



**PEN INTERNATIONAL**  
Writers in Prison Committee  
*Case List – July to December 2010*

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INTERNATIONAL

# **PEN INTERNATIONAL**

## **Writers in Prison Committee**

### **HALF-YEARLY CASELIST**

**To 31 December 2010**

**PEN International**  
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## **PEN INTERNATIONAL Writers in Prison Committee**

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

Founded in London in 1921, PEN connects an international community of writers. It is a forum where writers meet freely to discuss their work. It is also a voice speaking out for writers silenced in their own countries.

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

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

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

## **PEN INTERNATIONAL CHARTER**

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

### **PEN affirms that:**

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

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

## **INFORMATION SOURCES**

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

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

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

## Explanation of Terms Used

### Important: Please Read

#### Main Cases

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

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

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

#### Judicial concern

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

#### Investigation case

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

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

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

\* by a name indicates that the case is new to the Committee’s list since the last Writers in Prison Committee report. The last report was dated June 2010.

## AFRICA

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### BURUNDI

#### *Imprisoned: main case*

\***Jean-Claude KAVUMBAGU**: editor of the online newspaper *Net Press*, has been held in pre-trial detention since 17 July 2010 on a charge of treason. The charge came after he questioned in his newspaper's opinion page whether Burundian security forces were capable of preventing a terrorist attack similar to those which had taken place in the Ugandan capital Kampala a few days earlier. Kavumbagu was reportedly arrested for treason under an article that penalizes attempts 'to demoralize the Army in times of war.' Prosecutors have yet to explain how the charge is applicable, since Burundi is not at war. If convicted he could face life imprisonment. **Legal process**: A panel of three judges was supposed to rule on the legality of Kavumbagu's detention at the beginning of August 2010 but the hearing was not held, reportedly because the head of the panel had been promoted, meaning that a new judge had to be named. Kavumbagu's lawyer said that this was a tactic designed to prolong the trial. At a hearing on 1 September, the prosecution reportedly failed to prove that Kavumbagu did not respond to summonses. On 6 September, the judge confirmed Kavumbagu's continued detention, which reportedly violated the deadline set by law for the judge to review the case. **Update**: The Committee to Protect Journalists met Kavumbagu on 9 December 2010 and reported that he looked frail and seemed much older than his 45 years. He was being held in a prison built for 800 but now housing 3,500 inmates ranging from common to killers. He said he was being denied access to newspapers. Kavumbagu believes his treatment is punishment for his criticism over the last decade of the former Hutu rebels who now make up the government. He has been arrested on five previous occasions by five consecutive governments but has never been convicted. In 2008, he was charged with defamation in connection with an article accusing President Nkurunziza of misuse of public funds during the 2008 Olympics in China. He was acquitted in March 2009 after spending seven months in detention. No date had been set for his treason trial as of December 2010. [RAN 57/10]

#### *Brief detention*

\***Thierry NDAYISSHIMIYE**: editor of the weekly newspaper *Arc-en-ciel*, was conditionally released on 13 August 2010 after spending two days in pre-trial detention at Mpimba prison in the capital Bujumbura on a charge of libelling the head of the national water and power company, Redgideso. Redgideso had filed a complaint against Ndayishimiye on

30 July over an article accusing the company head of covering up irregularities in the management of a construction project. Ndayishimiye was summoned several times for questioning before Bujumbura's deputy state prosecutor placed him in pre-trial detention on 10 August.

\***Elyse NGABIRE and Dieudonne HHAKIZIMANA**: journalists working for the newspaper *Iwacu*, were arrested on 5 November 2010 and detained incommunicado for 48 hours, during which time they were questioned by Special Investigation Bureau (BSR) agents. No reason was given for their arrest or detention and they were refused permission to speak to the newspaper's lawyer. Following their release on 7 November, they were told to appear before the police chief of the capital Bujumbura on 9 November but were still not informed of their alleged offence.

