayat*, and Lebanon's *Al Safir*.

In July, the Damascus bureau of privately-owned satellite TV station Al Mashreq was arbitrarily closed down by the security services. A few days later, the third most popular TV station in Syria (after Al Sham and Al Dunia), Alep, was similarly shut down. Although the station is still broadcasting its reporters are no longer allowed to practise their profession in Syria.

Most of Al Mashreq's employees were reportedly pressured to state that they no longer worked for the company Live Point, Al Mashreq's biggest shareholder. Programmes broadcast by the station about everyday concerns of the Syrian public had been highly popular.

On 13 August it was announced – without reason – by Syrian Information Minister Mohsen Bilal that freelance journalist Ibrahim al-Jaban had been banned from employment with Syrian state satellite TV station Al Suriya and from producing any of the programmes in the "Al 'Alama Al Fariqa" series – which features audacious questions from the host.

A number of its episodes had previously been delayed or banned. In the last programme aired, on 7 August, Council of the People foreign relations committee head Suleiman Haddad (a friend of the information minister's) had been interviewed.

Haddad, who is a Baath Party member, spoke of disputes between late Syrian President Hafez al-Assad and other party leaders.

Also in August, Ahmad Takrouni, the editor of *Al Uruba Al Homsiya*, a regional newspaper based in Homs, about 150 km north of Damascus, was indirectly dismissed by Information Minister Mohsen Bilal.

Takrouni feels that his dismissal was sparked by a column the paper printed, by Hassan al-Safidi on 14 July, titled "We, the people of Homs, are fanatical about our origins."

On 13 September, the Syrian authorities shut down the Syrian Center for Media and the Freedom of Expression, an NGO, and seized its assets, without any form of prior legal notification, according to regional press freedom organisation SKeyes.

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In addition to monitoring violations against the media, the Syrian Centre for Media and the Freedom of Expression has published a number of reports on the predicament of the media in Syria, as well as various special reports on the travel bans applied to critics of the regime, and about the Internet. It also monitored the media during election campaigns.

It had criticised the information ministry for banning a host of newspapers and magazines.

Before the centre was shut down it said that among the 241 news and information sites closed down by the authorities were 49 Kurdish sites, 35 opposition sites, 22 Lebanese sites, 15 human rights sites and nine cultural sites.

Also in September, the Supreme Court of State Security in Damascus sentenced Syrian blogger Karim Antoine Arabji to prison for three years under broadly and unfairly applicable legislation that prohibits "publishing menda-

cious information liable to weaken the nation's morale," in accordance with article 296 of the General Syrian Penal Code.

Arabji was arrested by the Palestine Branch of Syria's military intelligence on 7 June 2007 and held for two years in pre-trial detention. In September, he was transferred to Sednaya prison to be tried before the Supreme Court of State Security on charges of "spreading false news that weakens the nation's morale." It is believed that his arrest was linked to articles he wrote criticising the Syrian authorities and published in the "Akhawia" online forum.

Meanwhile, SKeyes said its website – which was launched in April 2008 – had been blocked in Syria, raising to 226 the number of websites confirmed blocked in the country, according to a report by the Syrian Center for Media and the Freedom of Expression.

SKeyes said that in October the Information Ministry blocked circulation of issue no. 52 of the magazine *Shabablek* and that the magazine subsequently announced it would suspend publication in protest at its repeated banning by the authorities and would republish when media conditions in Syria improved.

SKeyes said its Website – which was launched in April 2008 – had been blocked in Syria, raising to 226 the number of Websites confirmed blocked in the country

Also in October, according to SKeyes, journalists were expelled from a meeting between the mayor of the northern city of Aleppo and transport officials. They were accused of twisting statements. The following day the Aleppo correspondent for *Aks Al Sayr* was arrested in connection with an arrest warrant issued over a lawsuit accusing him of slander and libel. He was released the following day. Three other lawsuits have been filed against the publication – all related to its investigative coverage of corruption.

On 22 November, police arrested journalist Ma'an Aqil at his office, the government-owned daily *Al Thawra*, in Damascus. He was reportedly taken to the headquarters of the National Crimi-

nal Investigations department.

Two days after his arrest, his dismissal from *Al Thawra* was announced by the Union of Press, Publications and Printing, which is responsible for publishing all state-owned newspapers.

According to press freedom organisations, Aqil had been the victim of harassment by security agents for a year, apparently in connection with articles he wrote about government corruption and posted on the website "all4syria". He had criticised the government's choice for newly-appointed head of government newspaper *Tashrin*.

Aqil had also filed complaints and spoken up for other reporters pressured by the government. In 1987, he received a nine-year prison sentence for membership of the banned Communist Action League.

Five cyber-dissidents, including Habib Saleh and Firas Saad, are reportedly still in prison. And the magazines *Al Mal* and *Syria Today* were reportedly also banned in 2009 in Syria.

Palestinian journalist Helmi Musa, who writes about Israeli affairs for the

Lebanese newspaper *Al Safir*, was arrested on 5 July in Damascus and subsequently released.

Recommendations

- Allow privately-owned media to flourish
- Reform the Press Law so that it can no longer be broadly used to stifle critical journalism, and so that the process of accreditation is no longer politicised and in the hands of the prime minister.
- Cease subjecting journalists to arbitrary detention, extralegal intimidation, criminal suits, fines, harassment, refusal of accreditation, banishment from the country and dismissal from the workplace.
- Cease all forms of censorship.
- Allow bloggers to practise their profession freely.

Syria in Brief

Population: 21.9 million

Domestic Overview: The government – dominated by the ruling Baath Party – rules Syria with an iron, authoritarian fist and cracks down mercilessly on any domestic political opposition. When former President Hafez al-Assad died in 2000, his son, after becoming the new president, briefly slackened the reins, allowed political 'salons' to open and released hundreds of political prisoners. However the apparent 'Damascus Spring' was never allowed to flourish and the iron grip was quickly tightened again. The salons were shut down and political dissidents were arrested. Similarly, despite early cautious predictions the state-dominated Syrian economy has not yet undergone serious reform.

Beyond Borders: In 2009, Syria continued re-emerging from international isolation following accusations in recent years that it was fuelling an insurgency in Iraq and meddling in Lebanese political affairs.

Syria remains an ardent foe of Israel, and supports various militant Palestinian groups that have launched attacks against Israel. It is also a staunch defender of the militant Hezbollah group in Lebanon, which fought Israel to a standstill in a month long war in 2000. Israel still occupies the Golan Heights – which it seized from Syria in the 1967 war.

Indirect Syrian-Israeli peace talks resumed under Turkish mediation in 2008 but have since been frozen again.

Syria withdrew its forces from Lebanon in 2005, under strong popular and international pressure following the assassination of former Lebanese Prime Minister Rafik Hariri. A UN report suggested Syria was involved in the killing. Damascus denied this.

The Tunisian regime cemented its reputation as one of the Arab world's worst media oppressors in 2009, with presidential and parliamentary elections bringing increased pressure on the country's already embattled independent press.

Long before voters went to the polls on 25 October, most independent observers had already written this year's elections off as a farce – a mere formality in extending President Zine El Abidine Ben Ali's 22-year rule by a further five. For Tunisia's brave independent voices, however, this formality meant arbitrary detentions, police raids, spurious charges and physical assault.

IPI closely monitored the arrest, imprisonment and harassment of Tunisian journalists in 2009, particularly in relation to the presidential election.

Responding on 2 December to reports that editor Zouhair Makhoul had been sentenced to three months in prison for publishing a damaging interview without consent, just a week after government critic Taoufik Ben Brik was sentenced to six months in prison, IPI Deputy Director Alison Bethel McKenzie said: "We repeat our call for the Tunisian authorities to end the persecution and harassment of journalists. The systematic attacks meted out against the independent media in Tunisia over the past few months are an insult to press freedom."

We repeat our call for the Tunisian authorities to end the persecution and harassment of journalists. The systematic attacks meted out against the independent media in Tunisia over the past few months are an insult to press freedom

One of the hardest hit victims this year was the "Kalima" media organisation, one of Tunisia's last bastions of independent, critical journalism. Until January, Kalima had been associated with an online magazine and an online radio station, both of which have suffered heavy censorship at the hand of Tunisia's authorities. On 26 January, Kalima associated itself with an independent satellite radio station, and immediately ran into



Tunisian President Zine al-Abidine Ben Ali casts his ballot at a polling station in Tunis October 25, 2009. (REUTERS/Presidential Handout)

deeper trouble with the government.

Within a day of the satellite station's launch, plainclothes police officers began surrounding the building from which Radio Kalima is run – a residential block which also houses "Kalima" online magazine as well as two human rights groups. Police detained at least one of the station's journalists, Dhafer Otay, as he attempted to enter the building, holding him for six hours and releasing him with a warning not to return to the station. By 28 January, some 60 officers had in effect laid siege to the station, refusing to let anyone associated with Radio Kalima enter.

Those inside continued to broadcast intermittently.

The intimidation continued, with some plainclothes officers allegedly going as far as to threaten *Kalima* magazine's managing editor Omar Mestiri with a knife. The police deployment at Radio Kalima's studios culminated in a 29 January raid, during which officers confiscated equipment including employees' mobile telephones and chargers.

"For us, this is obviously a way to silence the radio. I say, it's a fight against the future and the future is not with them," Sihem Bensadrine, Radio Kalima's editor-in-chief, told IPI on the day of the raid.

"They can control all things on the land. They cannot control the sky, and

for this reason they are reacting like this. We continue broadcasting on satellite even after what happened today, and Radio Kalima will never be silenced."

Sadly, the station was temporarily closed on 30 January, and authorities brought legal proceedings against Bensadrine for broadcasting on frequencies to which she allegedly did not have legal access. Throughout the rest of the year, Kalima journalists were confronted with abuse from the authorities.

Kalima was not the only news organisation to suffer this year. Newspapers aligned with opposition politics were also singled out for harsh treatment.

For example, authorities seized the 31 January issue of the weekly *Al Tariq Al Jadid*, the official newspaper for Tunisia's left-leaning "Mouvement Ettajdid", after it published a transcript of a 2008 court interrogation of a local labour leader from the central Tunisian city of Gafsa. According to the human rights group Observatory for the Freedom of the Press, Publishing and Creation (OLPEC), authorities did not even inform *Al Tariq Al Jadid* management that they had confiscated the issue; instead they "learned of the event in official newspapers."

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Tunisian authorities singled out the newspaper again during the run-up to the presidential election. On 10 October, the Tunisian Interior Ministry ordered the confiscation of the following day's issue, while it was still at the printing house, claiming that *Al Tariq Al Jadid* had violated campaign regulations "by printing an election statement before the official elections campaign had begun," the Arabic Network for Human Rights (ANHRI) said in a statement. The official election campaign started on 11 October – the day on which the issue was due to hit the stands.

On 10 October, the Tunisian Interior Ministry ordered the confiscation of the

following day's issue, while it was still at the printing house.

The Interior Ministry again interfered with the distribution of the independent print press the following month, ANHRI reported, with a 17 November order that all presses responsible for printing opposition papers "hand over all issues to the Tunisian Company for Distribution." In response to this, *Al Tariq Al Jadid*, *Al Mawqef* and *Moatenun* stopped publishing for a week, combining instead to issue a joint statement condemning the government clampdown on opposition newspapers as an attempt to "force them to close down."

In an ANHRI statement, the organisation's executive director, Gamal Eid, described the ministry's move as part of the "government's campaign against all dissenting or opposing voices." He added: "The government is working to choke the voice of opposition parties."

Not only media organisations were singled out for their independent stance in 2009. Individual journalists suffered too.

Those who have built up a reputation for critical reporting find themselves shadowed by the security forces, implicated in crimes that local human rights groups claim either never happened or were staged by police purely as a means to frame journalists, or simply detained and threatened.

According to OLPEC, three journalists working for the broadcaster Al Hiwar Ettounsi – Aymen Rezgui, Amina Jabloun and Badr Essalam Trabelsi – were stopped by police on their way to a conference, taken to a police station, threatened them with "reprisals" should they continue to work for an "illegal station," and then offered "official government positions if they ceased their journalistic work."

Some journalists have suffered for many years at the hands of the Ben Ali regime as a consequence of their profession. Amongst them are Slim Boukhdar, Taoufik Ben Brik and Zouhair Makhoul.

Boukhdar was released from prison in July 2008 after serving 238 days of a one-year sentence for allegedly "insulting an official in the exercise of his duty," "violating decency" and "refusing to produce identity papers." In September 2008 he was kidnapped, and in December 2008 he was openly threatened with a return to prison.



Tunisian journalist Taoufik Ben Brik at the European Parliament in Strasbourg in 2000. (Vincent Kessler/ Reuters)

On October 28, 2009, four men in civilian clothing attacked Boukhdar as he was walking home in Tunis, forced him into a car, and drove him to a large Tunis park, where they beat him severely and warned him that, should he not stay away from "that woman," he would be killed. A passer-by later found Boukhdar, and helped him to a taxi.

Earlier that same afternoon, Boukhdar had taken part in a BBC interview about Ben Ali's re-election to a fifth term three days before. According to OLPEC, he had also discussed the intimidation of journalists during the election campaign, and he had also mentioned Ben Ali's wife.

"Criticising Ben Ali or his family is the most dangerous thing you can do in Tunisia," said OLPEC Vice President Naziha Rjiba, in a conversation with IPI about the case.

Acts of intimidation against freelance journalist Taoufik Ben Brik and his family reach back even further, with reports of vandalism of his wife's car in 1999 in an act of retribution for Ben Brik's reporting. Since then, police have kept him under surveillance, made threats against him, and he and his family have come under further violent attack.

On 22 October, 2009, after parking his car and heading to pick up his daughter from school, Ben Brik claims he was attacked by a lady who he believes was a plainclothes police officer.

A week later, police arrested Ben Brik over the incident, and charged him with "violating public decency," "defamation," "assault" and "damaging another person's property."

The charges were widely condemned by press freedom and human rights groups as baseless and politicised.

After a trial during which Ben Brik and his lawyers were given little opportunity to speak (during the first hearing, Ben Brik was apparently able to utter no more than the words "I am a hostage of Ben Ali," according to the online newspaper *Matin*), the court sentenced the long-maligned journalist to six months in prison.

In a statement criticising the sentence, IPI Director David Dodge said: "Ben Brik is facing persecution and harassment by the Tunisian government for merely practising his profession. The Tunisian government must understand that journalists have a right to work free of threats and intimidation and it is time that the authorities set aside their undue sensitivity towards criticism and accept that it is a crucial element of any democracy."

On October 28, 2009, four men in civilian clothing attacked Boukhdar as he was walking home in Tunis, forced him into a car, and drove him to a large Tunis park, where they beat him severely

Less than a week after the November jailing of Ben Brik, Tunisian authorities imprisoned another critical journalist on charges that many human rights activists denounced as spurious.

Zouhair Makhoul, editor of the opposition news website "Essabil Online" was arrested in October for breaching the Tunisian Communication Code by publishing a "damaging interview without consent."

The interview in question was part of an investigative documentary concerning pollution in the industrial area of Nabeul in northeast Tunisia, and featured a local potter discussing the issue. The potter apparently filed a complaint with police, claiming that Makhoul conducted the interview without his consent.

United Arab Emirates (UAE)

By Claude Salhani

Following a trial during which Makhoul's lawyers claim the judge continually interrupted them while they made their statements, the court sentenced Makhoul to three months in prison.

OLPEC's Naziha Rjiba told IPI that the police probably coerced the local porter into filing charges against Makhoul, and that such police tactics are standard practice for the Tunisian authorities.

"It's very common for the authorities to act in this way, putting pressure on people to bring charges against journalists," said Rjiba.

Recommendations

- End harassment of journalists by the authorities.
- Ensure that journalists are able to cover elections freely.
- Cease using criminal charges as a way of intimidating journalists.

Tunisia in Brief

Population: 10.3 million

Domestic Overview: President Zine El Abidine Ben Ali, who has ruled the country since 1987, pushed through amendments to the constitution ahead of elections in 2004, allowing him to run for two more terms. The government of President Ben Ali has sparked international criticism for allegedly violating human rights and stifling dissent.

Beyond Borders: Tunisia has close relations with Europe and the United States, while also engaging in Arab and African regional bodies. France is Tunisia's closest ally, while the US has cooperated with Tunisia on military and security issues.



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When it comes to freedom of speech, freedom of the press and freedom to express one's opinion publicly, the United Arab Emirates gets some of the highest marks in the Arab world. But before the UAE rejoices over this opening statement, it must be said that the very young UAE, which has received acclaim in recent years for its advancements in information and technology and its income-per-capita standing, has a long way to go when it comes to press freedom.

In essence, the media in the UAE remains quite free according to the country's constitution. But, as in many Arab countries, that freedom often does not extend to work that is perceived as insulting or casting a bad shadow on the UAE's rulers or the nation – a federation of seven emirates states: Dubai, Abu Dhabi (the capital), Sharjah, Ajman, Umm al-Qaiwain, Ras al-Khaimah and Fujairah founded 38 years ago.

As in many Arab countries, that freedom often does not extend to work that is perceived as insulting or casting a bad shadow on the UAE's rulers or the nation

The United Arab Emirates, the center of media activity in the Gulf region, has two dozen newspapers, including several in English, and nearly twice that number in radio and television stations.

There are a number of taboo topics that journalists are not supposed to touch, and indeed, most of the media do not.

An Abu Dhabi court in July 2009 upheld an earlier decision to suspend publication of *Emarat Al Youm* newspaper for 20 days and fined its editor 20,000 Dirhams (approx. 3,693 Euros) for an October 2006 article that said the newspaper had proof that a prominent UAE business figure who owns and races thoroughbreds, and who had just won a race, had used doping for his horses.

In June, a Bloomberg reporter was detained at Dubai airport and questioned for hours about his work, according to reports. He was released with a warning: be careful.

And in November, the UAE barred the London-based *Sunday Times* from news stands in the United Arab Emirates



The UAE's revised media law decriminalizes journalist "offenses," but transparency and free speech issues remain items of concern among journalists in the extensive English-language press. (Photo Courtesy Richard Gross)

on the day the newspaper featured front page stories about the UAE's debt crisis and a two-page graphic illustration of Sheikh Mohammed bin Rashid al-Maktoum, the ruler of Dubai, sinking in a sea of debt.

In November, the UAE barred the London-based *Sunday Times* from news stands in the United Arab Emirates on the day the newspaper featured front pages stories about the UAE's debt crisis

It is also important to note that the authorities in the UAE, as indeed in much of the Arab world, differentiate between the domestic media and the international media with the latter typically allowed far more flexibility than their local colleagues – in theory at least. In fact, UAE laws dictate punishment for those who criticise the government or royal family, but foreign media based in Dubai are exempt from the law. However, that does not mean they are free to do as they please.

Some foreign correspondents based in the UAE contacted for this report say

they have received the "occasional complaint from government authorities," or that there have been a few "veiled threats." Popular United Kingdom newspaper columnist Roy Greenslade wrote in *The Guardian* in April that as the world's economic woes began to show signs of reaching Dubai and Abu Dhabi, major news agencies were being told "to avoid writing 'negative stories' about the UAE economy." The threats usually indicate that a press card or a residence permit might not be renewed; nothing along the lines of threats the media may face in authoritative countries.

"It is true that nobody has been expelled or been subjected to any heavy-handed treatment at the hands of the government," said a foreign journalist based in Dubai.

There was one incident in 2008 when two foreign journalists had their passports held by the authorities for a few days, but the affair quickly blew over.

One topic in Dubai is considered sacrosanct and untouchable by the media, both foreign and domestic, and that is the royal family. Neither domestic nor foreign journalists are likely to get away with heavy criticism of the royal family. In that respect, the Emirates are not very different from many other countries in the region with the major difference being that in other countries one may end



Modernism regularly collides with tradition in places like Dubai where the ultra-sleek Burj al-Arab hotel is surrounded by Arabian wind towers of centuries-old design and function. (Photo Courtesy Richard Gross)

up with a bomb in one's car or be found to have committed "suicide" by shooting oneself multiple times in the back of the head.

"I don't think that the foreign media would say anything negative about the royal family and get away with it," said a foreign journalist in Dubai, who asked not to be named.

As several journalists in Dubai stated, there is a sort of unwritten rule among the foreign press based in the UAE that places the royals off limits.

In the UAE, some media seem to enjoy greater freedom in what they write than others

In the UAE, some media seem to enjoy greater freedom in what they write than others, as is the case with *Seven Days*, one of the most successful newspapers published in English, and set up by expatriates. Dubai-based correspondents say *Seven Days* is often quite critical of the government, but seems to get away with it as it is very widely read in the UAE.

The newest addition to the press lineup in the Emirates is Abu Dhabi's *The National*, a highly respected English-language daily close to the royal family. But even that did not prevent it from getting

its knuckles wrapped after publishing a story critical of the government.

Sensitivity in the UAE seems to touch more upon issues related to appearing to the world as a corrupt-free society rather than trying to hide politically-related stories – as may often be the case in other countries in the region.

Other taboo subjects include pornography and other “inappropriate materials.”