### CAMEROON

#### *Died in custody: investigation ongoing*

**Germain S. ("Bibi") NGOTA NGOTA**: founder and editor of the private bimonthly newspaper *Cameroon Express*, died in Kondengui prison in the capital Yaoundé on 22 April 2010. His health had deteriorated since he was imprisoned in February 2010 and according to his death certificate he died from a lack of medical attention. **Details of arrest**: Ngota (38) was arrested on 15 February along with editors **Harrys Robert Mintya** of *Le Devoir* and **Serge Sabouang** of *La Nation*, in connection with a criminal complaint from presidential aide Laurent Esso in response to their investigation of allegations of corruption involving Esso and the state-run oil company, National Hydrocarbons Company (SNH) (see entry for Mintya and Sabouang below). The journalists were transferred to Kondengui prison in March pending trial. Three weeks before his arrest, Ngota had been picked up by Cameroon intelligence agency (DGRE) agents while being treated for high blood pressure at a hospital in Yaoundé and was held incommunicado without charge with Mintya, Sabouang and reporter **Simon Hervé Nko'o of Bebela**. **Conditions/treatment in custody**: Ngota was reportedly held in a part of Kondengui prison where hardened criminals are housed and where the conditions are extremely harsh. Shortly before his death he had complained of fatigue, gout and joint pain. He had reportedly also suffered from high blood pressure, a hernia and asthma. However, according to Ngota's mother, the authorities rejected a plea for Ngota to be released on medical grounds, despite it being endorsed by the prison doctor. The Cameroonian government has not responded to allegations that security agents used psychological and physical torture to force Ngota and the other journalists to reveal their sources for the document on which the allegations against Esso were based. **Government response**: A 26 April 2010 statement issued by the President's office stated that the judicial authorities would carry out an impartial investigation but denied that the case was "a matter of restriction of freedom of the press" or that Ngota had died because of a lack of medical care. On 28 April, a minister publicly disclosed that Ngota had tested positive for HIV while in prison and had died of infections arising from this condition, a claim refuted by Ngota's widow. A letter to PEN from the Minister of State dated 17 May stated that Ngota had been receiving treatment for his health complaints in prison prior to his death. It also said that Ngota had sent an "apology letter" to the Minister regarding the forgery matter prior to his arrest. **Update**: On 14 September 2010 the Justice Minister released the official post-mortem into the death of Ngota saying that there was no sign of cuts, bruises or any other marks of torture. An internal report by the chief doctor at the Kondengui prison repeated that Ngota died "as a result of

opportunistic infections linked to HIV". Ngota's widow denied that Ngota had the HIV virus, while Ngota's brother said that the journalist had been tortured in February when he was arrested and taken to the DGRE. **Background:** Ngota, who had worked as a journalist for 15 years, launched *Cameroon Express* in 2002-2003 and worked for several other publications on a freelance basis. He was reportedly well-known locally for his investigations on public corruption in the oil sector. He is survived by his wife and two children. **Awards:** Canadian Journalists for Free Expression (CJFE) awarded Ngota one of its 2010 International Press Freedom Awards for his courage. [RAN 32/10]

### ***Imprisoned: main case***

**Lapiro DE MBANGA (real name: Pierre Roger Lambo Sandjo):** a well known singer-songwriter. **Date of arrest:** 9 April 2008. **Sentence:** three years. **Expires:** April 2011. **Charge:** Incitement to riot and damaging property. **Details of arrest:** Mbanga, who is also a member of the opposition party Social Democratic Front (SDF), was arrested in Mbanga City on 9 April 2008, accused of instigating mass demonstrations and strikes against the high cost of living which took place in Cameroon at the end of February and which the authorities said led to the deaths of at least 40 people. However, according to the Media Foundation for Western Africa (MFWA), his arrest stemmed from a song he wrote entitled "Constipated Constitution" which warns President Biya of the dangers of the constitutional amendments. The Constitutional Amendment Bill, which was adopted on 10 April 2008, allows an unlimited number of presidential mandates, as well as granting the president immunity for any acts committed while in office. Mbanga was detained at Mbanga Principal Prison. **Details of trial:** On 9 July 2008, Mbanga was formally charged and on 24 September 2008, he was found guilty of taking part in riots against the high cost of living in Cameroon in February 2008 and sentenced to three years in prison. The songwriter was convicted of three of the six charges against him: "complicity in looting, destruction of property, arson, obstructing streets, degrading the public or classified property, and forming illegal gatherings". He was also ordered to pay a fine of 280 million CFA francs (US\$640,000) payable to the company Société des Plantations de Mbanga (SPM) and the Ministry of Finance as compensation for damage caused during the riots. Mbanga was reportedly convicted on the grounds that his presence during the protests, as a local leader, had galvanised the rioters. It was further argued that he would not have been allowed to film the events, as he did, had he been an outsider. This therefore made him an accomplice. However, according to local press reports, the riots were widely televised and none of the journalists who filmed the footage have been brought to trial. Moreover, Mbanga's sentence is twice that received by the actual leaders of the riots, who were handed 18-month prison terms the month after the riots and subsequently received a presidential pardon. The government has reportedly denied that the case is politically motivated. Mbanga appealed the sentence. **Place of detention:** New Bell prison, Douala. **Appeal:** On 24 June 2009, an appeal court in Yaoundé confirmed Mbanga's three-year prison sentence. The fines for allegedly damaging property were also upheld, even though the company SPM had reportedly long since withdrawn from the case. Mbanga was also ordered to pay the costs of the trial. The fines and trial costs were to be paid immediately or be converted into an extra 18 months in prison. The appeal court reportedly ignored the defence's arguments that as Mbanga was convicted as an accomplice he should not be given a heavier sentence than the main instigators of the riots, most of whom had by then been released. Mbanga's lawyers reportedly planned to take the appeal