As several journalists in Dubai stated, there is a sort of unwritten rule among the foreign press based in the UAE that places the royals off limits

The gigantic Dubai Media City complex – where all major media, including CNN, Saudi-funded but Dubai-based Arabic satellite station Al Arabiya, and Al Jazeera are based – have been promised the “freedom to create,” as is stipulated in leasing contracts signed between the various media outlets and the Dubai government, which owns Dubai Media City. Whatever disputes may arise between the government and media outlets are argued

in a UK arbitration court where a special tribunal was established for this very purpose.

Meanwhile, foreign, domestic and English-language papers – all of which have been criticized by some press freedom groups for their apparent self-censorship and reluctance to speak out on the issue of press freedom – have begun to raise their voices in the wake of a controversial draft media law which punishes local media that insult senior government officials or the royal family and publish “false information” that hurts the state or the economy. The punishment is in the form of a fine of up to 5 million Dirhams (approx. 924,000 Euros) for insulting government executives or the royal family and up to 500,000 Dirhams (approx. 92,000 Euros) for harming the government or economy.

By all accounts an improvement over existing media laws, the draft legislation nonetheless violates press freedom by placing government controls on registration, management and licensing, and by regulating media content.

A couple of improvements in the new law are the absence of jail time for journalists, and regulations that require the government to provide information in a timely manner to journalists who request it. The draft law also prohibits the coercion of journalists to reveal their sources.

So, while the United Arab Emirates promotes itself as a socioeconomic powerhouse with state-of-the-art sky scrapers and indoor ski resorts, it continues to struggle with how far to go on allowing for basic human rights issues such as freedom of the press.

By all accounts an improvement over existing media laws, the draft legislation nonetheless violates press freedom by placing government controls on registration, management and licensing, and by regulating media content

In closing, it must be said that despite a few minor bumps in the road, the press freedom situation in the Emirates remains encouraging. In fact, one may safely say that if anything, the UAE has made great advances in terms of opening up to the world by removing the previously archaic, bureaucratic and complicated visa and sponsor system that was required of any foreign visitor, with journalists having to apply well in advance through the ministry of information.

Recommendations

- Eliminate from the UAE draft media law sections that would limit press freedom, including penalties for insulting senior government officials and the royal family and regulations on media registration and licensing.
- Increase training for journalists.



Richard Robert Gross is a Dubai-based journalist for UPI.com and a journalism educator at Zayed University, Dubai. His extensive media experience includes globally syndicated print and broadcast work complemented by graduate degrees from the Annenberg School at the University of Pennsylvania, the Graduate School of Journalism at Columbia University and a doctorate from the Missouri School of Journalism.

Journalism Education Gaining Respect in UAE

By Richard Robert Gross

For a region so critically in need of accurate information, journalism in the Middle East has been a long-suffering exercise for both providers and, more importantly, consumers of news. Rumour and gossip, sometimes fable and fantasy, particularly surrounding the US events of 11 September 2001, have often supplanted fact-finding and gritty reporting as staples in the region.

Though relatively small, the seven-state United Arab Emirates is located near the mouth of the Persian Gulf, with the nearby Strait of Hormuz providing a chokepoint for oil tankers passing between the Arabian Peninsula and Iran. This makes the UAE one of the world's most strategically vital pieces of real estate. With the existing tensions between Iran and the United Nations, accurate reporting of factual stories from the UAE has become vital to world stability.

Increasingly in the Emirates, education is being seen as one component of a solution to problems journalism faces here.

Chief among UAE journalism difficulties is the quality of basic reporting and writing skills of journalists in the local press. The decades-long financial and construction boom in the UAE, which stalled with last year's global financial crash, created an education market in which business and finance, engineering and construction were the high-demand programs at virtually all of the UAE's 25 public and private universities. Families have preferred their children be educated in trade-oriented fields.

Graduates who do enter journalism have backgrounds in other, sometimes unrelated fields, and lack the skills needed to report and write in either Arabic or

English. Even students at prestigious universities are often fluent in neither Arabic nor English, having received little Arabic training in their Western-style secondary schools and little English use in their home lives.

Cases in point are the American University in Dubai and the American University at Sharjah, neither of which is affiliated with American University, Washington, DC Both have the goal of offering an American-style education grounded in liberal arts and both offer communications majors, including journalism.

In the case of the American University in Dubai, a private school, nearly 60 percent of its 3,000 students are undergraduate business majors and it was until recently the school's lone graduate program.

Increasingly in the Emirates, education is being seen as one component of a solution to problems journalism faces here

This is beginning to change. Dubai ruler Sheikh Mohammed bin Rashid al-Maktoum recently authorized an US \$8.2 million (5.64 million Euros) grant to AUD to train Arabic-language undergraduate print and broadcast journalism majors, offering full scholarships including room and board. These benefits, however, will not be extended to students being trained to report in English, the dominant language of the international press. Dubai also has a large English-language press.

United Arab Emirates in brief

Population: 4.6 million

Domestic Overview: The United Arab Emirates, comprising a federation of seven emirate states – Abu Dhabi, Dubai, Sharjah, Ajman, Umm al-Qaiwain, Ras al-Khaimah and Fujairah – was formally established 38 years ago, in December 1971.

Before the discovery of oil, the economy relied on fishing and the pearling industry. Today, the oil industry has completely transformed the Emirates into a financial powerhouse, attracting a large influx of foreign investors and foreign workers on an unprecedented scale. Business and tourism have boomed and the media sector is no exception. The United Arab Emirates has, by all account, become the socioeconomic gateway to the Middle East.

Despite the glitz and glamour and the fact that the UAE is liberal and tolerant to other cultures in comparison to other Arab countries, the BBC reports that “politically it remains authoritarian.”

Beyond Borders: The UAE is facing challenges as a result of the global economic crisis. News in late 2009 that the Dubai was looking for ways to delay repaying piling debts shook investor faith. In the wake of the news, Dubai's main stock exchange plunged and investors dumped holdings. That put some of Dubai's major construction projects in jeopardy. It remains to be seen how the UAE, and particularly Dubai, will fare financially in 2010.

While journalism is a more popular major at the American University in Sharjah, the program is regarded as research-oriented in nature, not entirely designed to enhance the fundamental skills of the working journalist.

A second problem requiring a longer-term solution is the low status of communications jobs. Young people and their families eschew the nature of the working life of a journalist, which can involve relatively low pay and long hours that include weekends, time generally reserved for families in the closely-knit Arab world.

Young people and their families eschew the nature of the working life of a journalist, which can involve relatively low pay and long hours that include weekends

This is a particular problem with respect to encouraging women students. In the US, for example, women comprise two-thirds of journalism students in communications-related majors. In the UAE, the proportion of women communications majors is also high, but most seek careers in public relations or as television presenters. Even more glamorous careers in front of the camera can be frowned upon by many families who regard this as undignified in a region where female modesty with respect to personal appearance remains the norm.

A partial solution is seen as enhancement of the educational prestige of journalism.

At Zayed University, the flagship federal university for women with campuses in both UAE capital Abu Dhabi and Dubai, the communications curriculum is being changed to be more in line with curricula at schools having their programs accredited by America's Accrediting Council on Education in Journalism and Mass Communications (ACEJMC). Skill enhancement and ACEJMC accreditation are stated goals of the curricular revision. It is hoped this will encourage young women and, more importantly their families, to see value in journalism education.

A thornier problem is the restraint exerted over the press in the UAE. Media in Dubai and Abu Dhabi are in effect government-owned by Abu Dhabi Media Company and Dubai Media Incorporated, respectively, both "private" spin-offs of their respective governments.

The comprehensive UAE media law specifically prohibits the reporting of stories deemed "harmful" to the UAE. Until late-2008, convictions for violations of the UAE Media Law were criminal offenses. Though decriminalized following the prison release of two journalists (after the personal intervention of Sheikh Mohammed) who reported factually on a personal libel case, acts by individual journalists deemed offenses still can garner a hefty fine.

For publications, the results can be severe as well. The 6 December 2009 edition of *The Times* (of London) was ordered removed from newsstands for publication of a negative article on the Dubai debt situation that referred to Sheikh Mohammed as a "benign dictator" and was accompanied by a photo montage deemed offensive. The publication returned to newsstands the next day.

As a result of instances like these, self-censorship on the part of the press often has been the norm.

That, too, may be changing as the financial difficulties besetting Dubai in particular have led to demands on the part of investors and creditors for more honest reporting and more transparency in business dealings. This is resulting in a greater willingness on the part of the press to pursue more investigative and enterprise reporting, and there has been more tolerance on the part of the government for its necessity and inevitability.

International educational initiatives are taking shape as well. Universities from abroad are setting up campuses in the UAE. America's New York University; the prestigious Tisch School of the Arts, also based in New York; and France's Sorbonne University are establishing themselves in Abu Dhabi while Australia's Murdoch University and America's Michigan State will set up in Dubai.

Meanwhile, UAE universities are beginning study abroad programs. There has been a reported increase in the number of native Emirati men and women choosing to study abroad, an increase abetted by a more relaxed visa climate in

the US and more worldliness on the part of students who have been traveling for much of their young lives during the time of rapid development and great prosperity in the UAE.

Finally, the World Wide Web and social networking programs that use Internet technologies to foster cultural understanding are blossoming. Among programs with great potential is the non-profit group Soliya, which seeks to use trained, young facilitators to help other young people establish an international social networking bridge to foster cultural understanding and cooperation. Queen Noor of Jordan, who has a long-standing interest in human rights and intercultural programs, recently offered public support for Soliya during a forum and film screening at the Dubai International Film Festival.

The financial difficulties besetting Dubai in particular have led to demands on the part of investors and creditors for more honest reporting and more transparency in business dealings

The current generation of young people in the UAE will be a transitional force as their nation seeks to redefine its regional and world role in a financial environment being experienced for the first time in its brief 38-year history. Educating a more professionally prepared and able generation of journalists and communications entrepreneurs will play the leading role in that process.

Yemen

By Naomi Hunt



IPI has been closely monitoring an alarming deterioration in press freedom in Yemen, throughout 2009.

In 2009, journalists in Yemen faced increased censorship and a higher number of threats, attacks and detentions than in previous years as security concerns rose over conflicts in both the North and South of the country.

Broadcasting in Yemen is administered by the Ministry of Information through the Public Corporation for Radio and Television, according to the BBC. It also controls most printing presses. In March, President Ali Abdullah Saleh pledged to uphold the principles of press freedom in a new broadcast law that will allow new broadcasters to be set up.

The OpenNet Initiative (ONI) reports an increase in political filtering of the internet, with the websites of several opposition parties and news websites blocked. Certain sexual content is also filtered, as are websites deemed offensive to Islam. According to ONI, unlike filtering for sexual content, political filtering in Yemen is not transparent, and users receive error messages rather than the standard block page.

While the 1990 Yemeni Press and Publications law theoretically protects the right to freedom of expression and the press, published material must be "within the context of Islamic creed, within the basic principles of the Constitution, and the goals of the Yemeni Revolution and the aim of solidifying of national unity." Under the law, journalists can be fined heavily or imprisoned, or media houses shut and their publications seized, for crimes under the law, including the publication or broadcast of anything deemed to prejudice Islam, incite violence, or jeopardize the national interest.

A new press law was drafted in 2005, but was condemned by the Yemeni Journalists Syndicate and other observer groups as even more repressive than the original.

In early May, the Yemeni High Judicial Council announced that a new Press and Publications Court would be established to try cases relating to media and publishing offenses. This move was widely condemned by journalists as politically motivated and possibly unconstitutional, since the Yemen constitution does not provide for the creation of special courts.

On 31 October, the newly established

court sentenced a Washington-based journalist, Munir Mawari, to two years in prison for defaming the president in an article in *Al Masdar* weekly, and also barred him for life from practicing journalism in the country. He was tried in absentia. *Al Masdar* editor Samir Jubran received a one-year suspended sentence and a one-year ban on journalistic activities, on the same charge.

Defamation, insult and other charges are frequently brought against journalists and newspapers; for instance, Article 19 reported in March that the Nasserite *Al Wahdawi* was facing six cases after publishing stories on corruption and investigative material. In May, the chief editor of the socialist party's *Al Thawri* newspaper was suspended from practicing journalism for one year, as the result of a case originally brought by the defence ministry years ago. Former chief editor Khaled Salman was also suspended and fined one million Yemeni Rials (approx. 3,400 Euros).

Anti-terrorism legislation is also used to silence critical journalists. In January this year, a six-year prison term was upheld by the Yemen Special Terrorist Court against Abdel Karim al-Khawaini. The well-known journalist had originally been sentenced in June 2008 for being a terrorist and part of the Houthi faction, according to the Arab Network for Human Rights Information (ANHRI). Al-Khawaini has faced threats, abductions and detentions in the past, and the opposition website he edits has often been blocked. In March, al-Khawaini was awarded the Amnesty International Special Award for Human Rights Journalism under Threat; shortly thereafter the Yemeni president confirmed his pardon and dropped all charges against the journalist.

Journalists regularly face harassment, beatings and severe threats. On 23 March, *Al Ayyam* daily journalist Abdel Malek Shrai was attacked while covering a story on the murder of the general director of the Khadair governorate, Article 19 reported. He was beaten and banned from writing about the case. Also in March, Associated Press correspondent Ahmad al-Haj received threatening messages on his mobile phone from an unknown caller.

After *Al Diyar* Editor Mohammad Sharabi received numerous death threats via text message, his house was bombed on 24 March, according to Article 19.

Sharabi's home had previously been attacked in November 2008, when gunmen opened fire while his family and children were inside.

In early May, independent journalist Saleh Khamis bin Mehanna was reportedly chased and shot at by military forces in the city of Mukalla. The chase ended when he returned fire. The journalist's home had been raided and his family terrorized in June 2008, and he had purchased a weapon following an earlier gun attack by security forces, according to an ANHRI report.

Regional news broadcaster Al Jazeera reportedly also received threatening messages in relation to the station's coverage of events in southern Yemen. A reporter and the bureau chief both reportedly received threats via their mobile phones.

Al Jazeera's Yemen bureau and its staff were the targets of several press freedom violations in 2009. In May, bureau chief Murad Hashem was barred from covering demonstrations in Aden and was under security surveillance, according to reports. In June, an Al Jazeera crew heading to Daalea City to cover a rally were reportedly attacked by individuals throwing rocks. Later that month, Al Jazeera's Aden correspondent, Fadel Mubarak, was attacked by unknown assailants while covering protests in Ja'ar, and had to be given stitches at a local hospital. His camera was also stolen.

In a 12 July session of parliament, ruling party official Mossaad Allahbi criticized Al Jazeera's coverage of events and called for the closure of its Yemen bureau, the media reported. Two weeks later, an unknown caller left a threatening message for the bureau chief saying, "Tell the bureau chief that his death is imminent. By God, we will get to him [even] at his home," according to Committee to Protect Journalists (CPJ) reports. He said he had received a similar threat in April, and was now afraid for his life.

Demonstrations in southern Yemen have escalated as the Southern Movement, which is led in part by political elites from formerly Marxist South Yemen, has begun to call for secession. According to a December 2009 report by Human Rights Watch, Yemen security forces used lethal force against unarmed demonstrators during at least four protests in April and May 2009. Local newspapers faced a wave of government cen-

sorship and intimidation tactics this year in connection with reporting on the government response to these events.

Several news websites have been blocked by the government. Aden-based *Al Watani* newspaper was told by its printing house that it had received orders to halt printing of the publication, from the Ministry of Information. At the same time, Yemeni authorities seized copies of seven independent newspapers over the course of two days, according to ANHRI. Moreover, the information ministry ordered printing presses to stop printing several newspapers, including *Al Masdar*, *Al Ahali*, *Al Ayyam*, *Addiyar*, *Al Nedaa*, *Al Sharee* and *Al Mostaqella*, and seized

lowed to leave the building. The authorities also confiscated 70,000 copies of the newspapers, according to reports. Protesters gathered around the offices but were dispersed by security forces.

On 1 May, an armed group stopped a vehicle transporting copies of *Al Ayyam* newspaper to the capital, Sanaa, and burned some 16,500 copies, *Al Ayyam* General Manager Bashraheel Bashraheel told press freedom monitors. Two days later, military checkpoints around the city reportedly stopped 50,000 copies of the newspaper from reaching other parts of the country. Bashraheel said that financial losses meant that printing of the newspaper had to be suspended indefinitely.



A police trooper stands guard on a police vehicle outside the state security court during the trial of Shi'ite rebels, 31 October, 2009. (Khaled Abdullah Ali Al Mahdi / Reuters)

copies of the papers from newsstands.

These actions were justified by Information Minister Hassan Ahmed al-Luzi, who claimed that the newspapers coverage had spread “hatred and enmity among the united people of Yemen,” media reports said.

Al Nida editor Sami Ghali confirmed to CPJ that he and other journalists believed the main aim of the government was to silence *Al Ayyam* newspaper, which was singled out by the authorities in May for harassment and intimidation.

Early in May, copies of *Al Ayyam* newspaper were confiscated for three days. On the fourth day, the offices of the Aden-based newspaper, which had covered events in southern Yemen, were surrounded by security forces, and staff members were searched before being al-

On 6 May, Yemeni authorities shut down the *Al Ayyam* website. On 12 May, police surrounded the offices of *Al Ayyam* and there was a gun battle with guards at the compound, resulting in injuries to three staff members. According to a Human Rights Watch report, one bystander was killed and another severely wounded.

Editor Hiram Bashraheel was also targeted for harassment, according to press freedom monitors. Police reportedly surrounded his home to force him to appear in court for an old case that had “no legal basis and is simply an instance of abuse of power,” his lawyer said.

IPI Board Member Fredy Gsteiger, a diplomatic correspondent for Switzerland’s Radio DRS who met with *Al Ayyam* editor Bashraheel during a recent trip to Yemen, told IPI: “*Al Ayyam* is one

of the very few newspapers in Yemen that owns its own printing press. The government therefore has no possibility to control its publication through the printing process, as it does with many other publications. *Al Ayyam*’s independence, as well as the fact that it is a southern voice, have been at the basis of the government’s pressure on the newspaper.”

Several of the publications banned by the Yemeni government in May resumed printing later in the month, but others remained shut on the grounds that they had published information “prejudicial to national unity.” On 18 May, the authorities blocked the “Change Net” news site, according to ANHRI.

In June, despite the fact that the ban on six publications had been lifted, state-run printer Al Thawra was refusing to print the papers, CPJ reported. While most found smaller contractors, *Al Nira* remained out of print. By July, most of the publications had resumed printing.

Attacks on the press continued in August, when *Al Tariq* editor-in-chief Ayman Mohammed Nasser received threats relating to his paper’s coverage of unrest in the South. Nasser, who had published photographs of citizens killed during demonstrations, was repeatedly questioned by police, according to Article 19.

On 12 August, authorities confiscated copies of *Al Watani* newspaper directly from the printer, for allegedly containing “harmful” information.

Security forces arrested and imprisoned several journalists for their work. In January, Ghaid Nasr Ali, who writes for *Al Sharee* and *Al Thawri* newspapers, was arrested for covering a protest in Aden. He was held for five days and released after agreeing not to cover any more protests, according to Human Rights Watch.

On 2 January 2009, *Al Ayyam* correspondent Wajdi al-Shabi was detained and questioned for several hours while researching a story about poor medical care at an Aden hospital, Human Rights Watch reported. He was re-arrested while covering protests, a few days after the hospital story was published in *Al Watani* and *Mukalla Press*. After spending ten days in a cell with Somali pirates and drug criminals and a further week in the Lahj central prison, he was charged with “killing soldiers” but immediately released when the prosecutor involved realized that the charges were concocted.

On 19 March, security officers detained Mareb Press managing editor Mohammad Salhi for eight hours, for allegedly trying to take photos of the scene of a 14 March terrorist attack in Shibam city, according to Article 19.

Owner and publisher of Al-Mukalla Press website Fuad Rashid was arrested on 4 May and taken to an unknown location.

On 15 June, a lower court in Luhj province sentenced Al-Ayyam journalist Anis Mansour to 14 months imprisonment for “harming national unity,” “provoking sedition and rebellion,” and incitement. He had been charged in February, in connection with his reporting on the conflict in southern Yemen.

Gulf of Aden news agency editor Salah al-Saqladi was arrested on 18 June for writing articles about repeated violations of human rights, particularly in southern Yemen. He was kept in solitary confinement, and his wife reported that her husband had been beaten, tortured, and “left hanging from the ceiling of his cell for four days,” according to an ANHRI report.

Mohammed al-Maqaleh, editor of the opposition Social Party website, “Al Esh-teraki”, was abducted on 18 September following the publication of reports on Yemeni air strikes that targeted civilians, according to a report by the International Federation of Journalists (IFJ). Al-Maqaleh was reportedly forced into a minibus



Editor-in-chief of the weekly newspaper al-Masdar, Jubran, listens to verdict at the end of his trial in Sanaa (31 Oct 2009 Reuters Image)

by five armed men who intercepted his car in Sanaa.

At the time of this writing, Mansour, Rashid, al-Maqaleh, and al-Saqladi all remain in prison. Al-Saqladi went on trial in mid-November on charges of insulting the president, “inciting against unity” and contact with secessionists.

Recommendations

- Release all wrongfully imprisoned journalists.
- Ensure an independent, critical media is free to report without fear of violence or criminal charges.
- Hold security personnel who act unlawfully towards journalists accountable.

Yemen in Brief:

Population: 23.6 million

Domestic Overview: Yemen is the poorest country in the Arab world, and considered a haven for Islamist terrorists. This year, conflict with insurgents in the northern governorate of Saada began again. Protests in the south have grown increasingly vocal and sometimes violent, with some factions calling for secession.

Yemen also has the region’s largest gun market, with a suspected 20 million guns for 20 million people, according to the *New York Times*.

Since unification in 1990, tensions between the traditional north and the formerly Marxist south have persisted. Most of the country’s oil reserves are located in the south, but residents feel that they are nonetheless intentionally politically and economically marginalized by the government in Sana’a.

In the north, thousands have been killed or displaced since 2004 when fighting broke out between Houthi rebels and government forces. The Houthi rebels, who like many in the northern region are members of a Shia sect called the Zaidis, are named after their leader Hussein Badraddin al-Houthi, who was killed in 2004 but was succeeded by his brother.

Conflict flared again this year when Yemeni President Ali Abdullah Saleh launched a fresh assault in August, displacing thousands and creating a chaotic haven for Islamist terrorists.

Beyond Borders: The Arab League, the United States and Saudi Arabia support a unified Yemen. Saudi Arabia, which has been accused by Houthi rebels of aiding Yemeni state forces, announced in November that it had regained control of territory seized by rebels in an incursion into Saudi Arabia. Iran and Libya have been accused by the Yemeni government of supporting the Shiite rebels.

Yemen Press Freedom: A Dying Dream

By Fredy Gsteiger



Born in 1962, IPI Board Member **Fredy Gsteiger** is diplomatic correspondent for Swiss Radio DRS. He was editor-in-chief of Swiss weekly *Die Weltwoche*, and before that Paris correspondent and Middle East editor of German weekly *Die Zeit*. He studied economics and political science in St.Gallen, Switzerland, Lyons, France, and Quebec, Canada.

When North and South Yemen were reunited in 1990, there were high hopes for free elections, economic improvement, a higher standard of living, and last but not least a free media.

The media landscape in Yemen did indeed begin to flourish. At the beginning of the 1990s, there were at times more than 160 newspapers. That's a lot for a country which may have around 25 million inhabitants, but in which half of the general population and three quarters of all women are illiterate. Ironically, it was Yemen, the poorest Arab country, that for a few years had the most colourful, freest and most controversial media landscape on the whole of the Arabian peninsula.

For a number of years now the Yemeni government has been increasingly clamping down on freedom of the media. Journalists are intimidated, some are physically threatened and detained, and newspapers are being shut down

However, since then many newspapers have closed. For some publications, it was simply a lack of financial resources.

But for a number of years now the Yemeni government has been increasingly clamping down on freedom of the media. Journalists are intimidated, some are physically threatened and detained, and newspapers are being shut down.

The most serious case is that of the *Al Ayyam* newspaper, based in Aden, in South Yemen. The state campaign against the newspaper began on 1 May 2009, when 16,500 copies of the newspaper – due to be sold outside Aden – were confiscated by the security services. Two days later the army destroyed 50,000 copies

due to be sold outside the port city. And on 4 May checkpoints were set up around *Al Ayyam's* printing centre so that not a single newspaper could get out. Since then, Yemen's biggest newspaper – with a print run of 75,000 copies – can no longer appear.

Editor-in-chief Bashraheel Bashraheel has never been given an official reason for the forced shutdown of the newspaper. However, it is clear that the regime didn't like *Al Ayyam's* criticism of the conflict in northern Yemen between Shiite Houthi rebels and government forces. The newspaper had also printed images of the violent conflict.

In addition, *Al Ayyam* is one of the very few newspapers in Yemen that are not printed at the state printers. This has given the newspaper far greater independence than other newspapers – which can be overseen by state censors. Shortly before the shutdown, the economically powerful *Al Ayyam* had received new printing equipment from Switzerland – which had only been functioning for a few days. The Swiss technicians were forced to leave the country at short notice.

One of the factors that may well have influenced the government's moves against *Al Ayyam* was the fact that the newspaper is the 'voice' of southern Yemen. Editor-in-chief Bashraheel, and his family, who all work for the newspaper, are against the separation of Yemen – unlike an increasing number of inhabitants of south Yemen and particularly Aden. But they are very critical towards the central government, in particular with regard to the concentration of power in North Yemen, the declining education levels in the country, the catastrophic economic situation, growing corruption and feudalism.

Bashraheel believes that because the government is weak it is ever more sensitive to criticism. Yemen, he believes, is going through the saddest period of its history. The security forces have no qualms

about even attacking the offices of *Al Ayyam*. There have been tear gas attacks, and rifles and mortars were fired at the editorial offices. Bashraheel shows munitions casings which he lays on his office desk. He does not know if and when his newspaper will ever appear again. Every now and then, President Ali Abdallah Saleh telephones the Bashraheel family head, Hisham Bashraheel, to cynically inquire how he is and to ask if he has got enough to eat. Each time, the president advises him and his family to emigrate to Canada where they own property.

But the Bashraheels are determined not to buckle, even if right now they are effectively hostages in their own editorial offices. They would have to fear for their lives, they say, if they were to leave the building. "Free *Al Ayyam*" is written at the entrance to the newspaper's offices. For the moment, the plea appears to be falling on deaf ears.

Editor-in-chief Bashraheel Bashraheel has never been given an official reason for the forced shutdown of the newspaper

Nadia al-Saqqaf, editor-in-chief of the *Yemen Times* newspaper – which has received the IPI World Press Freedom Heroes Award – speaks of a massive shrinkage of the space in which the Yemeni press has to maneuver. She says that the margin is slightly broader for an English-language newspaper than for Arabic-language ones. But she too, in her discussions with government members, hears ever more often: "Don't wash dirty washing in your printing press."

Thanks in great part to its website, the *Yemen Times* plays a significant role in portraying Yemen to the outside world. That is why efforts are being made to pressure it into playing a positive propaganda role. So far, no articles have actual-

ly been censored but the Stop sign has gone up repeatedly. The message: on this story you have gone too far. Whether it is prostitution, money laundering, corruption, circumcision, or child marriage, it is becoming ever more difficult to tackle sensitive topics. And if one does, then advertising revenues suffer, because in Yemen the political powerbrokers are often at the same time clan leaders and economic decision-makers – a mafia that is ever less reticent about throwing its weight around.

A particular problem is accessing information about the most high-profile topic in the country: the conflict in the north. The fighting zones have been sealed off. Journalists have no access. The *Yemen Times*, too, must rely on second- or third-hand sources to find information about what is going on on the ground. And according to editor-in-chief al-Saqqaf, the government never seeks to seriously inform. There are no concrete figures, data is not forthcoming, and no one will agree to be quoted. Incompetence and ignorance – coupled with unwillingness – is how she describes it.

Heather Murdock, who is from the US and reports for the *Yemen Times*, says the same thing. It is virtually impossible to obtain a list of victims of the conflict. If you want to visit a prison, the answer is not a categorical 'No', but it's never a 'Yes' either. And there are ever more taboo topics – for example, anything to do with government members. It would be unthinkable to criticise the president head-on. Murdock has also noted that recently, when researching at the Information Ministry, she has been accompanied by minders. Ironically, the newspaper must pay for the minders – the very people who are making its job more difficult.

Khaled Alansi, head of the human rights organisation Hood, believes that this is all because although Yemen extols democracy, day-to-day life is far from

democratic. The purported embrace of democracy is primarily window dressing, and has been abused by Yemen to present itself to the West – particularly donor countries – as an example, at least in the Arab world. He says that although people are still able to speak relatively freely, words are never to any effect. And in disputes between the media and the government it has become very clear that Yemen has no independent judiciary.

Nadia al-Saqqaf, editor-in-chief of the *Yemen Times* newspaper – which has received the IPI World Press Freedom Heroes Award – speaks of a massive shrinkage of the space in which the Yemeni press has to manoeuvre

The government is particularly sensitive to photographs – as the *Al Ayyam* case has shown – and to cartoons, because they are comprehensible even to the millions who cannot read. No wonder, then, that the state muzzles television. Abdull-waleed Abdullah, who works for state TV, says quite clearly: "They don't want any critical reporting from us. They want us to say that everything is fine in the country, and that things are great – the exact opposite of the truth."

Africa *By Naomi Hunt*

No Light at the End of the Tunnel

African journalists faced a vast array of violations of their right to press freedom and freedom of expression in 2009. These included intimidation, harassment, threats, attacks, beatings, illegal detentions, arrests and imprisonment. Their equipment was confiscated and destroyed; many were forced to flee their home countries or stop reporting. Media houses were censored and sometimes shut down; their broadcast signals were jammed and copies of their publications were seized. Newspapers, broadcasters and journalists alike faced spurious lawsuits. Many reporters were slapped with criminal charges, often for alleged defamation and sedition, and very often for covering corruption or the activities of security forces.

At least 14 African journalists lost their lives in connection with their work in 2009. On 29 January, journalist Francis Nyaruri, who had exposed local police corruption, was found decapitated in a forest in **Kenya**. Attempts to solve his murder fell apart after witnesses received death threats. On 2 February, Mwinda online newspaper columnist Bruno Jacquet Ossébi succumbed to injuries from an unexplained fire in his home in Brazzaville, **Congo**. Television journalist Ando Ratovonirina was killed on 7 February along with over twenty others when police fired on demonstrators in Antananarivo, **Madagascar**. Radio journalist Bruno Koko Chirambiza was stabbed to death on his way home from work in the Democratic Republic of Congo in late August. In September, **Nigerian** news editor Bayo Ohu was shot dead by gunmen in his home. Nine **Somali** journalists and media workers were killed in 2009. Their names were: Hassan Mayow Hassan, Said Tahlil Ahmed, Abdirisak Warsameh Mohammed, Nur Muse Hussein, Muktar Mohamed Hirabe, Mohamud Mohamed Yusuf, Mohamed Amin Adan Abdulle, Hassan Zubeyr Haji Hassan and Abdigafar Abdulkadir Hassan.

In Africa, some countries are worse press freedom offenders than others, and some techniques of repression are used more than others in certain countries. The laws of a country (and judges' fair interpretations of those laws) should help keep its journalists safe; unfortunately, several African countries passed potentially or explicitly restrictive legislation this year. Many maintain criminal defamation, national security and other laws that carry heavy prison sentences and which are used as tools to silence critical reporting. In several countries that were holding or preparing for elections, or in which there was a political crisis, journalists faced a gamut of press freedom violations.

At least 14 African journalists lost their lives in connection with their work in 2009

Violence and the threat of violence against journalists and their families create a climate of fear, leading to self-censorship. African journalists in 2009 were assaulted and intimidated by government officials, state security and other armed forces, political party supporters, run-of-the-mill thugs and other individuals.

Physical attacks and beatings were reported in Benin, Cameroon, the Democratic Republic of Congo (DRC), Ethiopia, Gambia, Ghana, Guinea, Kenya, Liberia, Madagascar, Mozambique, Nigeria, Sierra Leone, Somalia, Uganda, Zambia and Zimbabwe.

Threats, including death threats, were made in public or slipped anonymously under doors at night, sent by email and text message, or delivered on the telephone. Some forms of intimidation were physical; others included verbal attacks, arbitrary searches and seizure of equipment, and raids on journalists' homes. Specific instances of threats and intimidation were reported in several countries, including Burkina Faso, Botswana, Burundi, Cameroon, Chad, DRC, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Madagascar, Mauritania, Mozambique, Niger, Nigeria, Sierra Leone, Somalia, Uganda, Zambia and Zimbabwe.

While these may seem like long lists, in reality they may be even longer, because they cover only those attacks and intimidation actually reported in 2009. In many countries, press freedom conditions are so poor that almost no information is available.



Militants from the Hizbul Islam patrol the streets of Somalia's capital Mogadishu, January 11, 2010. Fighting killed at least 18 people on Monday in two towns in central Somalia where rebels battled a pro-government militia and each other, according to witnesses. (REUTERS/Feisal Omar)

Media outlets, including broadcasters and publishers, faced direct censorship, suspensions of operations, closures, seizures of equipment and copies of publications as well as physical attacks and raids. Journalists associated with certain media houses were often barred from covering events, or had their licenses suspended.

Media outlets were suspended on the basis of various accusations, such as inciting violence, or over technicalities, often relating to accreditation or licensing. In many countries, it is the norm that journalists and media houses operate unlicensed, which gives the authorities a pretext on which to shut down stations and newspapers. In 2009, media outlets were reportedly suspended or closed in Benin, Burkina Faso, Burundi, Cameroon, the Central African Republic, DRC, Eritrea, Gabon, Guinea-Bissau, Liberia, Madagascar, Malawi, Niger, Nigeria, Rwanda, Senegal, Somalia, Swaziland, Togo and Uganda.

Private media remained shuttered in several countries, notoriously in Eritrea, Ethiopia and Zimbabwe – although in the latter two there have been some very limited improvements.

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After leading a November 2009 mission to Lebanon, IPI Director David Dudge said in a statement: “It is quite obvious that there have been improvements, especially the commitment to the freedom of information law. But too often, the government is intransigent on issues regarding critical media. Contrary to the government’s view, the issuing of licenses to critical media is a sign of maturity and confidence in a functioning democracy. The government also has a lingering desire to exert influence over the media, especially state media, which currently falls far short of traditional public service models.”

In December, editors at the private Ethiopian newspaper *Addis Neger* chose to close shop, saying they had received a tip-off that they were to be the target of “terrorism” charges that could have seen them imprisoned for up to 20 years. The editors and some staff members have fled the country. IPI remains in touch with them.

At the time, the paper’s managing editor, Mesfin Negash, told IPI: “The reason we left the country is basically because we found out that the government is preparing charges to take us to court. According to our reliable sources within the government and the international community in Addis Ababa, the government is cooking a number of charges against us both individually and as a company. Actually this is just the culmination of the smear campaign begun four years ago against our newspaper and its founders and journalists. The government daily, *Addis Zemen*, and the party-affiliated website, *aigaforum.com*, has published more than ten articles targeted against *Addis Neger*.”

Specific instances in which journalists were suspended from their duties, prevented from attending events or leaving the country were reported in Angola, Central African Republic, Chad, DRC, Equatorial Guinea, Gambia, Ghana, Guinea, Nigeria, Somalia, Zambia, and Zimbabwe.

Physical attacks on media outlets, including bombings, raids and seizures of equipment, were reported in DRC, Eritrea, Liberia, Madagascar, Nigeria, Somalia and Zambia.

In Somalia, where fighting between Al Shabab and other militants and government forces continues, the National Union of Somali Journalists (NUSOJ) reported the closure of four media houses, and physical attacks on the premises of several others.

Authorities silenced the media in Africa through news blackouts, bans on certain kinds of broadcast programs, seizures of publications, signal jamming, website blocking or other direct censorship in Botswana, Chad, DRC, Ethiopia, Gabon, Guinea, Madagascar, Mauritania, Namibia, Niger, Senegal, Somalia, Togo and Uganda.

Among the favourite tools used to silence the media in Africa are criminal libel and insult laws, including laws that protect the reputations of public officials.

Such legislation has been used to lock up journalists or bankrupt publications and broadcasters. These laws have a chilling effect on the media. Criminal libel charges were reportedly brought against the media and media professionals in Botswana, Cameroon, DRC, Equatorial Guinea, Gambia, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Swaziland, Tanzania, Togo, Uganda and Zimbabwe.

In November, Sierra Leone’s Supreme Court threw out a case for the repeal of criminal and seditious libel. The case had been brought by the country’s national journalists’ association in February 2008. The court ruled that the provisions were in line with the country’s 1991 constitution and that “journalists are under no imminent threat.” In Sierra Leone, therefore, journalists still face prison terms of one to three years for the malicious publication of “defamatory matter,” and will not be allowed to use the truth of their statements as a defence.

Authorities silenced the media in Africa through news blackouts, bans on certain kinds of broadcast programs, seizures of publications, signal jamming, website blocking or other direct censorship

Charges related to other ‘criminal offenses’, including “false publication,” “incitement to violence,” “aiding terrorists,” “breaching public decency” and others, are frequently used to try and jail journalists. Journalists in Angola, Cameroon, DRC, Gambia, Ethiopia, Malawi, Mauritania, Mozambique, Niger, Nigeria, Rwanda, Senegal, Somalia, Swaziland, Uganda and Zambia were tried or imprisoned on criminal charges other than defamation this year.

In one case of a government using criminal defamation and other legislation to target critical journalists, the Gambian authorities arrested six editors and journalists in June after they criticized comments made by President Yahya Jammeh. They were sentenced to two years in prison on criminal defamation and seditious publication charges, but were freed by presidential pardon in September.

Pap Saine, one of the six journalists imprisoned in June, still faces and has faced numerous other spurious criminal charges. They are believed to be punishment for his sustained criticism of Jammeh’s policies, and because his newspaper, *The Point*, continues to remind its readers that the murderers of co-founder and editor Deyda Hydara, who was killed in 2004, have never been found.

As the trial continued, in July, President Jammeh warned journalists in a notorious statement to state-owned GRTS television: “Any journalist who thinks that he or she can write whatever he or she wants, and go free, is making a big mistake. If anybody is caught, he will be severely dealt with.”

In response, IPI Director David Dudge said in a statement: “IPI believes that President Jammeh’s recent threatening public statement to journalists is just another sign of the climate of fear in which journalists must work in Gambia. President Jammeh’s comments would be unacceptable in any country, but they are made worse because they come from a president who is deeply prejudiced against an independent media. The Gambian authorities must immediately drop all charges against the seven journalists, and implement all previous rulings of the ECOWAS community court.”

IPI, which followed the case closely, and repeatedly issued condemnatory statements, was pleased that the journalists were ultimately released but remains highly concerned about the state of press freedom in Gambia.

“Any journalist who thinks that he or she can write whatever he or she wants, and go free, is making a big mistake. If anybody is caught, he will be severely dealt with”

In another instance of prosecutors using trumped-up charges to punish a critical news outlet, editor Chansa Kabwela, of the Zambian daily, *The Post*, was charged in June 2009 with distributing obscene materials after she circulated a photograph of a woman giving birth in the street to the Zambian health minister and other officials, to highlight the effects

of a health sector strike. She was acquitted in November; however, *The Post* owner Fred M’membe now faces contempt charges over an article by Cornell University Law Professor Muna Ndulo published in *The Post* and calling the Kabwela case a “comedy of errors.”

In July, one of Kabwela’s lawyers, Sam Mujuda, told IPI that her arrest was “purely political,” and was the result of public comments made by Zambian President Rupiah Banda. “His aim is to cause fear, to intimidate *The Post*,” said Mujuda, who is also deputy managing editor of the daily newspaper.

Journalists in an unsettling number of African countries suffered abductions, arbitrary detentions and detentions without charge in 2009. Press freedom monitors reported such violations in Angola, Cameroon, Chad, DRC, Equatorial Guinea, Gabon, Ghana, Guinea, Guinea-Bissau, Liberia, Madagascar, Malawi, Mauritania, Mozambique, Namibia, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Swaziland, Tanzania, Uganda and Zimbabwe.

In Eritrea, which boasts one of the world’s most repressive media environments, the authorities reportedly detained around 50 journalists at once, after raiding the offices of Radio Bana in February.

Eritrea remains one of the world’s worst jailers of journalists, as highlighted by the IPI Justice Denied campaign. Around 18 journalists imprisoned by the government of President Isaias Afewerki, first in 2001 following a political crackdown and later in a state media purge in 2006, remain in custody. Held incommunicado and reportedly under barbaric conditions, they have no access to their families, medical care or legal counsel. A number are believed to have died.

Several new laws and decrees that came into being in 2009 represent either direct violations of press freedom or could be interpreted in a way that limits press freedom.

The government of Botswana published the Media Practitioners Law on the last day of 2008. The law sets up a regulatory body for the Botswana media. Free press groups criticized the bill’s hasty passage, as well as provisions that put the Minister of Communications, Science and Technology in charge of appointing complaints and appeals committees. The

act also requires journalists to be accredited; failure to register can result in up to three years in prison.

The Kenya Communications (Amendment) Bill was signed into law in January, giving the government control of broadcast licenses and the content of news programs. The bill provides high fines and prison terms for press-related crimes. Following sustained criticism by the media and rights groups, amendments removing the government right to control broadcast content and raid stations were published in May.

Eritrea remains one of the world’s worst jailers of journalists, as highlighted by the IPI Justice Denied campaign

The Ethiopian government passed two repressive new laws in 2009: the Charities and Societies Proclamation in January, and the Anti-Terrorism Proclamation in July. The former forbids foreign NGOs from working on human rights, governance and other issues, and defines as “foreign” any NGO receiving more than 10 percent of funding from outside the country. The new anti-terrorism law has more direct consequences for the press. Anyone who reports something deemed to support terrorism can be jailed for up to 20 years, and terrorism suspects can be detained for four months without charge. National security forces no longer need a warrant to tap phones or intercept communications, or to search and seize property.

The 1994 genocide continues to cast long shadows over the Rwandan media and media law. On 23 July, Parliament passed the “Genocide Ideology Law”, which Article 19 said should be repealed, as its provisions “would catch a whole range of legitimate forms of expression.” The group noted, however, that a draft law on access to information needed few changes to become a model for the region.