to the Supreme Court in Yaoundé. In March 2010, the NGO Independent Commission against Corruption and Discrimination (COMICODI) wrote to President Biya asking for a pardon for Mbanga and another political prisoner on the basis of numerous alleged irregularities in their trials. However, Mbanga responded that he would reject a presidential pardon were it offered to him. As of 19 April 2010, Mbanga's appeal was still pending before the Supreme Court, following numerous delays. On 16 June 2010, a group of US lawyers working with Freedom Now submitted Mbanga's case to the UN Working Group on Arbitrary Detention. **Prison conditions/ health concerns:** Prison conditions, including food and hygiene, are said to be poor and Mbanga has reportedly developed health problems since his imprisonment. In October 2009 it was reported that Mbanga had been suffering from the effects of typhoid fever for several months. His lawyer unsuccessfully sought to have him released on humanitarian grounds pending his appeal before the Supreme Court. **Update:** On 9 September 2010, it was reported that the health of Mbanga, now almost 53, had deteriorated. He was said to have suffered an attack of typhoid as respiratory problems and lumbago. Sanitary conditions were reportedly poor in the cell he shares with 50 other prisoners. It was also said that Mbanga's prison sentence could be extended by another 18 months if he continues to refuse to pay his fine. Mbanga said he feared for his safety and that of his family and that he was considering going into exile once he is released. As of 16 November 2010, Mbanga was still detained at New Bell prison. He was contacted by telephone by a group of performers who performed his songs. **Awards:** In November 2008, Mbanga was a recipient of that year's Oxfam/Novib PEN Award for Free Expression. In November 2009, he was awarded the Freedom to Create Imprisoned Artist Prize. [RAN 39/08 and updates]

### ***On trial***

**Jacques Blaise MVIÉ and Charles René NWÉ:** deputy managing director and editor respectively of the independent weekly newspaper *La Nouvelle Presse*, were sentenced to five years in prison for allegedly publishing "defence secrets" in a closed hearing by a military court in the capital Yaoundé on 3 June 2009. The journalists were not present and were only informed of the hearing after it had taken place. They were also fined 500,000 CFA francs (approx. 760 Euros) each and issued an arrest warrant. However, as of 18 June 2009 neither of the two journalists had been arrested. The case stems from a series of articles published in 2006 and 2007 that reportedly revealed the positions of the Cameroonian army on the Bakassi peninsula on the border with Nigeria in western Cameroon. It is believed that the Nigerian army used these reports to plan an attack on the Cameroon positions in which 21 soldiers were killed. As part of the same case, a soldier was sentenced to four years in prison and a fine of 400,000 CFA francs (approx. 610 Euros). Mvié reportedly wrote to President Paul Biya to ask for his intervention for "unfair" treatment by the Minister of Defence. However the minister has reportedly denied having anything to do with the case or sentencing, stating that the legal proceedings were initiated by the Public Ministry which considered that the Defence Minister had been insulted. As of late 2009, Mvié and Nwé remained free pending appeal. On 13 January 2010, it was reported that Mvié had decided to suspend publication of *La Nouvelle Presse* for economic reasons. On 19 March 2010 it was reported that Mvié and Nwé had been detained at Kondengui central prison in Yaoundé following a court hearing the previous day. The next hearing was scheduled for 14 April. Appeal ongoing as of 30 June 2010; Mvié and Nwé had apparently been freed. No further news as of 31 December 2010.