In August, the Films and Publications Amendment Bill was signed into law in South Africa. Critics complained that the law, designed to combat child pornography, could promote censorship. They expressed concern about provisions forbidding the depiction of sexual conduct,



Pap Saine, a Gambian journalist who also reports for Reuters is seen in this August 2008 file picture. A Gambian court jailed six journalists including Saine for two years in August 2009 for sedition and defamation after they backed a press union statement critical of the government. The six were 'pardoned' in September 2009 (REUTERS/Siphiwe Sibeko)

incitement to violence and war propaganda. Later in the year, a draft version of The Protection of Harassment Bill caused concern amongst journalists and press freedom groups, who worried that the act's definition of "harassment" could be interpreted to cover methods journalists regularly use in pursuit of investigative stories.

As Islamist Al-Shabab militants solidified their control over much of southern Somalia, they issued several repressive media decrees, according to the NUSOJ 2009 report on press freedom in Somalia. Playing music on air is banned, as are interviews with "infidels" – members of the Transitional Federal Government. Journalists must refer to Al-Shabab militants as "mujahedeen" or martyrs. Most disturbingly, Al-Shabab have reportedly "sworn in the name of Allah" to kill any journalist broadcasting information against their administration.

In African countries facing pre- or post-election tension, a series of press free-

dom violations were reported; this was particularly true in Gabon and Uganda.

In Gabon, journalists were targeted in connection with reports on President Omar Bongo's health, questions of succession, and corruption in his government. Attacks continued after his death in June and around the time of the August elections, which put his son in power. During this period, six newspapers and a television program were suspended. Journalists faced censorship and harassment, arbitrary detentions, threats and intimidation by criminal investigation police, and raids on media houses.

As Islamist Al-Shabab militants solidified their control over much of southern Somalia, they issued several repressive media decrees

In the run-up to general elections planned for 2011, Ugandan president Yoweri Museveni's government began a crackdown on the media, which worsened with political tensions. Criminal charges, including libel, sedition and inciting violence, were brought against several journalists in connection with their reporting. Broadcasters were warned against "inciting public discontent." Talk-show host Kalundi Sserumaga was detained and reportedly tortured. Live debate programmes were banned. Two editors were charged with sedition after publishing a cartoon that made fun of Museveni for rigging elections. Four radio stations were shut down for allegedly "inciting riots"; later that month, Radio Saptiensa re-opened but another station was shut down in its place. Security forces detained and beat journalists on several occasions.

Political unrest in Guinea, Madagascar and Niger also led to increased attacks on the media. In Guinea, where Captain Moussa Dadis Camara took power in a coup in December 2008, journalists faced regular intimidation, threats and censorship, assaults, destruction of equipment, arrests and suspensions. On 28 September, thousands of demonstrators who had gathered at a stadium in Conakry to protest Camara's announced intention to run for president in 2010 were violently dispersed; over a hundred were

killed and thousands injured and sexually assaulted. Journalists were amongst those detained by the army at the demonstration, and some possibly remain in detention. Several journalists who covered the violence were forced into hiding after receiving threats. In October, private radio stations were reportedly forced to cancel their political shows in the face of continued harassment by opposition supporters and members of the military. Capt. Camara, who has suggested that the army is not entirely under his control, was shot by dissenters this December and taken out of the country for medical treatment.

In Madagascar this year, media houses were raided, and their equipment was confiscated and destroyed, as a result of a political crisis in the country that resulted, in March, in Andry Rajoelina's installation as president. Ironically, Rajoelina's conflict with his predecessor originated when the former president tried to close a television station Rajoelina owned. In March, five publications were forced to stop printing as a result of violence and intimidation against editors and journalists. Websites were reportedly blocked. Journalists were harassed, attacked, arrested, detained, and one was killed. Ando Ratovonirina, a journalist with Radio Télévision Analamanga (RTA), was shot along with over twenty demonstrators when police opened fire on an anti-government demonstration at the Presidential Palace in the capital in February.

On June 26, Niger President Mamadou Tandja assumed emergency powers after dissolving the constitutional court. The president of the country's Supreme Council on Communications (CSC) was granted broad powers of censorship, which were promptly used to ban Dounia Television and Radio. The suspension was thrown out by a high court shortly afterwards. Live discussions on privately owned media were banned. Journalists were arrested and jailed for material allegedly undermining public order, disseminating false information and criminal defamation. In August, the president signed into law an act that gave him control over the CSC.

In 2009, as in previous years, conflicts in the Democratic Republic of Congo (DRC) and in Somalia threatened journalists' safety. In DRC, although local rights group Journaliste en Danger said

press freedom violations were down in 2009, journalists were still arrested and imprisoned for defamation and insults to the head of state, interrogated and detained in connection with publications and broadcasts, threatened and attacked. Media houses were raided, attacked and closed. One journalist was murdered. Impunity persisted: the major suspect in the 2008 murder of Radio Okapi journalist Didace Namujimbo escaped from his prison cell in November 2009, only five days after he was apprehended.

Nine journalists were killed this year in Somalia, both in targeted murders and as casualties of continued armed conflict between Islamist militants and the TFG. This made Somalia by far the most dangerous country in Africa, and one of the most dangerous places in the world, for journalists. Other journalists were threatened, intimidated, arrested, detained without charge, interrogated, imprisoned, attacked, beaten, and wounded in suicide bombings and shoot-outs, according to NUSOJ and other reports. In the regions of Puntland and Somaliland, local authorities and security forces were responsible for harassment, arrests, intimidation and physical violence against journalists.

Ando Ratovonirina, a journalist with Radio Télévision Analamanga (RTA), was shot along with over twenty demonstrators when police opened fire on an anti-government demonstration

"Despite the ongoing conflict, all parties must respect the independence of the media and allow journalists to practice their profession without fear of harassment and detention," IPI Press Freedom Manager Anthony Mills said in a statement in October 2009.

In October 2009, one IPI source in Somalia, who cannot be named for safety reasons, reported that journalists throughout Somalia have been receiving "daily phone threats" from various groups, particularly "when tensions are high." The source added that journalists also receive intimidating calls from people pretending to be members of political



Niger's President Mamadou Tandja attends the plenary session of the Africa-South America Summit in Margarita Island, 27 September, 2009. (REUTERS/Carlos Garcia Rawlins)

groups, but have no way of distinguishing these from serious threats.

In Zimbabwe, in contrast to previous years, in 2009 there seemed to be, if not press freedom, at least a move away from shameless and unmitigated repression of the media. After Morgan Tsvangirai became prime minister in February 2009, following a power-sharing deal between the Movement for Democratic Change and President Robert Mugabe's ruling party, ZANU-PF, he promised that press freedom would return to Zimbabwe. There is much damage to be undone: foreign journalists were barred from living in Zimbabwe. Repressive and draconian accreditation, privacy and access to information laws have ensured the closure of most of Zimbabwe's private media. A slew of national security legislation and criminal defamation laws are regularly used to harass and imprison journalists and promote self-censorship. The government closely controls content in its two newspapers, *The Herald* and *The Chronicle*, as well as of the state-run Zimbabwe Broadcasting Corporation (ZBC).

In May, Tsvangirai said that foreign journalists could report from Zimbabwe and that there is no obligation for journalists and media houses apply for accreditation until the new Zimbabwe Media Commission is established. (Hiring practices for the new commission

were later called into question by media freedom groups.) In July, a ban on the BBC and CNN was lifted, and the year-old luxury tax on foreign newspapers was lifted. *The Daily News*, a popular private newspaper, forced to close along with several other publications in 2003, was granted a license to resume publication.

Nine journalists were killed this year in Somalia, both in targeted murders and as casualties of continued armed conflict between Islamist militants and the TFG

In July, state prosecutors admitted that the December 2008 abduction and detention of ZBC newsreader Jestina Mukoko, who was held in solitary confinement, tortured, and charged with banditry and terrorism, had been illegal.

Despite these small signs, Zimbabwean journalists, like so many of their African colleagues, were harassed, threatened, assaulted, arrested, detained and tortured in 2009. Much work remains to be done.

Freedom of the Press, Governance & Economic Development

By Muna Ndulo

“Let it be impressed upon your minds, let it be installed into your children that the liberty of the press is the Palladium of all civil, political and religious rights” Junius

Good Governance and Development

There has emerged a global consensus recognising the central role good governance plays in social and economic development and the welfare of a people. Good governance provides an enabling environment that underpins social and economic development. A key element in the attainment of good governance and economic development is a free media that is able to play its role of informing the citizenry. Without a free media both good governance and economic development will falter.

When a society is deprived of a free media it is not only deprived of its dignity, it is also deprived of an opportunity for development and creating a better life for its people. A free media enables citizens to make responsible, informed choices rather than choices based on ignorance or misinformation. It enables citizens and policymakers to make decisions with all available facts rather than on outdated or inadequate information. By giving information on the activities of government and government officials it empowers and enables the citizens to enforce accountability on elected representatives and government officials. As Owen Fiss has noted, a free flow of accurate information has economic implications in that a competitive market economy requires that economic actors have access to relevant, timely, and reliable information¹.

The Media and Its Role as the Midwife and Guarantor of Democracy

One of the main problems undermining the promotion of good governance in, especially, developing countries is

weak institutional capacity to support good governance, and the lack of access to information to enable citizens to make informed judgments. The importance of capable institutions necessary for the effective functioning of both state and non-state actors in improving the socio-economic and political conditions of citizens cannot be overemphasised. The capacity of any state to respond to the demands of its citizens depends in large measure on the effectiveness of institutions. A free media, by providing factual information and honest opinions, empowers citizens to advance their political rights and contributes to the strengthening of institutions so that they can contribute to sustaining good governance. The media provides information that permits accountability to be achieved, laws to be carefully applied, markets to function, and people to be creative and innovative. It therefore, has a key role to play in development both as educator and provider of key information for the process of democracy and development. The media has a crucial role in increasing popular awareness and understanding of the operations of government institutions. It can contribute to the development of a political culture supportive of democracy. The media plays a central role in exposing corruption². And since corruption undermines the capacity and effectiveness of institutions to deliver development and services to the people, its exposure of corruption makes a major contribution to institution building and the fight against poverty. In addition, a free press, by exposing wrongdoing, encourages accountability behavior by public officials and politicians and discourages corruption. Investors require credible information to make investments in

countries. At election time, the media enables citizens to “choose their representatives in an informed manner and force state officials to respond to the desires of the public.” However, for the media to play its role effectively it must embrace certain key values such as truth, diversity, diligence, independence and courage.

Creating an Environment for the Media to Play its Role

Only a free and vibrant press can provide citizens with a range of information and opinions including fiercely critical views on the actions of the government and other institutions in a country. As Justice Black of the United States Supreme Court, outlining the underlying justification for the protection of free speech in the American constitution, observed in *New York v. Times Company*, “the press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government³.” In the development battle, societies need media that go beyond political dogma, entertainment and reporting scandals. They need media that educates and informs society. They want media that helps to create a knowledgeable entrepreneurial and confident society and is able to address and achieve development goals. People want a media that educates them on health and environmental issues so that they can live safer and healthier lives and ensure a sustainable future for future generations.

The media face many constraints in their work. They face assaults, intimidation, injury and sometimes death at the hands of governments that feel threatened by the very mandate of their work, revealing the truth. Governments pass

laws and regulations that are designed to influence media content as well as restrict the media’s ability to function. Yet another threat to media is state ownership of media and concentration of media ownership in the hands of a few powerful individuals or corporations. In many parts of the world, governments continue to own newspapers. State newspapers are notorious for practicing self-censorship in order not to run foul of the hand that feeds them. There are also a variety of other measures such as editorial pressure by governments, censorship, and the extralegal intimidation of, and violence against, journalists.

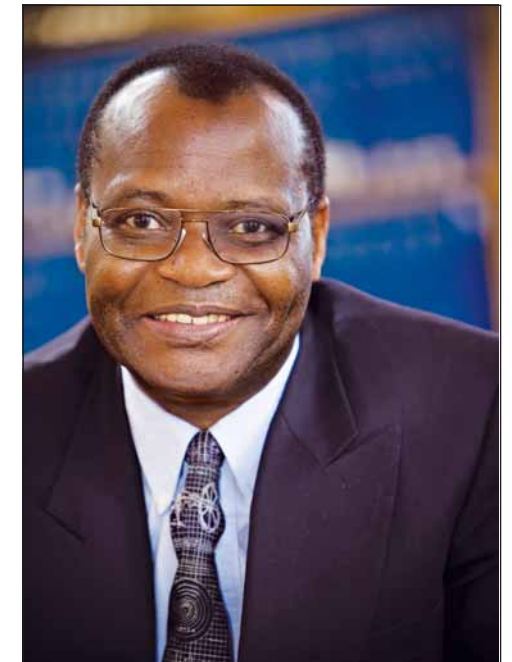
Another insidious method used by governments to harass journalists and media houses is the use of the criminal justice system to intimidate them. The governments often consider it politically wise to get a court to share the responsibility of harassing and arresting people who those in power believe are embarrassing the government. This is done through threats of prosecution on the pain of imprisonment or threat of financial ruin through legal fees that those targeted are forced to incur defending themselves in courts of law. One commonly used approach is the liberal use of sedition and libel law to punish the dissemination of material that is embarrassing to the people in government. Another is the criminalisation of criticism of the judicial system through the use of contempt proceedings. Reporters and others who criticise courts or comment on judicial proceedings are either charged with scandalising the courts or interfering with the work of the courts.

With respect to scandalising the courts, as the leading English Judge Lord Atkin observed a long time ago: “*But whether the authority and position of an individual judge or the due administration of justice is concerned, no wrong is committed by any member of the public who exercises the ordinary right of criticising in good faith in private or public the public act done in the seat of justice. The path of criticism is a public way. Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful even though outspoken comments of ordinary men.*” It constitutes a democratic check on the judiciary. South African Judge Abbie Sachs observed: “*Indeed, bruising criticism could in many circumstances lead to improvement in*

the administration of justice. Conversely, the chilling effect of fear of prosecution for criticizing the courts might be conducive to its deterioration.”

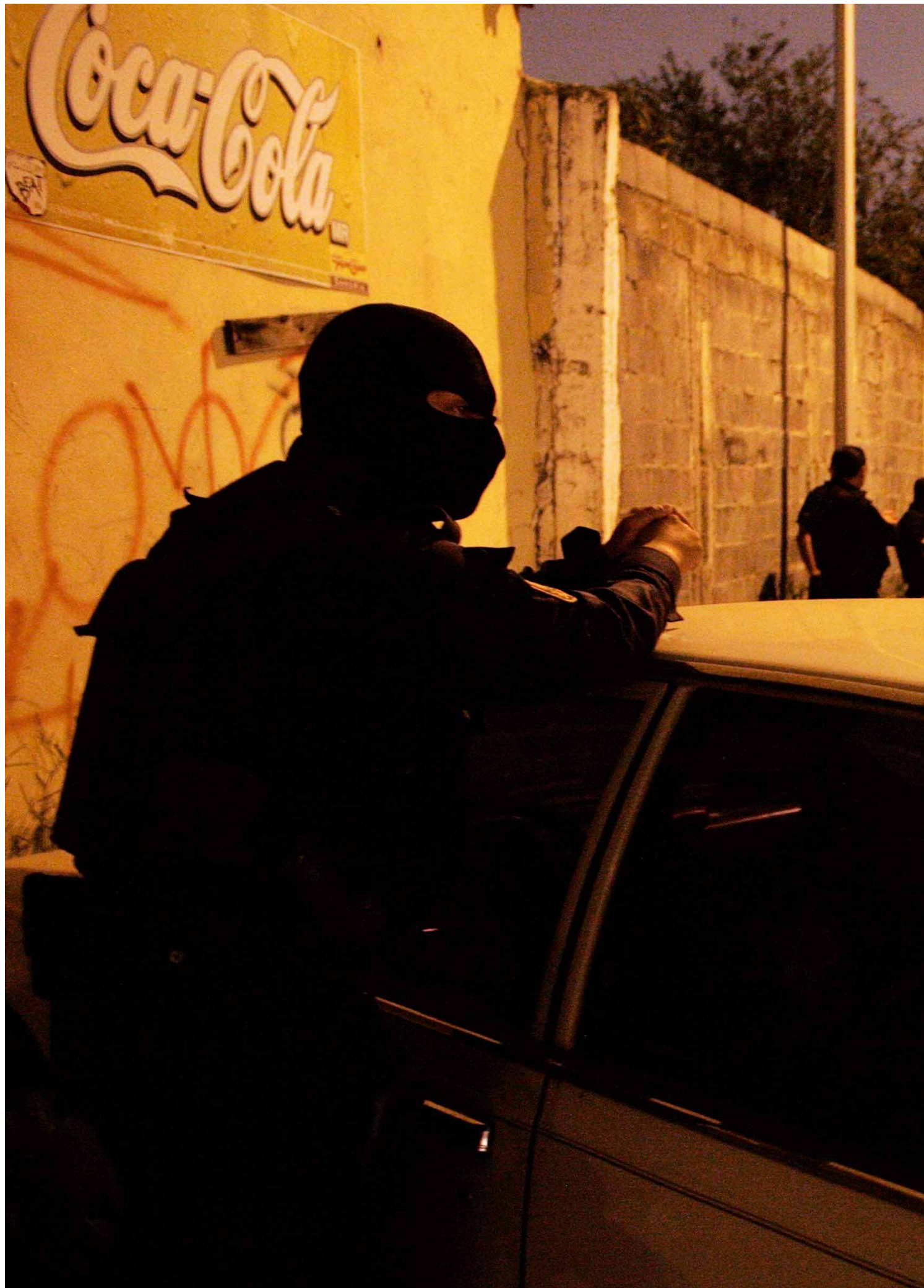
Conclusions

The challenge, therefore, for individual countries and the international community is how to develop effective mechanisms for the protection of journalists and the media, to ensure that they can go about their business in safety, ensure good governance and promote development. In order to ensure that the media plays its role, constitutions and state practice worldwide must guarantee the freedom and independence of electronic, print and other media. This is not asking much of governments; it is in fact asking them to live up to the various international conventions they have joined on the freedom of the press. Governments must not exercise control over persons engaged in the production, circulation or dissemination of information by any medium. They must not penalise people for opinions or content. Freedom of expression and freedom of information can only be meaningful in a society where there is a free media. All state media must be free to determine independently editorial content of their broadcasts. They must afford fair opportunity for the presentation of divergent views and dissenting opinions. Multi-party competitive politics can only succeed where political parties have equal access to all media. A rights-based approach to poverty alleviation can only prosper where the media is free to inform the citizenry about their rights and the way they are being governed. Freedom of the media should be reinforced by citizens having the right of access to information held by the state and any information that is held by another person and that is required for the exercise or protection of any right or fundamental freedom. Governments must also develop legislation to protect whistleblowers and journalistic sources. There must be movement towards the total elimination of impunity for violence against journalists. In fact national laws should designate the murder of a journalist as an aggravated crime, as it does for the murder of a policeman and women. Both groups are on the front lines of ensuring that citizens live in dignity, peace, and prosperity.



Muna Ndulo is Professor of Law at Cornell University Law School and Director of Cornell University’s Institute for African Development (IAD). He is also Honorary Professor of Law, Faculty of Law, University of Cape Town, South Africa. He is the author of *Democratic Reform in Africa: Its Impact on Governance and Poverty Alleviation* (ed) (Ohio University Press, Athens, Ohio, USA and James Currey Publishers, Oxford, UK) and *Comparative Constitutionalism and Good Governance: An Eastern and Southern African Perspective* (with John Hatchard & Peter Slinn), Cambridge University Press. Ndulo was charged with contempt of court in Zambia in 2009 because an article he wrote was printed in a newspaper whose editor was on trial for ‘obscenity’ after mailing pictures of a woman giving birth in public to government officials to draw attention to a health sector strike. In the article, entitled “The Chansa Kabwela Case: A Comedy of Errors,” Ndulo said the case against Kabwela should never have been brought. In September, the charge against Ndulo was dropped and the newspaper editor was subsequently acquitted. IPI and other media freedom organisations had repeatedly condemned the trial as unacceptable intimidation of a journalist.

1 Owen M. Fiss, *Liberalism Divided: Freedom of Speech and the Many Uses of State Power* 142 (1996). Case CCT 44/00
2 Daniel Kaufman, Press Release, Key Role of Media in Development Outlined in New Book, http://www.intrnews.org/prs/2007/20070510_gfmd.shtm.
3 403 U.S. 713 (1971)
4 *Ambard v. Attorney-General of Trinidad and Tobago* (1936) 1 All ER 704



The Americas *by Colin Peters*



Murder, Intimidation & Hostile Legislation

At least 11 journalists were killed in Mexico in 2009, making it the country's deadliest year for reporters since IPI began its Death Watch records in 1997. Media workers brave enough to report on the rampant corruption and organised crime in Mexico's most lawless regions were often the victims. Many were killed in gruesome fashion: For example, radio presenter Fabián Ramírez López was found dead in a vacant lot in Sinaloa state in October with his throat cut and the letters "YTTS" carved into his back, and the body of Juan Daniel Martínez Gil, another radio presenter, was found at the roadside on the outskirts of Acapulco, half-buried and bearing clear signs of torture.

With chilling regularity, throughout the year, journalists in **Mexico** have been murdered, threatened, assaulted and harassed. Nine journalists remain missing since 2000, and those who commit crimes against media workers enjoy virtually complete impunity.

In a statement at the beginning of 2010, IPI Director David Dudge said: "I am appalled at the unrelenting pace of journalist killings in Mexico, and concerned at the Mexican authorities' seeming incapacity to halt the bloodshed or arrest the killers. The fact that these murderers continue to operate with complete impunity is a sad indictment of a country that is considered a democracy and prides itself on its development."

Against this backdrop, a move by Mexico's new congress to scrap a committee tasked with investigating crimes against journalists was disappointing.

The "Special Committee for Dealing with Attacks on Journalists and News Media" had been established in 2006 to provide a legal framework to help deal with the increasing problems faced by Mexico's media, and had presented several proposals. However it was absent from the list of committees mandated for the LXI Legislature.

Following an outcry from freedom of expression and media freedom organisations, and the 2 November murder of journalist José Bladimir Antuna García in the state of Durango, the Chamber of Deputies moved to re-establish the committee.

"I am appalled at the unrelenting pace of journalist killings in Mexico, and concerned at the Mexican authorities' seeming incapacity to halt the bloodshed or arrest the killers"

One of the proposals made by the committee in 2008 – following consultation with various civil society groups and government bodies – included changes to the federal penal code that would place crimes against freedom of expression under the jurisdiction of federal law enforcement agencies. This is commonly referred to as the "federalisation of crimes against journalists," and further progress was made in 2009 when the Chamber of Deputies passed a reform package in April in a unanimous vote.

However, the reforms, under revision in the Senate at the end of the year, have

been criticised for not going far enough. Article 19 pointed to the fact that they cannot be considered a true federalisation of crimes against journalists, as they would "not give the federal authorities alone the capacity to investigate and punish crimes against those who practice journalism".

Six journalists were killed in **Colombia** in 2009, including José Everardo Aguilar, a correspondent for the privately-owned Radio Súper Popayán and a host on the community radio station Bolívar Estéreo, and Diego de Jesús Rojas Velázquez, a reporter for Supía TV.

An unidentified gunman shot Aguilar dead in his home in the town of Patia in April. The gunman reportedly entered Aguilar's home on the pretext of bringing him photographs and other material, and then shot the veteran journalist several times at point-blank range before fleeing. Aguilar was known for his criticism of local corruption and had previously received threats.

Rojas Velázquez was shot four times by an unidentified gunman in September while riding his motorcycle to the town of Caramanta, after receiving a tip off about a story.

As in Mexico, impunity is a major problem in Colombia. In July, the Inter American Press Association (IAPA) criti-



Special forces stand guard outside a cemetery where victims of a drug gang slaying were being buried, 23 December, 2009. (REUTERS/Luis Lopez)

cised the lack of progress in investigations into the murder of Columbian journalists – investigations into the killings of 20 journalists between 1993 and 2009 have either been shelved or closed.

IPI has repeatedly expressed concern over Chavez's rhetoric, identifying it as a dangerous motivating factor behind physical attacks on the media perpetrated by Chavez supporters

Other countries in the Americas in which journalists lost their lives in relation to their work were **El Salvador**, where photojournalist and documentary-maker Christian Poveda was murdered in September while investigating the country's gang culture; **Honduras**, where five journalists were assassinated; **Brazil**, where radio director and producer Jose Givonaldo Vieira and radio reporter Dalvison Nogueira de Souza were shot in separate incidents in the eastern town of Recife; **Guatemala**, where Rolando Santiz, a TV reporter, was shot along with his cameraman; **Paraguay**, where director of a community radio station, Martín Ocampo Páez was killed; and **Venezuela**, where

radio journalist Orel Sambrano was shot in the back of the head while on his way home from work in January.

Venezuela attracted critical attention over its deteriorating media freedom climate in 2009, with the independent media under particular pressure.

President Hugo Chavez's regime has long been known for its aggressive attitude towards the private, largely pro-opposition media, frequently referring to them as "terrorists" bent on undermining the administration's "Bolivarian Revolution."

IPI has repeatedly expressed concern over Chavez's rhetoric, identifying it as a dangerous motivating factor behind physical attacks on the media perpetrated by Chavez supporters.

This appeared to be the case again this year, with the 3 August assault on the headquarters of private broadcaster Globovisión, Venezuela's last remaining independent, free-to-air broadcaster.

Around 30 attackers "used firearms to force their way through the main door and subdue the security personnel" at Globovisión's headquarters, exploding two tear gas canisters and injuring four people in the process, the *Instituto Prensa y Sociedad* (IPYS), an organisation of independent Latin-American journalists, reported. The attack, led by prominent pro-Chavez activist Lina Ron, was caught on video camera.

Globovisión also faces numerous administrative proceedings initiated by the country's broadcast regulator, CONATEL. The charges brought against Globovisión in 2009 ranged from "generating fear, alarm or panic" following its May reporting of a small earthquake, to "incitement" for broadcasting a viewer's text-message that allegedly called for a *coup d'état*. IPI fears that the charges are politically motivated.

CONATEL also exacted tough measures on the radio broadcasting sector in Venezuela this year, with the August closure of 32 privately-owned radio stations for allegedly failing to submit paperwork regarding their ownership. The broadcasters' directors had been required to travel to Caracas in June to personally deliver the required paperwork within a tight, three-week deadline. CONATEL announced that more than 200 stations were being investigated over their failure to comply, sparking concern that further closures are to come.

Further concerns regarding the administration's attitude towards the media were voiced both within and outside Venezuela later in August, with the passing of a controversial new education law that further damages the country's media freedom.

The draft "Law on Education" replaces the current law of 1980, and makes the teaching of a "critical and responsible interpretation of the messages of the mass media" compulsory, while containing oppressive provisions, such as prohibition of content that could cause "indiscipline," "deform language," or "threaten the mental or physical health of the people."

"The fact that Venezuelan authorities refused to meet with the IPI delegation provides a good example of lack of access to information in the country"

As deputies voted on the law in the National Assembly, pro-government demonstrators outside the building allegedly assaulted journalists covering the events.

In response to the worsening situation, an IPI delegation conducted a four-day advocacy mission to the Venezuelan capital Caracas in November, during which the delegates met with leading editors and journalists from a broad range of media, as well as representatives of journalists' associations, civil society and academia. The delegation noted a climate of intimidation and hostility towards journalists and media outlets, and a legal and judicial system that threatens the free practice of journalism.

The IPI delegation was comprised of IPI Executive Board Member Galina Sidorova, editor-in-chief of the Russian monthly investigative magazine, *Sovershenno Secretno*, and IPI Mission Coordinator Michael Kudlak.

In a statement released following the mission, Sidorova said: "The fact that Venezuelan authorities refused to meet with the IPI delegation provides a good example of lack of access to information in the country. Access to information is essential to any functioning democracy and IPI urges the Venezuelan government to ensure that members of all media

are allowed free and equal access to official information. We also call on the authorities to stop using legal and administrative measures in their apparent attempt to silence critical reporting."

Unfortunately, the attitude taken by the Chavez administration towards critical media appears to be spreading in Latin America, with regional allies such as Bolivia and Ecuador now showing similar bellicosity towards the private press.

In **Bolivia**, campaigns surrounding January's plebiscite on constitutional reform and December's general elections further stoked the country's deep political divisions. The tension resulted in further physical attacks on both the pro-opposition and government media. Bolivia's President, Evo Morales, targeted the media in inflammatory speeches, accusing them of being his "main enemy" and in the hands of "US imperialism."

Ecuador's president, Rafael Correa, also upped his criticism of the media in 2009, singling out opposition daily *El Universo* and urging readers to buy government-backed periodicals instead. In a July meeting with Hugo Chavez, Correa announced his desire to establish a regional body to monitor the "instrument of the oligarchy" [the press], highlighting his intention to use his mandate to "cleanse the country" of a "corrupt" media that is "the principal enemy of change." He also called for stricter laws to punish media abuses.

In **Argentina**, a September raid by tax inspectors on the headquarters of the country's largest daily, *Clarín*, brought accusations of government pressure on the opposition media. *Clarín* had already faced hostility earlier in the year, with slogans accusing it of lies spray-painted on newsstands and a *Clarín* building in Rosario attacked by vandals. Later in 2009, the passing of a controversial broadcasting law also drew criticism. The law allows the executive the potential to influence regulatory bodies that will govern the broadcasting sector.

In a September 2009 statement, IPI said: "IPI is of course in favour of media pluralism, but we are concerned that this bill serves as much to consolidate government influence over broadcasting as to address the problems of Argentina's media concentration. We hope that Argentina's Senate will recognise this, and send the bill back to the drafting table."



Journalists and media workers protest in front of the General Prosecutor's office in Caracas August 14, 2009. They demonstrated after a group of Ultimas Noticias newspaper journalists were attacked by an unidentified group on Thursday while protesting against a new education law. (REUTERS/Edwin Montilva)

In one positive development, Argentina, Brazil and Uruguay all partially decriminalised defamation this year.

A coup in Honduras brought new restrictions for the media. Following the ousting of President Manuel Zelaya on 28 June, state radio and television broadcasts and privately-owned international networks were temporarily suspended, and a number of attacks were perpetrated against journalists and media property. Censorship and assaults on the media continued throughout 2009.

IPI is of course in favour of media pluralism, but we are concerned that this bill serves as much to consolidate government influence over broadcasting as to address the problems of Argentina's media concentration

In the **United States**, a bill designed to improve journalists' right to maintain the confidentiality of their sources edged its way closer to becoming law. The House of Representatives passed a version of the Free Flow of Information Act, a shield law at federal level, in March, while the Senate Judiciary Committee passed a version in December.

The bill met some resistance, mainly from committee Republicans, some of whom felt that definitions of who constitutes a journalist were too far-reaching.

The version signed off by the Senate committee provides journalists with protection from being forced to reveal information or to identify sources, although national security exceptions were included – with the courts allowed to judge whether or not such concerns outweigh reporters' privilege.

Despite First Amendment protection, the issue of confidentiality of sources still arises in the US, as the 2009 case of *Detroit Free Press* reporter David Ashenfelter shows.

Lawyers representing a former federal prosecutor, Richard Convertino, attempted to have Ashenfelter held in contempt of court, following his refusal during a December 2008 deposition to name a Justice Department (JOD) source that leaked information to him regarding a JOD investigation into Convertino's alleged professional misconduct.

Ashenfelter had cited the source in a 2004 article about the investigation.

A judge ruled in December 2008 that First Amendment reporters' privilege did not protect Ashenfelter in this case. Ashenfelter then pleaded the Fifth Amendment, arguing that his right against self-incrimination would be violated should he be forced to name his source. In April, a federal judge ruled in Ashenfelter's favour.

Asia & Australasia *By Barbara Trionfi*

From Murder to Self-Censorship

For journalists working in Asia, 2009 was a difficult year marked by a broad range of attacks on press freedom and safety. The world's largest and most populous continent saw a wide variety of press freedom violations – from brutal killings to subtly enforced self-censorship. While the situation in each country is specific, a number of regional trends can be identified.

Armed conflicts represented the greatest challenge for journalists working in South Asia, while governments in South East Asia restricted press freedom by applying harsh criminal defamation and other laws in contravention of international standards.

Violent attacks against individual journalists, either for supporting dissenting opinions or for investigating criminal activities, were widespread in Central Asia, where the murder of **Kyrgyz** opposition journalist Gennady Pavlyuk in mid-December was the latest in a spate of attacks against journalists.

Throughout the year, IPI raised serious concerns over **Kazakhstan's** unsatisfactory press freedom record, particularly in view of the country's chairmanship of the Organisation for Security and Cooperation in Europe (OSCE), an inter-governmental organisation that views media freedom as one of its core values.

Elsewhere, the murder of 32 journalists in the Maguindanao massacre in the **Philippines** at the end of November constituted an unprecedented act of violence against the media, which has been subjected to unacceptable levels of violence in the country for years. Too often, those who attack journalists in the Philippines benefit from a climate of impunity.

Speaking of the killers, IPI said in a statement: "By acting in this way these individuals have shown that they not only stand outside of democracy but also outside of humanity."

The Internet and mobile telephones have offered important opportunities to disseminate otherwise restricted informa-

tion and opinions even in Asia's most repressive countries: **China**; **Vietnam**; **Burma**. However, governments there have unsurprisingly not looked upon these developments favourably and have sought technical and judicial remedies to effectively limit the scope of this freedom. Imprisonment has been a common too. Of the dozens of journalists reportedly imprisoned in China, Vietnam and Burma in 2009, most were online journalists and bloggers.

Throughout the year, IPI raised serious concerns over Kazakhstan's unsatisfactory press freedom record, particularly in view of the country's chairmanship of the Organization for Security and Cooperation in Europe (OSCE)

A total of 15 journalists were murdered this year in South Asia – eight in **Pakistan** alone – where heavy fighting between the Pakistani army and Taliban militants in the Swat Valley, near the Afghan border, and attacks in other parts of the country, had disastrous consequences for the flow of information. Five journalists were murdered in Pakistan's North West Frontier Province, home to the volatile Swat Valley and Peshawar. At one point, the situation became so dangerous that journalists had to flee the Valley and local newspapers stopped pub-

lishing, leaving the government's military offensive against the Taliban virtually unreported.

IPI members in Pakistan noted that, while Pakistan has long been a dangerous place for journalists, in 2009 the media were specifically targeted by militants. On 22 December, a suicide bomber tried to enter the Peshawar Press Club and, when security stopped him, he blew himself up in front of the Club, leaving three dead and many wounded.

Owais Ali, an IPI member, and Secretary-General of the Pakistan Press Foundation, told the IPI Secretariat: "Things are getting from bad to worse. There was a time when the press was collateral damage in covering the war on terror. Now it seems the press has become a central target for terrorists."

In response to the violence, the Pakistani government introduced regulations curbing media freedom. As the conflict escalated, the Pakistan Electronic Media Regulatory Authority (PEMRA) introduced legislation banning the broadcast of statements from militants, live footage of a suicide bomber or terrorist attack, as well as news that runs counter to the ideology of Pakistan and state sovereignty, among other sensitive issues.

In **Sri Lanka**, violence against the media continued even after the end of the conflict between the government and Tamil Tiger militants. The shocking murder – still unpunished at year's end – of well-known editor and government critic Lisantha Wickrematunge in January 2009 and the sentencing of Tamil journalist J.S. Tissainayagam to 20 years' hard la-



Hong Kong journalists march with placards in support of press freedom and to protest against the Chinese paramilitary police for beating Hong Kong journalists, in Hong Kong September 13, 2009. The journalists held the rare demonstration against Chinese authorities, after paramilitary police beat the Hong Kong journalists covering protests in Urumqi, the capital of restive Xinjiang region. The demonstration is backed by several television stations and newspapers in the city, which enjoys relative press freedom under China's "one country, two systems" policy. (REUTERS/Tyrone Siu)



Journalist J.S. Tissainayagam leaves a court after being granted bail in Colombo, 13 January, 2010. A Sri Lankan appeals court on Monday granted bail to Tissainayagam convicted and sentenced to 20 years of hard labour after he wrote articles critical of a military offensive against the Tamil Tiger rebels. (REUTERS/Stringer)

bour on 31 August, offered reminders of the dangers of criticising the Sri Lankan government. Tissainayagam was finally granted bail pending appeal in January 2010. IPI has repeatedly urged the Sri Lankan authorities to immediately overturn the unjust sentence and drop all charges against the journalist.

IPI has also urged the government of Sri Lanka to investigate all of the numerous unsolved murders of journalists in recent years.

In November 2009, IPI participated, along with the International Federation of Journalists (IFJ) and International Media Support (IMS) in a fact-finding press freedom mission to Sri Lanka. "Although a number of the media professionals we spoke to suggested that the approach of a snap presidential election had generated some 'breathing space' for a media under attack, it was clear to us that journalists in Sri Lanka continue to operate in a climate of fear," said IPI Press Freedom Manager Anthony Mills.

In **India**, where the media generally enjoys a deeply-rooted press freedom tradition, journalists have been subjected to harassment by police representatives and local authorities. A.S. Mani, the editor of the Tamil magazine *Novena Netrikkan*, was imprisoned for over a month in September and October on defamation charges. In February, the editor and the publisher of Indian newspaper *The Statesman* were detained on charges of "outraging religious feelings" for republishing an article from the London-based *Independent* newspaper. *Sambad* journalist Laxman Choudhury was held for ten weeks in the eastern state of Orissa on

sedition charges after local police found Maoist leaflets in his possession.

One Indian journalist was killed in March this year in India's Assam state. Anil Majumdar was shot at point blank range by unidentified gunmen in front of his house. He had been campaigning for peace talks between the militant United Liberation Front of Asom (ULFA) and the Indian government.

Afghanistan remained a dangerous working environment with three journalists killed over the year, including Afghan journalist and translator Sultan Munadi who was shot during a mission to free his captured *New York Times* colleague, Stephen Farrell.

"Things are getting from bad to worse. There was a time when the press was collateral damage in covering the war on terror. Now it seems the press has become a central target for terrorists"

One journalist was killed also in **Nepal**, where political turmoil has generated widespread violence and numerous attacks against journalists, mostly at the hand of activists and representatives of various political parties, including the ruling Maoist Party. Radio Today FM journalist Uma Singh was stabbed to death by a group of approximately 15 unidentified men in January. Singh was well known for her reports on women's

rights and political issues and was vocal in condemning the ongoing violence in the southern Terai region.

In **Bangladesh**, violence against journalists, common until a few years ago, has declined since the end of emergency rule in December 2008.

However, during a 1-6 December 2009 press freedom mission to Bangladesh, IPI found that there had been no discernible efforts to bring to justice the killers of the 16 journalists murdered since 1998, political influence over the media remained significant and the legal framework within which the media operates was in need of reform.

Although Bangladeshi President Zillur Rahman told IPI: "We must do justice, must punish the killers," and in every meeting with IPI, government representatives as well as officials from the Bangladesh Nationalist Party (BNP) expressed support for press freedom, IPI stressed that such an apparent commitment can only be substantiated if the government translates its words into concrete actions.

Criminal defamation, libel and *lese majeste* laws - which provide special protection for the reputation of members of a royal family - remain a major problem in South East Asia.

In **Thailand**, opposition activist Daranee Charnchoengsilpakul was sentenced to 18 years in prison on three counts of *lese majeste* for remarks that she made in speeches last year criticising the 2006 coup that ousted Prime Minister Thaksin Shinawatra. In a separate case, blogger Suwicha Thakhor was sentenced to 10 years in prison on *lese majeste* charges for posting material which was deemed to have defamed the monarchy. Thai media magnate Sondhi Limthongkul was sentenced to two-and-a-half years in prison this year, on two separate libel charges.

While these are only some of the criminal libel and *lese majeste* cases taken up by Thai courts, the effects of such heavy sanctions on press freedom are evident. Observers have registered a growing trend in self-censorship, and journalists and writers have left the country to avoid sanctions. This was the case of writer Giles Ungpakorn, who went into exile this year as a consequence of *lese majeste* charges.

Indonesia, where criminal defamation has traditionally been one of the greatest challenges to a free press, wit-

nessed some positive developments in 2009. In April, in a landmark ruling, the Indonesian Supreme Court ruled in favour of *Time* magazine in a US \$106 million defamation suit filed against the magazine by former dictator Suharto. In July, the South Jakarta Supreme Court rejected a libel suit against local newspaper *Koran Tempo* by Islamic Troop Commander Munarman. And in September, an Indonesian court acquitted journalist and free expression advocate Upi Asmaradhana in a defamation case brought against the journalist by a police commander.

At the same time, however, in a case related to the law regulating criminal defamation through the Internet, the Indonesian Constitutional Court ruled this year that a person's right to their reputation must be protected by criminal legislation. The Court also stated that legislation governing criminal defamation through the Internet was not a curtailment of freedom of speech but was aimed at preventing the abuse of freedom of speech. As a result of the decision, those convicted of defamation through the Internet still face up to six years in prison.

In **Cambodia**, criminal defamation and disinformation charges have often been used by politicians to clamp down on journalists, in politically-motivated cases. Hopes that criminal defamation provisions might be scrapped from Cambodian law were dashed after the National Assembly in October passed a new penal code, which includes criminal defamation provisions.

In September *Cambodian Daily* editor-in-chief Kevin Doyle and reporter Neou Vannarin were found guilty of criminal defamation for publishing an article in which an opposition lawmaker criticized a group of military officers. In June, Hang Chakra, owner of the opposition newspaper *Khmer Machas Srok*, was sentenced to one year in prison on charges of disinformation after the newspaper published articles on government corruption. And Dam Sith, the owner of *Moneaksekar Khmer*, one of Cambodia's oldest and most influential opposition papers, shut down the newspaper to avoid criminal prosecution for criticism of government officials.

In November, freelance journalist Rus Sokhet was sentenced to two years' imprisonment for "spreading disinformation"

after a TV anchor accused him of sending mobile phone text messages allegedly accusing the TV anchor of extortion.

Repression continued in **China**, where the government has developed new software to control the information posted and available on the Internet, and implemented new laws to punish those who express dissenting opinions over the Internet.

Lengthy prison sentences were handed down this year to Chinese activists and journalists for criticising China's one party system, as well as reporting about Uighur issues, the government's handling of the 2008 Sichuan earthquake, and Charter 08 - a petition calling on the Chinese government to foster a democratic society, defend human rights and uphold freedom of expression. Charter 08 was delivered to China's government in December 2008 with over 10,000 signatures.