## Harassed

**Lewis MEDJO:** journalist and publisher of the Douala weekly *Détente Libre*. On 26 August 2010, Medjo reported that he had been summoned for questioning about his sources for a 17 August article about trawlers, bought with a loan from the Spanish government, that had gone missing. The harassment followed Medo's release from prison on 16 May, where he had served 20 months for "publishing false news" about President Biya (see previous case list for more details). While in prison he reportedly lost hearing in his right ear as a result of a severe ear infection and also suffered two heart attacks, dental and respiratory problems, yet had little or no access to medical care. Medjo also said that some contributors to his newspaper had received anonymous threats since his release. [RAN 61/08 and updates]

## On trial

**Robert MINTYA and Serge SABOUANG:** editors of the newspapers *Le Devoir* and *La Nation* respectively, were conditionally released on 24 November 2010 on orders of the President pending a trial for allegedly forging the signature of a presidential aide. The trial date or place had not yet been announced. The editors reportedly face up to 20 years in prison if convicted. **Details of arrests and imprisonment:** Mintya and Sabouang were arrested and briefly detained in early February 2010, alongside **Germain "Bibi" Ngota Ngota** of the *Cameroun Express* and journalist **Simon Hervé Nko'o** of the weekly newspaper *Bebela*. The arrest was in response to the journalists' investigation of allegations of corruption involving Laurent Esso, Secretary General of the President's Office, and the state-run oil company, National Hydrocarbons Company (SNH), of which Esso is also board chairman. Nko'o was reportedly tortured while in custody and went into hiding following his release. Mintya, Sabouang and Ngota were re-arrested on 26 February and charged with forging Esso's signature in a document and using it in an attempt to discredit him. They were transferred to Kondengui prison in the capital Yaoundé on 10 March. Ngota died in prison on 22 April after being denied medical care (see above). The whereabouts of Nko'o, who was said to have forged the document in question, were not known. **Health concerns:** On 8 August 2010, Mintya was reportedly beaten around the head by another prison inmate, causing him to lose consciousness. He was admitted to the prison infirmary and on 25 August was transferred to Yaoundé central hospital but reportedly had no access to free medical care. It is thought that the attack may have been reprisal for Mintya's implication of other people in the forgery case. Mintya was reportedly told that he would be freed if he signed a statement saying that he had been led astray and wrote a number of letters to Esso apologizing for the forgery, some of which were published in *L'Anecdote*, a newspaper that supports Esso. When he failed to secure his release, Mintya reportedly then wrote more letters accusing other leading Cameroonian personalities of being behind the forgery. Mintya reportedly spent a few days in hospital in late August before being returned to his prison cell. On 28 September he was reportedly transferred to a psychiatric hospital. **Award:** Canadian Journalists for Free Expression (CJFE) awarded Sabouang one of its 2010 International Press Freedom Awards for his courage.

# CENTRAL AFRICAN REPUBLIC

## Case closed

\***Alexis REMANGAI:** journalist for the private daily newspaper *Le Confident*, was arrested in the capital Bangui on 3 September 2010 after a defamation complaint was lodged against him by an official of the Central African Mines Ministry. The complaint reportedly related to the newspaper's publication the previous day of an open letter to the Minister from an association of mining cooperatives accusing the Minister of embezzling 20 million FCFA (approx. 30,500 Euros). Remangai was released conditionally on 6 September. No date had yet been set for the trial. Case closed due to lack of information.

# CHAD

## On trial

**Yaldet Begoto OULATAR:** managing editor of the newspaper *N'Djamena Bi Hebdo*, is reportedly facing prosecution for defamation in a case brought against the newspaper by a former public works minister. On 9 August 2009, the paper published an article alleging that the minister was involved in embezzlement; the minister was fired a few days later. The former minister then filed a defamation case against Oulatar, promising to "get even" with the journalist even if he lost the case. Oulatar faces a possible prison sentence if convicted. He was due to appear in court on 8 December 2009, but the hearing was reportedly postponed. No further news as of 31 December 2010.

# DEMOCRATIC REPUBLIC OF CONGO

## On trial

\***Achille Kadima MULAMBA:** managing editor for the newspaper *Africa News*, was sentenced in absentia to eight months in prison and a US\$10,000 fine by a lower court in the capital Kinshasa on 2 November 2010. The conviction stemmed from a defamation complaint brought by the local administrator of a European development fund on the basis of a 26 October article which accused the administrator of embezzlement. The court also accused Mulamba of "bad faith" for refusing to publish the plaintiff's right to reply. It is not clear whether Mulamba has lodged an appeal.