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On the occasion of US President Barack Obama's visit to China in November, authorities issued a nationwide order for all media to run reports issued by the government news agency Xinhua. The order reportedly covered any news reports or articles about questions asked at the interactive forum with Obama at the Shanghai Science and Technology Museum.

In a letter to President Obama timed to coincide with his visit, IPI urged him to uphold the value of press freedom.

"Any discourse about economic growth needs to also address issues related to media freedom and independent reporting, in particular since some of the countries you will be visiting have little or no respect for freedom of the media," the letter, signed by IPI Director David Dudge, stated.

In February, China issued a set of regulations for foreign correspondents and,

notably, for Chinese news assistants who work with foreign correspondents.

Meanwhile, a group of **Hong Kong** journalists was assaulted by police while trying to report on protests that took place in the Chinese city of Urumqi in September. The journalists were kicked, punched, shoved to the ground, handcuffed by police and detained. They were subsequently accused of inciting unrest.

Consequences of the current political situation in **Fiji** remain problematic for press freedom. Commodore Frank Bainimarama seized power in a December 2006 coup, and imposed a state of emergency in April this year, overturning the constitution and firing the judiciary, after the court of appeal ruled that the 2006 coup was illegal. Following the imposition of emergency regulations, journalists were ordered to submit sensitive reports to officials ahead of publishing, and censors, backed by police, were placed inside the newsrooms of Fiji's newspapers, heavily interfering with the editorial process. Foreign journalists were also deported, and local ones arrested for infringing on the emergency censorship regulations forbidding reports that cast a negative light on the country's military rulers.

Australia, a country known for its strong standards of press freedom, nonetheless has some highly restrictive Internet censorship laws on its book; however, they are only seldom implemented. As part of discussions within the Australian parliament about the need to regulate Internet content, the government announced in December this year that it intended to introduce a mandatory Internet filtering system to combat child sex abuse. Civil society groups vehemently protested against this government's plan, highlighting the risks that filtering Internet content entailed for freedom of expression. Other laws are already in place to criminalise child pornography, and more effective systems exist to combat cyber crimes without restricting freedom of expression, they said.

In September the Australian Federal Police (AFP) announced that it had initiated a war crimes investigation into the murder of five journalists working for Australian television, collectively known as the "Balibo Five," in East Timor in 1975. No one has been prosecuted so far for the crime.

Europe *By Colin Peters*

Muzzling the Messenger

Hopes for a less violent year for journalists in Russia were crushed at the very start of 2009, with the brutal murder of young *Novaya Gazeta* reporter Anastasia Baburova in a Moscow street on the afternoon of 19 January.

Baburova, a journalism student working part-time at the *Gazeta*, was accompanying human rights lawyer Stanislav Markelov to a metro station when an unidentified man stepped up to Markelov from behind and shot him point blank in the back of the head, killing him instantly. Baburova intervened, the gunman turned his weapon on her, and she paid with her life.

In the months that followed, at least four more journalists were killed or died in suspicious circumstances in **Russia**. Although Russian authorities have since charged two suspects with the murders of Baburova and Markelov, the general climate of impunity for those who take the lives of journalists continues to cause serious concern.

Vladimir Lukin, the Russian Human Rights Ombudsman, assured the IPI delegation that he would raise its concerns over the impunity enjoyed by the killers of journalists in Russia with Russian President Dmitry Medvedev. IPI will be holding him to his word

An IPI mission to Moscow in October 2009 learnt first-hand of the impact these unsolved killings have had on press freedom, with self-censorship rife because of fears of reprisal.

In a statement, IPI warned that impunity for the killers of journalists remained Russia's gravest press freedom problem. IPI called for action on the part of Russia's federal government to ensure that both federal and local law enforcement agencies conduct transparent and

conclusive investigations into such acts of violence.

Vladimir Lukin, the Russian Human Rights Ombudsman, assured the IPI delegation that he would raise its concerns over the impunity enjoyed by the killers of journalists in Russia with Russian President Dmitry Medvedev. IPI will be holding him to his word.

A stark highlight of the impunity plaguing Russia was the deterioration into farce in 2009 of the high-profile trial of three individuals charged with the 2006 murder of journalist Anna Politkovskaya. A Moscow jury acquitted police officer Sergei Khadzhikurbanov and Chechen brothers Dzhabrail and Ibragim Makhmudov on 19 February, following proceedings that were plagued with inconsistencies, including the temporary shutting out of the media for reasons that would later turn out to be illegitimate, claims that phone records presented by the prosecution had been manipulated, and a defendant testifying that the authorities had offered him a reduced sentence should he frame Russian businessman Boris Berezovsky.

In August, a Moscow court decided to retry the three men, along with one more individual who was also acquitted on a separate but related case. This decision was reached despite requests from both Politkovskaya's family and the prosecution to have the case returned to the prosecutor-general for further investigation.

A journalist was also killed in **Turkey** this year, capping what turned out to be another poor twelve months for press freedom in the European Union candidate country.

On 18 December, an unknown assailant ambushed and shot Cihan Hayırsenev, editor-in-chief of western Turkish newspaper *Güney Marmara'da Yaşam*, as he left his office. Hayırsenev, who had received death threats following his re-

porting of a local corruption scandal, died of his injuries later that evening in hospital.

At the time, IPI Board Member, and Chairperson of the IPI Turkey National Committee, Ferai Tinc told the IPI Secretariat: "We think that the climate enforced by the authorities when attacking and criticising the media with very harsh words encourages the perpetrators of such acts."

We think that the climate enforced by the authorities when attacking and criticising the media with very harsh words encourages the perpetrators of such acts

Press freedom in Turkey has further suffered this year due to a protracted stand-off between the Turkish Prime Minister, Recep Tayyip Erdogan, and the critical media, with Erdogan continuing his loud and very public condemnation of opposition-leaning and critical newspapers – condemnation that has often been characterised by accusations.

The pace of these comments quickened as regional elections approached in the early part of the year, and one incident in Istanbul in February exemplified what can happen when a leading public figure provokes antipathy for the media; during a speech given at the inauguration of an Istanbul metro station, Erdogan chastised the media for "standing by others rather than standing by the prime minister of the Turkish Republic." Government supporters then physically attacked journalists at the event.

And then later in February, an unprecedented 345 million Euro fine handed down to the Dogan Media Group for an alleged overdue tax payment drew



Opposition demonstrators hold portraits of prominent Russian lawyer Stanislav Markelov and journalist Anastasia Baburova during a demonstration in central Moscow February 15, 2009. Markelov, who fought against the early release of an army colonel convicted of murdering a Chechen girl, and Baburova were shot dead on a Moscow street last month. The poster in the background reads: "Your silence justifies murder". REUTERS/Sergei Karpukhin



Demonstrators shout as they hold banners which read “Do you remember 19 January?” during a protest near a courthouse in Istanbul July 6, 2009. A Turkish court resumed the trial of suspects in the killing of the Turkish-Armenian journalist Hrant Dink. Dink was shot dead in daylight outside his offices on 19 January, 2007. (REUTERS/Murad Sezer)

criticism from freedom of expression advocates both inside and outside Turkey.

Despite official denials, many saw the massive fine as government retribution for the Dogan media's harsh criticism of Erdogan and his Justice and Development party (AK) – in particular over their reporting of a charity corruption scandal in which AK party members may allegedly have been implicated. Suspicions of political motivation behind the financial penalty grew later in the year when Turkish tax authorities slapped another 1.74 billion Euro fine on Dogan Yayin Holding, owners of the Dogan Media Group, dwarfing the earlier amount.

In the first of several condemnatory statements about the fines, IPI said: “Prime Minister Erdogan has escalated his verbal attacks on Dogan's newspapers for their reporting. He has called for his supporters to boycott Dogan and other newspapers, but this has not silenced them. The timing and unprecedented size of this tax fine raise serious concerns that the authorities are changing their approach from rhetoric to using the state apparatus to harass the media.”

Other press freedom issues in Turkey this year included concerns that a large-scale investigation into an alleged plan to bring down the government – otherwise known as the Ergenekon investigation – was being used as a catch-all to arrest and

intimidate journalists, close newspapers on charges of “praising terrorism,” and illegally wiretap conversations between journalists and their sources.

Meanwhile, the trial into the 2007 murder of Hrant Dink trundled on, with little hope that those who ordered his assassination will ever face justice.

In March 2009, IPI took its concerns about press freedom in Turkey to the European Commission in Brussels.

IPI Director David Dudge held meetings with EU Enlargement Commissioner Ollie Rehn, and other officials, to emphasize the European Union's influence in seeking reforms during membership negotiations with Turkey

It appealed to European Commission leaders to make press freedom a priority in ongoing membership talks with Turkey amid concern over verbal attacks on news organisations and continued legal hurdles to free expression in the country.

IPI Director David Dudge held meetings with EU Enlargement Commissioner Ollie Rehn, and other officials, to

emphasize the European Union's influence in seeking reforms during membership negotiations with Turkey.

“IPI hopes the European Commission can use its influence to encourage Prime Minister Erdogan to take a step back from his position of criticising the media and calling for boycotts,” Dudge said after the meetings. “The EU can play a central role in ensuring free expression and pluralistic media in candidate countries such as Turkey.”

Dudge also expressed concern about Turkish laws used to prosecute journalists, including Article 301, which bans insults to the Turkish state. Although amended in 2008 to reduce the jail time from three years to one, Dudge said the law “risks inciting attacks on journalists by questioning their loyalty.” It has been used in the past to punish journalists and intellectuals who criticized government policies, including murdered newspaper editor Hrant Dink.

Another political leader who showed a tendency to openly vent his dislike for media criticism was **Slovakia's** Prime Minister, Robert Fico. In so doing, he helped tarnish Slovakia's press freedom reputation.

Fico's verbal attacks on the press were not the only press freedom issue in Slovakia this year. Perhaps more worrying was the increased recourse by public figures to exaggerated civil defamation suits against the media, with the awarding of large damages in highly debatable cases.

IPI conducted a fact-finding mission to Bratislava in March 2009, and revealed the extent of Slovakia's civil defamation problem in a subsequent report. IPI discovered, for example, that a Slovak judge who won more than 30,000 Euros in damages in 2008 in a highly controversial ruling against a privately-owned radio station, was suing at least 10 other media organisations in related cases for a combined total of over 4 million Euros. In all of the lawsuits, the judge was suing the media over comments they had published or broadcast which were based on official information obtained from the Ministry of Culture.

IPI also conducted a press freedom audit in the **Czech Republic** in 2009 and found that the issue of greatest concern to Czech journalists is legislation that came into force on 1 April making it illegal to publish any data obtained from

police wiretaps, as well as to publish information indicating that wiretapping has taken place.

The maximum penalty for breaking the law is a harsh, five-year prison sentence, in a country where journalists have often used leaked wiretaps to reveal corruption.

IPI also visited **Serbia** in 2009, on a joint mission with the South East Europe Media Organisation (SEEMO) – an IPI affiliate. During the three-day mission, IPI and SEEMO met with over 50 representatives of leading media companies, journalists' associations and high-ranking government officials. Particular attention was drawn to amendments to the country's Law on Public Information, passed at the end of August, which could lead to increased self-censorship and even the closing of some media organisations.

Press freedom problems were also registered in large, Western European countries in 2009.

In the **UK**, a gag order slapped on the *Guardian* in October caused a furore, because it infringed on the newspaper's right to report freely on parliamentary affairs. The gag-order – in this case a so-called “super injunction” – not only stopped the newspaper from reporting on an alleged toxic waste-dumping scandal, but also from reporting that it had been gagged at all. However, a member of parliament introduced a question concerning the press freedom aspect of the gag order at the House of Commons, bringing the injunction into direct conflict with “privileges guaranteeing free speech established under the 1688 Bill of Rights,” the newspaper reported.

The *Guardian* was able to publish enough about the matter to set the ‘Blogosphere’ alight – and it was not long before the nature of the injunction was exposed online. The injunction was lifted the following day, although this was apparently at the behest of the legal firm responsible for the injunction in the first place.

In **Germany**, political intervention in public service broadcasting was a concern, after the advisory board of Zweites Deutsches Fernsehen (ZDF) voted to deny the request of the station's director to extend the contract of current editor-in-chief Nikolaus Brender. The board is a highly-politicised body, and many critics, including IPI's German National Com-

mittee, felt that its decision not to extend Brender's contract was aimed at removing a journalist who refused to buckle under political pressure.

In both Germany and **France**, the security services' usage – or potential usage – of computer spyware caused some controversy, due to the potential threat this may pose to journalists' ability to protect the confidentiality of their sources.

The concerns in Germany focused on the passing of a new law that greatly increases the capacity of police to conduct secret surveillance of computers belonging to citizens, while in France a bill containing amendments to the penal code would allow the police to remotely obtain information from privately-owned computers and Internet cafés, without the knowledge and consent of those concerned.

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Meanwhile in **Italy**, a legislative proposal that threatens journalists' ability to provide the public with vital information drew criticism in June. The bill echoes the new wiretapping law seen earlier in the year in the Czech Republic, while also containing provisions that restrict journalists' right to report on police investigations, including a ban on the publishing of any official investigation documentation until hearings in that investigation have started – even if those documents are already in the public domain.

Later in the year, freedom of expression advocates accused Italy's Prime Minister, Silvio Berlusconi, of attempting to stifle the media, after he brought hefty defamation suits against two Italian newspapers, *La Repubblica* and *L'Unità*, as well as international newspapers including *El País* and *Le Nouvel Observateur*.

Berlusconi's lawyers have demanded huge compensation in response to articles

about the alleged participation of prostitutes at parties held by Berlusconi. These lawsuits include a one-million-Euro defamation suit against *La Repubblica* for a series of articles about Berlusconi's controversial private and political life.

And in **Spain**, authorities came down hard on journalists for allegedly compromising state secrets through their reporting. In September, a Madrid prosecutor demanded a three-year prison term for *El Mundo* deputy-editor Antonio Rubio, for supposedly “discovering and revealing state secrets” in articles published in the Spanish daily in 2005.

The articles detailed confidential reports an informer supplied to the Spanish secret services, and appeared to show that Spanish authorities were warned that a radical group planned to attack on Spanish soil more than a year in advance of the 2004 Madrid bombings.

Then, towards the year's end, on 30 December, two journalists received suspended jail terms, temporary bans from practising journalism, and large fines, for allegedly “revealing secrets.”

The charges stemmed from an article published online in 2003 that included a list of individuals who allegedly registered in an irregular manner as members of one of Spain's main political parties, the Partido Popular. When deciding on the case, the court considered neither the accuracy of the reporting nor its public interest angle, and handed down the harsh sentence partly because the online nature of the reporting was not seen to benefit from the same protections as TV or print journalism.

Elsewhere in Europe, **Azerbaijan** retained its position as the continent's most prolific jailer of journalists. The courts imprisoned at least four more journalists this year: *Nota* deputy editor Sardar Alibeyli and journalist Faramaz Novruzoglu, in October, on insult charges, and then two bloggers, Emin Milli and Adnan Hajizade, in November, on charges of hooliganism. The Baku-based Institute for Reporters Safety and Freedom, a local press freedom monitor, said it believed that the two bloggers were jailed in retaliation for publishing material that criticised the government online. Meanwhile, Talish editor-in-chief Novruzali Mamedov died in detention in August.

The Caribbean *by Barbara Trionfi*

A Mixed Record

Cuba, the Dominican Republic and Haiti – the most populous countries in the Caribbean, with a joint population of 31 million inhabitants out of a Caribbean total of over 40 million – remained this year the worst press freedom violators in a region that has a mixed media freedom record.

Cuba, one of the most restrictive countries in the world in terms of press freedom, currently holds at least 22 journalists in its jails, serving sentences ranging from one to 28 years. Most have been imprisoned since the infamous Black Spring clampdown on dissent and independent journalists in March 2003. Among them is Omar Rodríguez Saludes, director of the independent news agency Nueva Prensa Cubana in Havana, whose unjust imprisonment has been highlighted by the IPI Justice Denied Campaign.

In an unprecedented ruling, in September 2009, a United States federal judge ordered the Cuban Communist Party and the government of Raul Castro to pay a total of US \$27.5 million (approx. 19.5 million Euros) to the mother of Rodríguez for the intentional infliction of emotional distress.

IPI has been campaigning for the release of Omar Rodríguez Saludes. That has yet to happen. However, yesterday a legal precedent was set which we hope will help strengthen the protection of human rights as a universal value

Reacting to the news, IPI Director David Dudge said in a statement: "IPI has been campaigning for the release of Omar Rodríguez Saludes. That has yet to happen. However, yesterday a legal precedent was set which we hope will help strengthen the protection of human rights as a universal value. We welcome the ruling and emphasize its value in terms of affirming universal principles."

A June 2009 report, adopted by the UN Human Rights Council as part of its Universal Periodic Review, gave only marginal acknowledgment to concerns expressed by various national delegations, including those of Canada, the United Kingdom, France, the Netherlands, Austria, Chile, Italy and Slovakia, about Cuba's violation of the right to freedom of expression and the continued imprisonment of journalists and human rights defenders. Instead the report commended Cuba for its achievements in the promotion of the rights to education, food and health.

The Cuban government's total control of Internet access as well as physical attacks against journalists and bloggers make independent reporting in Cuba virtually impossible. In spite of the dangers, though, a number of Cuban-based bloggers have recently started posting online ideas and opinions on issues otherwise not covered by the official media. The technical difficulties are enormous, in a country where personal computers have only been allowed since May 2008 and bloggers can generally access the Internet only illegally. Internet cafés are also strictly controlled by the Cuban government, which blocks access to various websites.

Ironically, the government has started a number of blogs in order to disseminate its own points of view through the Web.

A September 2009 CPJ report noted that "at least 25 independent, journalistic, and regularly updated blogs are being produced by Cuban writers." The report also recorded the existence of at least 75 other blogs devoted not specifically to news or political issues, but rather personal interests. CPJ counted close to 200 officially-approved blogs, produced by government journalists.

The Cuban government also uses threats and violence to prevent bloggers



A Trinidad and Tobago national guard helps take a picture for a journalist outside the Diplomatic Centre house during the Fifth Summit of the Americas in Port of Spain, 19 April, 2009. (REUTERS/Jorge Silva)

from spreading "counter-revolutionary" ideas.

On 6 November, Cuba's most prominent blogger, Yoani Sánchez, and another blogger, Orlando Luís Pardo Lazo, were abducted by three men. Sánchez and Pardo were forced into a vehicle, beaten, and threatened by their captors before being released onto the street. After the attack, Sánchez wrote in her blog that, while she was being punched in the car, the captors told her that her "clowning around" was finished.

On 6 November, Cuba's most prominent blogger, Yoani Sánchez, and another blogger, Orlando Luís Pardo Lazo, were abducted by three men

Bloggers Luis Felipe González Rojas and Yosvani Anzardo Hernández were arrested and beaten by police in the eastern city of Holguín on 10 September.



Members of the group "Ladies in White" stand outside Havana's Cathedral, during the sixth anniversary of the arrest of 75 activists, March 18, 2009. The mothers and wives of the imprisoned Cuban dissidents demanded the release of the activists and independent journalists in a letter to President Raul Castro. (REUTERS/Claudia Daut)

The reason appears to have been an interview that Gonzales gave to Miami-based Radio Marti, as well as Anzardo's contributions to the Miami-based website Payo Libre. Anzardo's online newspaper *Can-donga* is one many websites blocked by Cuban authorities.

Journalists in the **Dominican Republic** are also regularly attacked, with the government showing scant respect for their rights.

In the period between January and August 2009, the Dominican Republic's National Union of Press Workers (Sindicato Nacional de Trabajadores de la Prensa) recorded 54 cases of verbal and physical attacks against journalists and media workers. Almost all of the crimes have been met with total impunity.

A death threat issued in March this year against journalist and television producer Manuel Antonio Vega, allegedly by drug traffickers, following Vega's reports exposing drug-related crimes highlighted the dangers of working as journalist in the Dominican Republic. Dominican journalists have often expressed concern about threats from drug traffickers.

The Dominican Republic government's failure to respect journalists' right to keep sources confidential also caused problems in 2009. In September, Eligio Roias, a journalist with the daily *Ultima Noticias*, was interrogated for almost seven hours by the National Military Prosecutor, who was investigating an alleged plot to overthrow the government, on which Rojas had reported in a 26 July article.

Haiti has witnessed improvements in recent years in terms of press freedom, and observers have spoken of a "spring-time" for Haitian journalists. Only a few years ago, journalists in Haiti were regularly beaten and murdered. Today, this reality has changed: no journalist has been killed in the past two years and none are currently held in prison. However, the state of impunity surrounding the murders of journalists in the past decade raises doubts about the government's willingness to really go after the killers. Furthermore, violence and criminal activities, matched by weak state institutions, remain widespread in Haiti, posing major threats to journalists.

Although other Caribbean countries fare relatively better on the overall press freedom front, many still have antiquated

laws pertaining to criminal defamation and limiting access to information. This affects journalists' ability to report freely, but the respective governments do not appear interested in bringing about substantive legal reforms.

Furthermore, Caribbean media reports on the imminent introduction of a Model Professional Services Bill by the 15 member states of the Caribbean Community (Caricom) raised major concerns. The bill calls for, among other things, the registration and licensing of media workers, a practice IPI has often criticised, as it allows for restrictions on press freedom.

In October, Caricom denied there was an intention to introduce such a bill.

The Caribbean region also suffers from severe self-censorship as well as political polarisation reflected in reporting. In most of the Caribbean, with the exception of the Virgin Islands, much of the media is state-owned and many privately-owned media are aligned with various political parties.

Professional training opportunities for journalists in the Caribbean remain limited for anyone who cannot afford to travel to the United States. It is therefore disturbing that China – whose press freedom record is among the worst in the world – has forged close alliances with many former British colonies in the Caribbean, and in 2007 brought numerous journalists to China for professional training during which press freedom was not mentioned.

The Caribbean region also suffers from severe self-censorship as well as political polarisation reflected in reporting

In **Jamaica**, The Media Association of Jamaica (MAJ) has been campaigning for the repeal of criminal defamation laws as well as the passage of Freedom of Information legislation. In a 3 May statement, MAJ called on "legislators to expeditiously consider the recommendations of the Hugh Small Defamation Committee on libel reform and to set a legislative timetable to quickly implement the recommendations made."

Back in 2007, Jamaican Prime Minister Bruce Golding appointed a commit-

tee to re-evaluate slander and libel laws. The Committee was required to "make recommendations for changes that will ensure transparency and accountability in the context of good governance."

Although the Jamaican government has committed to scrapping the country's 98-year-old Official Secrets Act, little progress has been made in recent years.

The situation is similar in **Guyana**, where the 1959 Defamation Act and the Criminal Law (Offences) Act provide for defamatory libel, and the introduction of Freedom of Information legislation is pending. Advocates have called for a comprehensive review of Guyana's laws with respect to both the right to privacy and the right to access information. In a *Starbrook* newspaper article in May this year, Denis Chabrol, the President of the Guyana Press Association (GPA), was reported as saying that the existing defamation legislation inhibits press freedom as it has the potential to curtail robust and even highly sensitive criticism of public officials.

Criminal defamation laws and restrictions on access to information are also a concern in **Trinidad and Tobago**, where the prime minister has been accused of wanting to control the media. The Media Association of Trinidad and Tobago have said that Prime Minister Patrick Manning used a so-called "public education" rally to criticise the media over its role in educating the public. In November 2008, the prime minister "dropped in" on a radio station to complain about the "unprofessional conduct" of two broadcasters, and warned that he was prepared to go to court if he was "aggrieved by anything the media does in the future," Inter Press Service reported.

In **Barbados**, concerns were raised this year after Hartley Henry, senior political advisor to Prime Minister David Thompson, allegedly warned *Sunday Sun* editor, Carol Martindale "to do the right thing" or have her reputation destroyed. The newspaper claimed that Henry demanded that a report on a poll, which rated the government favourably, be placed on the front page.

The Barbados Association of Journalists (BAJ) said that "Ms. Martindale is not the first journalist to have been at the receiving end of threats or intimidation by politicians or political operatives."



Tear gas canisters fired by Israeli soldiers land near journalists and protesters during a protest against the controversial Israeli barrier in the West Bank village of Bilin near Ramallah July 3, 2009. (REUTERS/Fadi Aroui)



2009 Death Watch *By Barbara Trionfi*

110 Journalists Killed in 2009: Asia Remains World's Deadliest Region

In 2009, Asia remained the deadliest region in the world for journalists, with a total of 55 killings. The continent's murder rate spiralled when 32 journalists accompanying an election day convoy were killed in Maguindanao, in the Philippines – starkly highlighting a culture of violence and impunity that has threatened Filipino journalists for years.

Reports on corruption and other criminal activities were believed to have been behind the murder of six other journalists killed this year in the Philippines, bringing the total number up to 38.

Elsewhere in Asia, eight journalists were killed in Pakistan, where a government military offensive launched against Pakistan Taliban militants has sparked an upsurge in violence. In some cases, the journalists' killings were a clear consequence of the conflict; in others, the motive remained unknown due to a lack of thorough police investigations.

Latin America was the second most dangerous place for journalists in 2009, with a total of 28 killings. Mexico saw the targeted murder of 11 journalists, most of whom were covering corruption and drug-related crimes; many had received threats prior to their murder. Impunity remains the norm. In most of the 27 cases of journalists murdered in Mexico since 2000, no one has been brought to justice.

In Colombia, six journalists were killed in 2009, against the backdrop of an ongoing conflict between the left wing FARC rebel group and right-wing paramilitary groups sometimes working for drug cartels and powerful landowners. A number of journalists covering the conflict have been killed in recent years.

Five journalists were killed in 2009 in Honduras, where a coup in June sparked months of turmoil. Honduras is also plagued by corruption and crime, which have contributed to widespread poverty, a huge wealth gap, and a general situation of insecurity.

In Africa, nine journalists were killed in the anarchic country of Somalia in 2009, mostly as a consequence of ongoing conflicts between rival warlords, and an offensive launched by Islamic insurgents. Some of the slain journalists were caught in the crossfire while covering fighting between government forces and Islamic insurgents; others were targeted because they were covering sensitive issues.

In Africa, nine journalists were killed in the anarchic country of Somalia in 2009

One journalist was killed in 2009 in Kenya, Madagascar, Nigeria, the Democratic Republic of Congo and the Republic of Congo respectively, bringing the total number of journalists killed in Africa in 2009, most likely because of their profession, to 14.

In the Middle East, four journalists were killed in Iraq and one each in the Palestinian Territories and Iran, all as a

consequence of ongoing conflicts and political turmoil.

Five journalists were murdered in Russia. An IPI Press Freedom Mission to Russia in September 2009 underscored concerns among Russian journalists about the impunity from which the killers of journalists continue to benefit. Russian reporters continue to operate in an atmosphere of fear, and self-censorship is on the rise.

The murder of one journalist in Turkey and the death, in suspicious circumstances, of a journalist held in prison in Azerbaijan as a consequence of his writing brought the total number of journalists killed in Europe in 2009 to seven.



Journalists and militant groups hold anti-government placards while marching towards the presidential palace in Manila December 9, 2009. The protest was held to condemn the brutal killing of 57 people, the worst election-related crime, in the southern province of Maguindanao and to demand the Arroyo government set up a timetable to lift martial law in the province. (REUTERS/Romeo Ranoco)

Africa

Democratic Republic of Congo (1)

Bruno Koko Chirambiza, a 24-year-old reporter for Radio Star, was stabbed to death on 23 August in the city of Bukavu, in the eastern region of the Democratic Republic of Congo (DRC). Local media sources told IPI that Chirambiza was stabbed twice in the chest by a group of eight unidentified assailants while on his way home, with a friend, from a wedding. He died from his wounds in hospital. His friend escaped unharmed.

Kenya (1)

Francis Nyaruri, a freelance journalist who wrote for the private *Weekly Citizen*, was found decapitated and with his hands tied behind his back, on 29 January, in a forest in Nyanza province, western Kenya. He had been missing since 15 January. Nyaruri, who wrote under the pen name Mong'are Mokuu, had allegedly received threats from police officers over his investigative reports on local police corruption.

Madagascar (1)

Ando Ratovonirina, 25, a reporter and cameraman for the privately-owned Radio Télévision Analamanga (RTA), was fatally shot in the head on 7 February while covering an anti-government demonstration outside the presidential palace in the capital, Antananarivo. Ratovonirina was among at least 25 people killed when presidential guards opened fire on the demonstrators.

Nigeria (1)

Bayo Ohu, the assistant news editor of Nigerian daily *The Guardian*, was shot dead at home on the morning of 20 September by a group of up to five gunmen as he was preparing to attend a church service. The killers fired at least eight bullets into him, after he opened the door to them, news reports said. Eyewitnesses reported that a group of five men driving a white Toyota Camry drew up at his home. The killers did not remove anything from the house apart from the victim's laptop and mobile phone, leading to suggestions that the killing was linked to his work as a jour-

nalist. Ohu was still breathing when he was taken to a hospital by neighbours, but hospital authorities reportedly demanded that a police report be filed before he could be treated. He was then rushed to a second hospital, where he was declared dead on arrival.

Republic of Congo (1)

Bruno Jacquet Ossébi, who wrote for the online opposition newspaper Mwindi, died in a military hospital in Brazzaville on 2 February, 12 days after he was injured in a fire at his home that killed his girlfriend and her two children.

Journaliste en Danger (JED) reported that three days before the fire Ossébi wrote an article accusing a French bank of reaching an illegal financing agreement with the Société Nationale de Pétrole du Congo. An anti-corruption activist, Ossébi was also involved in a complaint brought before a French court by Transparency International accusing President Denis Sassou-Nguesso and two other African leaders of illegally amassing property in France.

Somalia (9)

Hassan Mayow Hassan, 36, a Radio Shabelle correspondent in the town of Afgoye, near the capital Mogadishu, was shot dead on 1 January by a government soldier when he entered the town. Hassan was stopped by soldiers who accused him of collaborating with Islamic insurgent groups before one of the soldiers shot him twice in the head. Hassan was en route to a news conference when he was killed. He had produced many reports on the humanitarian situation in the region, including critical stories about the army's harassment of civilians in the area.

Said Tahlil Ahmed, director of the private radio and television station Horn Afrik, was shot four times in the head on 4 February by three masked gunmen in the Bakara market area of Mogadishu. Ahmed and several other senior journalists from local media outlets were on their way to a meeting called by the Islamist group Al Shabab. Local press freedom observers said Ahmed may have been targeted by Islamist militants because of HornAfrik's coverage of recent presidential elections.

Abdirisak Mohamed Warsame, 24, a producer for the independent radio station, Radio Shabelle, was killed on 22 May in crossfire during fighting between government forces and Islamic insurgents near Mogadishu's Bakara Market.

Nur Muse Hussein, a veteran correspondent for Radio IQK, died of gunshot wounds sustained on 20 April while covering fighting between rival militia groups in the town of Beledweyn in central Somalia.

Muktar Mohamed Hirabe, 48, director of Radio Shabelle, was shot in the head five times on 7 June by unidentified men in Bakara Market, Mogadishu. His colleague, news editor Ahmed Omar Hashi, who was shot twice, survived the attack.

Mohamud Mohamed Yusuf, 22, a journalist for private Radio Holy Quran (IQK), was shot from a distance by unidentified gunmen on 4 July as he was covering fighting between pro-government forces and insurgents in north Mogadishu. He died after lying on the side of the road for almost three hours. According to witnesses, fighters shot at anyone who tried to aid the journalist.

Yaasir Mario, a freelance journalist, **Mohamed Amin Adan Abdulle**, a reporter for Radio Shabelle, and **Hassan Zubeyr Haji Hassan**, a cameraman for Al Arabiya TV, were killed on 3 December when a suicide bomber dressed as a woman blew himself up at a graduation ceremony for medical students from Bannadir University in Mogadishu. At least 25 others were killed in the bomb blast at Hotel Shamo, located in the government-controlled quarter of the capital, including the dean of Mogadishu's medical school and three ministers of the Transitional Federal Government. Five other journalists were injured in the attack.

The Americas

Brazil (2)

Two men on a motorcycle shot **Dalvison Nogueira de Souza** on 16 August while he was driving his car in Recife, Pernambuco, causing him to lose control and crash. He died at the scene, while his attackers fled. De Souza covered sports and police news for several radio stations. Police were investigating his killing as either an execution or attempted robbery, although none of his belongings were taken.

José Givonaldo Vieira, 40, a radio host and owner of the local radio station Rádio Bezerros FM 107.7, was shot and killed by unidentified gunmen in Recife, capital of Pernambuco state on 14 December. Three men stopped Vieira's car outside the offices of the radio station, witnesses said. One of the men walked over to Vieira and shot him three times in the head and chest before fleeing. Vieira was taken to hospital, where he was pronounced dead.

Colombia (6)

María Eugenia Guerrero's body was found in the Ecuadorian border city of Tulcán on 7 February. She had been sexually abused and severely beaten. She had worked for Radio Ipiales, based in Colombia's southwestern province of Nariño.

José Everardo Aguilar, 72, a correspondent for the privately-owned Radio Súper Popayán and host of a daily news programme on the community radio station Bolívar Estéreo, was shot dead on 24 April by an unidentified gunman in his home in the town of Patia, in the department of Cauca. The gunman, who reportedly entered Aguilar's home on the pretext of bringing him photographs and other material, shot the veteran journalist several times at point-blank range before fleeing. Aguilar was known for his criticism of local corruption and had received threats.

Director of the local Curillo municipality television broadcaster **Hernando Salas Rojas** was shot several times on 20 May by unknown assailants who burst into his home. Local media freedom observers believe his murder may be linked to his political and community-related activities.

Diego de Jesús Rojas Velázquez, 52, a reporter for Supía TV in Supía, in the department of Caldas, was shot four times on 22 September by an unidentified gunman while riding his motorcycle to the nearby town of Caramanta, in the department of Antioquía, after receiving a supposed tip about a story.

A journalist for the newspapers *La Patria* and *Q'Hubo*, **Ferney Henao** was shot three times on 25 November as he crossed a bridge on his motorbike in his hometown of Irra in Columbia's Risaralda department.

Harold Humberto Rivas Quevedo hosted a political commentary show for the TV broadcaster 'CNC Bugavisión', and was a sports commentator for local radio broadcaster 'Voces de Occidente' in the Valle de Cauca province. An unidentified gunman shot him on 15 December as he visited a funeral home.

El Salvador (1)

Police found the body of **Christian Poveda** on 2 September in a car in the small village of El Rosario, with multiple bullet wounds to the head. Poveda, who had closely followed the lives of El Salvador's 'Mara 18' gang members in his 2008 documentary "La Vida Loca," had on the day of his death set out to the Soyapango municipality to arrange interviews between female gang members and a French fashion magazine.

Guatemala (1)

Rolando Santiz, 52, a reporter for the TV station Telecentro 13, was shot dead by two men on a motorcycle while driving to work in Guatemala City. Santiz and cameraman Antonio de León were driving to the station's offices after covering a story when the two gunmen opened fire on their car. Santiz died immediately, while de León suffered head and chest wounds. Santiz had received death threats, colleagues said.

Honduras (5)

A journalist, politician and farmer, **Bernardo Rivera** was kidnapped on 13 March. His body was found in a ditch on 9 July.

Rafael Munguía Ortiz, 52, a local correspondent for Radio Cadena Voces (RCV), was shot at least seven times on 31 March by unidentified gunmen in the city of San Pedro Sula, 170 kilometres northwest of the capital, Tegucigalpa. Mungía had recently reported on organised crime and a wave of violent crime in Honduras.

Osman López was a journalist working for the presidential palace's Department of Communications and for *La Tribuna* newspaper, and was also a correspondent for the Canal 45 television station. Unknown individuals, pretending to ask for a cigarette, shot López on 18 April while he was in a vehicle, killing him instantly.

Marco Antonio Estrada Oria was a correspondent for the news programme Telediaro on Canal 3. An unidentified individual shot Estrada Oria several times on 6 June as the journalist parked his motorbike, and then fled in a waiting getaway car.

A broadcast journalist at Radio América, Radio Estelar and Canal 9, in the San Juan Pueblo municipality of the Atlántida department, **Gabriel Fino Noriega** was attacked on 3 July by unknown assailants who shot him 11 times as he left Radio Estelar after presenting a news bulletin. He died on his way to hospital.

Mexico (11)

Jean Paul Ibarra Ramírez, 33, a crime photographer for *El Correo* newspaper, was shot dead on 13 February by an unidentified gunman in the city of Iguala, Guerrero state. Ibarra Ramírez and reporter Yenny Yuliana Marchán Arroyo were on their way to an assignment when the gunman pulled alongside their motorcycle and opened fire with a .45 calibre pistol. The gunman then got off his motorcycle and shot the photographer in the head, ignoring Marchán.

Carlos Ortega Samper, 52, a correspondent for the newspaper *El Tiempo de Durango*, was killed on 3 May by unidentified gunmen in the town of Santa Maria del Oro, Durango state. At least four gunmen in two pickup trucks pulled Ortega Samper from his car near his home and shot the journalist in the head after a

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brief struggle. The motive for the killing was not immediately clear, but Ortega Samper, who frequently reported on local government corruption, had been targeted in the past. In separate incidents, gunmen fired at his home and set his car on fire. In his last piece, he wrote about conditions at a local slaughterhouse and alleged that the mayor of Santa Maria del Oro, Martín Silvestre Herrera, had threatened him.

Eliseo Barrón Hernández, 35, a crime reporter for the newspaper *La Opinión* in Torreón and the national daily *Milenio*, was found shot to death on 26 May in an irrigation ditch in the northern state of Durango. Barrón had been abducted the night before by hooded gunmen who burst into his home in the town of Gomez Palacio, beating the journalist in front of his wife and two daughters. His last published article was about police corruption in the city of Torreón.

Martín Javier Miranda Avilés was a reporter for the newspaper *Panorama* and a correspondent for the news agency Quadratín in the city of Zitácuaro, in the state of Michoacán. Avilés' body was found in his home with bullet wounds. Panorama had received threats prior to his killing.

Editor of the magazine *Enfoque de El Sol de Chihuahua*, **Ernesto Montañez Valdivia** was shot on 14 July while driving with his son in Ciudad Juárez, Chihuahua. He was shot in the chest and the head.

Juan Daniel Martínez Gil, 50, a presenter for Radiorama, was found dead on 27 July at a roadside on the outskirts of Acapulco, Guerrero state. He was last seen alive while driving home after completing the nightly news broadcast for the radio station. His body was found by passers-by half-buried and showing signs of torture. Martínez Gil had over 30 years' experience in the media.

Norberto Miranda Madrid, 44, who worked for Radio Visión in Nuevo Casas Grandes, Chihuahua state, was killed by several armed men who forced their way into the radio station on 23 September and shot the journalist several times in front of his colleagues. Madrid hosted an



In this Dec. 22, 2009, Mexican journalist Alberto Velazquez, of the *Expresiones de Tulum* newspaper, is transported to a hospital after being shot in Tulum, Mexico. Velazquez passed away shortly afterwards. (AP Photo/Rosy Lopez, Novedades de Quintana Roo)

online radio programme and also wrote the column, "Cotorreando con El Gallo." He had been reporting on the activities of local crime groups.

Fabián Ramírez López, 42, a presenter for the regional radio station La Magia 97.1, was found dead on 11 October in a vacant lot in Mazatlán, Sinaloa state. He was reportedly found with his throat cut and the letters YTTS carved into his back. Ramírez had gone missing 48 hours earlier after leaving home for work on 9 October. Police found his mobile telephone and other belongings with his body, suggesting that robbery was not the motive behind his killing.

Kidnapped by a group of armed men on 2 November, the body of **José Bladimir Antuna García** was later found behind a local hospital, in the Mexican state of Durango, along with a note stating: "This happened to me because I gave information to the military and wrote things that I should not have written. Be careful when preparing stories. Sincerely, Bladimir." A crime correspondent at Durango's *El Tiempo de Durango* newspaper, García had reported receiving death threats at his home and office in the months prior to his killing.

José Emilio Galindo Robles, 43, director of Guadalajara University Radio, was found dead at his home in Ciudad Guzmán, Jalisco State, on 25 November, after missing work for several days. He

was found gagged and with his hands tied to a bed. Officials said deep bruising and a skull fracture were the cause of death. Galindo Robles specialised in investigating and covering environmental issues.

Owner of the Mexican newspaper *Expresiones de Tulum* in the southeastern state of Quintana Roo, **Jorge Alberto Velázquez López** died on 22 December after being shot in his car by a motorcycle-riding gunman. His newspaper had received several anonymous phoned death threats and its printing press was firebombed in November.

Paraguay (1)

Director of community radio station Huguá Nandú, which was highly critical of local corruption, **Martín Ocampo Páez** was killed on 12 January in his home in the eastern Paraguay town of Concepción.

Venezuela (1)

Orel Sambrano, 62, editor of the political weekly *ABC*, vice president of Radio America and a columnist for *Notitarde* newspaper, was killed on 16 January in a Valencia suburb, 150 km west of Caracas. He had covered several drug trafficking cases, including one involving the Makled family, an influential business family in the region.

Afghanistan (3)

Jawed Ahmad, 23, also known as Jojo, an Afghan journalist who worked for the Canadian broadcaster CTV, among other media outlets, was shot dead on 10 March by two gunmen in a vehicle as he was getting out of his car in the southern city of Kandahar. Colleagues suspected the Taliban was behind the killing. Ahmad was arrested by U.S. forces in November 2007 and detained for 11 months at Bagram Air Base on suspicion of being "an enemy combatant." He was never charged with a crime.

Sultan Munadi, 34, an Afghan journalist and translator, was seized by armed gunmen alongside *New York Times* reporter Stephen Farrell on 5 September, while they were reporting on a NATO raid on two oil tankers that had been hijacked by Taliban militants. The two men were in Omarkhel village in the Chardarah district, when they were kidnapped. Munadi was killed on 9 September during a rescue operation by NATO forces. Farrell, who survived and was rescued, told the *New York Times* that he heard the helicopters hovering over the building, and ran outside with Munadi. As the gunfire began, Munadi ran forward shouting "Journalist!" when he was shot down. It is unclear from reports whether he was killed by allied or Taliban gunfire. Munadi had reportedly worked regularly with the *New York Times* and other news organizations, and was enrolled in a master's degree in Germany. He was back in Afghanistan on holiday when he agreed to travel with Mr. Farrell to Kunduz. The *New York Times* reported that he had a wife and two children.

Michelle Lang, a journalist with the *Calgary Herald* and Canwest News, was killed by an improvised explosive device in Afghanistan on 30 December 2009, while covering the conflict for the Canwest News Service. Four Canadian soldiers also died in the blast. Lang was embedded with Canadian troops. She was travelling in a military convoy when she was killed.

India (1)

Anil Majumdar, editor of the daily Assamese newspaper, *Aji*, was shot at point blank range by unidentified gunmen on 24 March in front of his house in Guwahati, Assam state. He was declared dead on arrival at the International Hospital. Majumdar had been campaigning for peace talks between the militant United Liberation Front of Asom (ULFA) and the Indian government.

Indonesia (1)

Anak Agung Prabangsa, a reporter with the Indonesian-language *Radar Bali* daily, was reported missing on 12 February in Bali. His body was found four days later, floating in waters west of the Padangbai harbour, news reports said. Prabangsa had been reporting on irregularities in a project to build an international-standard kindergarten and elementary school in Bangli regency and had received threatening phone calls before his disappearance.

According to the *Jakarta Post*, police charged Nyoman Susrama, the younger brother of the Bangli regent and a serving regency legislator, with involvement in the murder of Prabangsa. Police investigations concluded that the journalist had been tortured and killed on 11 February in Susrama's backyard in Bangli before being dumped into the sea.

Kazakhstan (1)

Gennady Pavlyuk, a well-known Kyrgyz journalist of Russian origin, died on 22 December in the intensive care unit of a hospital in Almaty, Kazakhstan from serious injuries sustained when he was thrown from the window of a sixth-floor apartment in a residential building in Almaty, media reports said. Pavlyuk was found unconscious with duct tape around his feet and hands on 16 December and remained in a coma until his death. Pavlyuk, also known under the pseudonym of Ibragim Rustambek, became well known as editor of the Kyrgyz edition of the Russian weekly *Argumenty i Fakty*. Later he worked as editor of the Kyrgyz edition of *Komsomolskaya Pravda*, and as a contributor to the independent newspaper *Bely Parokhod*. The Kyrgyz journalist was highly critical of the

Kyrgyz government. Omurbek Tekebaev, the leader of the Kyrgyz opposition party Ata-Meken, said that before travelling to Kazakhstan, Pavlyuk was in the party's offices in Bishkek to discuss details of a media project, Radio Free Europe/Radio Liberty (RFE/RL) reported. Pavlyuk was expected to launch the Ata-Meken party newspaper by the end of the year.

Nepal (1)

Uma Singh, a journalist for Radio Today FM in Janakpur, in the southern district of Dhanusha, was stabbed repeatedly on 11 January by a group of approximately 15 unidentified men who broke into her rented room in Janakpur. She died en route to a hospital in the capital, Kathmandu. Singh was well known for her reports on women's rights and political issues. She was vocal in condemning the ongoing violence in the southern Terai region, where armed militant groups have been fighting for the establishment of an autonomous Madhesi state and greater rights for the Madhesi people, the dominant ethnic population of Terai.

Pakistan (8)

Muhammad Imran, 20, a trainee cameraman with Express TV, and Saleem Tahir Awan, 45, a freelance reporter with the local dailies *Eitadal* and *Apna Akhbar*, were killed on 4 January when a suicide bomber blew himself up in front of the Government Polytechnic College in Dera Ismail Khan in North West Frontier Province. The suicide bomber struck following an explosion of low intensity. Police and forensic experts were collecting evidence after cordoning off the area around the explosion. The journalists had rushed to the scene to cover the earlier blast. At least seven people lost their lives in the attack.

Aamir Wakil, 40, a journalist with the regional daily *Awami Inqilab*, was shot in the back, near the neck, as he was walking close to his home on 24 January in Rawalpindi, near Islamabad. Two hours before he was murdered Wakil told his brother that he had received threats from unidentified persons.



Family members grieve during a funeral for journalists killed in Maguindanao massacre in General Santos city in southern Philippines December 4, 2009. Philippine soldiers using metal detectors, sniffer dogs and an excavator unearthed more than a dozen crates of bullets Friday in the mansion of a local mayor linked to last week's massacre of 57 people, a spokesman said. (REUTERS/Erik de Castro)

Musa Khankhel, a reporter for Geo TV and the English-language newspaper *The News*, was shot dead on 18 February by unknown individuals while on assignment covering a peace march led by Muslim cleric Sufi Muhammad in the volatile Swat Valley, North West Frontier Province. He was found dead with gunshot wounds to the body and back of the head near the town of Matta. No one has claimed responsibility for the killing.

Raja Assad Hameed, a reporter for the English-language daily, *The Nation*, and Waqt TV, was shot dead on 26 March by unidentified assailants outside his home in Rawalpindi, Punjab province.

Wasi Ahmad Qureshi, a reporter with the *Daily Azadi* and *Balochistan Express*, was shot at point-blank range on 11 April by gunmen who fired on him and his colleague, Muhammad Siddiq Mosiani, near a newsstand in Khuzdar district in the southwestern province of Baluchistan. Qureshi was treated in a hospital for two gunshot wounds to the stomach, but died on 16 April. Mosiani survived.

Siddique Bacha Khan, a correspondent for the independent television channel, Aaj TV, was shot at close range on 14 August by unidentified gunmen in the

city of Mardan, North West Frontier Province, as he was on his way to work. He succumbed to his injuries before his arrival at a nearby hospital.

Janullah Hashimzada, bureau chief in Peshawar, North West Frontier Province, for Afghanistan's Shamshad television channel, was shot dead on 24 August as he was travelling by bus through Pakistan's Khyber Pass. Masked assailants in a Toyota Corolla intercepted the bus, climbed inside, and shot the Afghan journalist with assault rifles at least six times. Hashimzada, who also contributed to the Associated Press, was known for his critical reporting on the Taliban.

Philippines (38)

Ernie Rollin was shot by two unidentified men riding a motorcycle in the early morning of 23 February in Oroquieta City, in the province of Misamis Occidental. Rollin had been a journalist for about 10 years and was popular for his outspoken comments on a prime-time current affairs program on the DXSY radio station. In the days preceding his death, Rollin had talked about controversial laws affecting the province. Undersecretary Ricardo Blancaflor, head of Task Force 211, a government agency to com-

bat political violence, said he believed Rollin's murder was connected to his profession as a journalist. On 24 May, police arrested the suspected gunman. The person who ordered the murder, however, remains at large.

Jojo Trajano, a crime reporter with the local newspaper, *Remate*, was killed in crossfire on 3 June while accompanying police to report on a police raid on an alleged organized crime den in Taytay Town, Rizal province. Trajano and a police officer were fatally wounded when members of the group, which was suspected of drug trafficking and theft, opened fire on police.

Crispin Perez, a radio talk show host, was shot dead on 9 June by an unidentified gunman in front of his home in San Jose City on Mindoro Island, Occidental Mindoro province. Perez, who hosted a talk show at the local DWDO radio station, had recently criticised local mining and energy deals in the province.

Antonio Castillo, a columnist for the tabloid community paper *Bigwas*, was shot at close range on 12 June by two men on a motorcycle after a brief chase in the town of Uson, Masbate Island, Masbate province. Castillo, who reported and commented on alleged corruption at the community level, died in hospital.

Jonathan Petalvero, a radio host for the DXFM station, was shot dead on 27 June by a masked gunman at a restaurant in the town of Bayugan on Mindanao Island. He was declared dead upon arrival at hospital. Petalvero was known for his critical commentaries about local corruption.

Benjie Adolfo, *Gold Star Daily*, Koronadal City; **Henry Araneta**, dzRH, General Santos City; **Mark Gilbert "Mac-Mac" Arriola**, UNTV, General Santos City; **Rubello Bataluna**, *Gold Star Daily*; **Arturo Betia**, *Periodico Ini*, General Santos City; **Romeo Jimmy Cabillo**, *Midland Review*, Tacurong City; **Marites Cablitass**, *News Focus* and dxDX, General Santos City; **Hannibal Cachuela**, *Punto News*, Koronadal City; **John Caniban**, *Periodico Ini*; **Lea Dalmacio**, *Socsargen News*, General Santos City; **Noel Decina**, *Periodico Ini*; **Gina**



Two women light candles at a vigil on the first anniversary of the murder of Sri Lankan journalist Lasantha Wickrematunga in Colombo, January 8, 2010. Wickrematunga was shot by gunmen on January 8, 2009, and the identity of the gunmen remains unknown. (REUTERS/Andrew Caballero-Reynolds)

Dela Cruz, *Saksi News*, General Santos City; **Jhoy Duhay**, *Gold Star Daily*; **Jolito Evardo**, UNTV; **Santos Gatchalian**, DXGO, Davao City; **Bienvenido Legarte, Jr.**, *Prontiera News*, Koronadal City; **Lindo Lupogan**, *Mindanao Daily Gazette*, Davao City; **Ernesto "Bart" Maravilla**, Bombo Radyo, Koronadal City; **Rey Merisco**, *Periodico Ini*; **Reynaldo "Bebot" Momay**, *Midland Review*; **Marife "Neneng" Montaño**, *Saksi News*; **Rosell Morales**, *News Focus*; **Victor Nuñez**, UNTV; **Ronnie Perante**, *Gold Star Daily*; **Joel Parcon**, *Prontiera News*; **Fernando "Ranny" Razon**, *Periodico Ini*; **Alejandro "Bong" Reblando**, *Manila Bulletin*, General Santos City; **Napoleon Salaysay**, *Mindanao Gazette*, Cotabato City; **Francisco "Ian" Subang**, *Socsargen Today*, General Santos City; **Andres "Andy" Teodoro**, *Central Mindanao Inquirer*, Tacurong City; **Daniel Tiamson**, UNTV; and **Jepon Cadagdagon**, *Saksi News*, General Santos City, were killed on 23 November in a brutal massacre in the southern province of Maguindanao. The journalists were part of a convoy that was intercepted by over 100 gunmen at a roadside check-

point in the town of Ampatuan, Mindanao Island. The convoy was travelling to file candidacy papers for gubernatorial candidate and local mayor Esmel Mangudadatu. Police found the bodies of 57 people in shallow graves close to the checkpoint. Apart from the journalists, those killed included Mangudadatu's wife and sisters, lawyers, aides, and motorists who had witnessed the incident or were mistakenly identified as part of the convoy.

Ismael Pasiona, a community journalist and radio block-timer, was killed in Labason, Zamboanga del Norte on 24 December 2009. A gunman on a motorcycle shot Pasiona on his way to work. Pasiona died of multiple gunshot wounds. The journalist had been working since August 2009 as an anchor for the government-funded block-time program, "South Express Balita" aired over B-96 FM. He had started working as a radio announcer in August 2009. Police Inspector Chamber Lacay said a police investigation suggested that the incident was election-related, as Pasiona was a member of the Alliance Party for Progress, a local political party in Zamboanga del Norte. Pasiona's wife however

stated that there was a possibility that the killing could be related to her husband's radio work. She said that Pasiona had reported about a controversy regarding the filing of a certificate of candidacy by a political party in Zamboanga del Norte.

Sri Lanka (2)

Lasantha Wickremetunga, editor-in-chief of the *Sunday Leader*, was killed on 8 January by two men on a motorcycle as he drove to work in a suburb of Colombo. He was rushed to a nearby hospital, where he underwent emergency surgery, but died a few hours later. Known for his critical reporting on the government, Wickremetunga had been a frequent target of harassment and intimidation.

Puniyamoorthy Sathiyamoorthy, a freelance journalist, was killed in a 12 February artillery attack by the Sri Lankan army on a so-called "safe zone" in Mullaitheevu district. A sympathiser of the Liberation Tigers of Tamil Eelam (LTTE), he wrote for several Tamil publications, and was well-known for his live broadcasts from conflict zones for pro-Tamil radio and television outlets.

Europe

Azerbaijan (1)

Novruzali Mamedov, editor-in-chief of the Talysh minority language newspaper, *Talyshi Sado*, and a human rights defender, died in detention on 17 August 2009 at the hospital of the Ministry of Justice's Penitentiary Service, in Baku. Mamedov was convicted of treason under Article 247 of Azerbaijan's penal code for the "distribution of Talysh nationalist ideas and attempts to destroy the foundations of the Azerbaijani state" on 24 June 2008 and sentenced to 10 years in prison in a closed trial. The case was reportedly based on allegations that Mamedov had

the first attack against Amrakhov. In 1997, he suffered a concussion when an unidentified assailant hit him on the head with a blunt object in the entrance of his Murmansk apartment building.

Anastasja Baburowa, a journalist for the Kremlin-critical newspaper *Novaya Gazeta*, was hit by several bullets when trying to intervene in the fatal 19 January shooting of prominent human rights lawyer Stanislav Markelov. Markelov was shot in the head by an unidentified gunman in broad daylight in Moscow. Baburowa died later in hospital of her wounds.

her on 15 July in broad daylight outside her apartment in the Chechen capital, Grozny, while she was on her way to work. Witnesses saw her being forced into a car by four men and heard her shout that she was being kidnapped. Several hours later, her body was found with gunshot wounds to the head and chest in the neighboring province of Ingushetia. A regular contributor to the independent newspaper *Novaya Gazeta* and the Caucasus news website Kavkazsky Uzel, Estemirova wrote frequently about human rights abuses in Chechnya.

Malik Akhmedilov, 32, deputy editor of the Avar-language newspaper *Hakikat*, was found shot dead in his car on 11 August, on the outskirts of Makhachkala, capital of the volatile southern republic of Dagestan. Neighbours reported seeing a suspicious vehicle without number plates parked near the journalist's home prior to the killing. Akhmedilov was known for his critical reporting on attempts by the authorities to suppress political and religious "extremism," and colleagues believe his murder was linked to his work as a journalist.

Turkey (1)

Cihan Hayirsevener, the editor-in-chief of the newspaper *Guney Marmara'da Yasam*, died on 19 December 2009 after being shot three times in the leg while walking to his office in the town of Bandirma, northeast of Istanbul. Hayirsevener was delivered to the Uludağ University Hospital, where he died few hours later. *Guney Marmara'da Yasam* is well known for exposing corruption in the region around Bandirma. Hayirsevener had received anonymous death threats in connection with his journalism.

Vyacheslav Yaroshenko, editor-in-chief of the independent newspaper *Korruptsiya i Prestupnost*, died of head injuries sustained on 30 April. Yaroshenko, who reported on local corruption, was found unconscious in the entrance of his apartment building in Rostov-on-Don, Southern Federal District. He underwent emergency surgery, spent five days in a coma, and died on 29 June, after being operated on again. Colleagues believe he was targeted because of his newspaper's investigative reporting.

Natalia Estemirova, 50, a prominent human rights activist and journalist, was killed by unknown men who abducted

received money from Iran to publish the newspaper. Mamedov reportedly had serious health problems. However, prison authorities allegedly failed to take measures to improve either his conditions of detention or to provide sufficient medical treatment.

Russia (5)

Shafiq Amrakhov, editor of the online regional news agency RIA 51, died on 5 January 2009 in a Murmansk hospital of injuries sustained on 30 December 2008 when an unidentified assailant shot him several times in the head with a pistol which used rubber bullets. This was not

Middle East & North Africa

Iran (1)

Omidreza Mirsayafi, a 29-year-old blogger, died on 18 March in Tehran's Evin prison, where most prisoners of conscience are held. The blogger was summoned to Tehran's revolutionary court for interrogation on 7 February 2009. He had been sentenced in November 2008 to two years and six months in prison for insulting Supreme Leader Ayatollah Ali Khamenei and Ayatollah Ruhollah Khomeini, leader of the 1979 revolution. At the end of the interrogation on 7 February, he was taken to prison. Hesam Firoozi, a physician also imprisoned in Evin, reported that Mirsayafi suffered from serious depression and died after taking extra doses of his medication. The physician noted that the prison doctors failed to provide proper care by not sending Mirsayafi immediately to a hospital to try to save his life.

Iraq (4)

Haidar Hashim Suhail, 30, and **Suhaib Adnan**, 25, correspondent and cameraman, respectively, for the satellite TV station Al Baghdadia, were killed on 10 March in a suicide bomb blast in the town of Abu Ghraib, near Baghdad. Four other media workers were seriously injured in the incident, which killed over 30 people. The journalists were covering a visit by a senior Interior Ministry official to a tribal reconciliation meeting in Abu Ghraib, Anbar province.

Alaa Abdel-Wahab, 37, a sports reporter for the television station Al Baghdadia, was killed on 31 May when a bomb attached to his car exploded in the northern city of Mosul. Abdel-Wahab and Sultan Jerjis, a sports presenter with the local radio station Al Rasheed, were on assignment covering a story on the local Olympic committee when the bomb exploded. Jerjis was wounded in the blast.

Orhan Hijran, 18, a cameraman for the Baghdad-based television station Al Rasheed, was killed on 21 October when a bomb exploded in front of his home in Kirkuk. The explosion occurred as Hijran and Mohammed Abdullah Zadeh, a correspondent with the Cairo-based Al Baghdadia TV, were returning home from an assignment. Abdullah Zadeh was



An Iraqi soldier stands guard near bloodied water on the ground at the site of a bomb attack in Abu Ghraib district, west of Baghdad March 11, 2009. Al-Baghdadia television correspondent Haidar Hashim Suhail, 30, and cameraman Suhaib Adnan, 25, were killed in the blast. REUTERS/Mohanned Faisal

only slightly injured by the blast and was released from hospital the same day.

Palestinian Territories (1)

Basil Ibrahim Faraj, 22, a cameraman for the Palestinian Media and Communications Company, was killed when the car of his four-man television crew was hit by shrapnel in an Israeli air strike in

Gaza on 27 December 2008. The crew, on assignment for the Algerian TV network ENTV, had just completed an interview near the Al Wa'd Association for Prisoners, a Hamas-affiliated organisation, when the association's building came under fire. All four crew members sustained injuries, but Faraj, who was severely wounded in the head and rushed to Al Shifa Hospital in Gaza City, and then transferred to a hospital in Egypt, died of his injuries on 7 January.

Acknowledgements

The International Press Institute would like to thank its members – leading journalists, editors and media executives from over 120 countries – for providing information for this report. Additionally, IPI would like to thank the Reuters news agency, the Associated Press (AP) and European Pressphoto Agency (EPA), as well as the following organisations:

<i>Al Arab</i>	Institute for Reporter Freedom and Safety (IRFS) – Azerbaijan	Pakistan Press Foundation (PPF)
<i>Al Sharq</i>	International Campaign for Human Rights in Iran	Palestinian Centre for Development and Media Freedoms (Mada)
Algerian League for the Defense of Human Rights (LADDH)	International Federation of Journalists (IFJ)	Peace Institute, Ljubljana
Amnesty International	International Freedom of Expression eXchange (IFEX)	Radio Televizija Slovenija (RTS)
Arab Archives Institute	International Leaders Alliance Europe	Reporters sans Frontières (RSF)
Arab Network for Human Rights Information (ANHRI)	International News Safety Institute (INSI)	SKeyes
Article 19, London	International PEN	South Asian Journalists Association
Austrian Press Agency (APA)	International Telecommunications Union	Southeast Asian Press Association
Bahrain Centre for Human Rights	Journaliste en Danger (JED)	Southeast European Media Organisation (SEEMO)
BBC	Journalistic Freedoms Observatory	<i>Sudan Tribune</i>
Cairo Institute for Human Rights Studies (CIHRS)	Kurdistan Journalists Syndicate	Thai Journalists Association (TJA)
Cartoonists Rights Network International	Maharat	<i>The New York Times</i>
Center for Defending Freedom of Journalists (CDFJ)	Media Foundation for West Africa	The Slovenian Association of Journalists
Center for Journalism in Extreme Situations (CJES)	Media Institute (Kenya)	<i>The Times</i>
Centre for Independent Journalism	Media Institute of Southern Africa (MISA)	The United Nations
Centre for Media Freedom and Responsibility – Philippines	Media Watch	<i>TIME</i> Magazine
Committee to Protect Journalists (CPJ)	Menassat	Union of Slovene Journalists (SNS)
European Journalism Centre	Mideastinfo	World Association of Newspapers
Foreign Correspondents Club of China (FCCC)	Mizzima News – Burma	World Press Freedom Committee
Free Media Movement (FMM) – Sri Lanka	National Union of Somali Journalists	
Freedom House	NowLebanon	We also thank the numerous other anonymous contributors.
Freedom of Expression Institute	Observatory for the Freedom of the Press, Publishing and Creation (OLPEC)	In addition, we thank the UniCredit Bank Austria AG for its contribution.
Glasnost Defence Foundation	OpenNet	Finally, we thank the Austrian Ministry for European and International Affairs, and the City of Vienna, for their continued support.
Hong Kong Journalists Association	Organization for Security and Cooperation in Europe (OSCE)-Representative on Freedom of the Media	
Human Rights Watch (HRW)	Pacific Media Watch	
Hurriyet		

The Austrian IPI Chapter acknowledges with appreciation the support for the **IPI Press Freedom Fund** received from

Bank Austria

Alcatel-Lucent

Telekom Austria Group

NOVOMATIC AG

2009

WORLD PRESS FREEDOM REVIEW