\***Pascal MULUNDA and Jeff SAILE:** respectively journalist and editor of weekly newspaper *Le Monitor* and editor of *Le Barometre*, are on trial for allegedly defaming a government official. Mulunda was arrested on 26 July 2010 on criminal defamation charges and taken to Kinshasa's Penitentiary and Re-education Centre. The arrest was based on a 26 June complaint filed by an official with the Mining Ministry agency Saesscam against *Le Monitor* and the weekly *Le Barometre* after the two newspapers published a story on 23 June implicating the official in overbilling in the agency's purchase of four vehicles. Mulunda was released on bail on 19 August. His lawyer stated that he must present himself to the court twice a week and was banned from leaving Kinshasa before the case comes to a close. It was also reported that Saile had gone into hiding after receiving anonymous phone threats. No further news as of 31 December 2010.

## Brief detention

\*Melody Sylvie KILEMBE (f): journalist for the Kinshasa-based newspaper *La Cloche*, was arrested on 5 September 2010 at Kinshasa's central prison and detained for more than 24 hours at the premises of the the Rapid Intervention Police (PIR). She was accused of « espionnage » after she asked the director of the Centre Pénitentiaire et de Rééducation de Kinshasa (CPRK) for permission to interview the president of the opposition party Mouvement des Démocrates Congolais (MDC), who had been detained since January 2010. Kilembé was questioned by a police officer at the CPRK before being taken to the PIR, where she spent the night. She was released the next day after being forced to sign a document forbidding her to publish any reports on the CPRK.

\***Tumba LUMEMBU**: reporter for the newspaper *La Tempête des Tropiques*, was reportedly released on 15 November 2010, after being detained for two months. Lumembu was arrested by members of the National Intelligence Agency (ANR) in the capital Kinshasa on 15 September. He was held incommunicado for more than two weeks and only appeared at the prosecutor's office in Kinshasa on 21 October, when he was reportedly in poor health, both physically and psychologically. He was charged with "repeatedly insulting the head state" for allegedly shouting insulting remarks about President Kabila on the street, and was taken to Kinshasa's main prison. On 24 October, President Kabila reportedly stated that he was "unaware of a journalist or journalists who have been arrested." It is unclear whether the charges against Lumembu had been dropped on his release.

## Released

**Jullson ENINGA**: managing director of the daily newspaper *Le Journal*, was released unconditionally on 6 September 2010 after being detained for almost five months. Eninga was arrested on 13 April and held at the prosecutor's office of the Kinshasa district court. He had gone therein response to a summons by the attorney general regarding *Le Journal*'s decision to publish, without commentary, a statement by the Democratic Liberation Forces of Rwanda (FDLR), the Hutu rebel forces operating in the east of the country, in September 2009. *Le Journal* was charged with "spreading propaganda" for the FDLR and suspended by the Minister of Communications and Media. On 6 September, the High Court of Kinshasa found that treason had not been committed, acquitted Eninga on all counts and released him unconditionally.

# ERITREA

## Imprisoned: main cases

*Detained in September 2001:*

**Emanuel ASRAT** (editor-in-chief of *Zemen* – 'Time' ), **Temesken GHEBREYESUS** (sports reporter of *Keste Debona* - 'Rainbow' - born c. 1967), **Mattewos HABTEAB** (chief editor of *Meqaleh* - 'Echo' - born c. 1973), **Dawit HABTEMICHAEL** (assistant chief editor of *Meqaleh* - born c. 1973), **Dawit ISAAC** (co-owner of *Setit*, playwright and writer – born 1964), **Date of arrest:** in the days following 23 September 2001. **Sentence:** it is thought that none have been put on trial. **Details of arrest:** The detentions came in the wake of the closing down of all eight independent newspapers by the authorities on 18 September 2001 (these include the weeklies *Meqaleh*, *Setit*, *Tsigenay*, *Zemen*, *Wintana*, and *Admas*). Since then, only state-owned newspapers have been published. According to news reports, presidential adviser Yemane Gebremeskel stated that these journalists (and the four others who are thought to have

subsequently died in custody – see below) may have been arrested for avoiding national service. **Official position:** The authorities have either denied that a clampdown took place, claiming instead that the journalists have merely been sent to carry out their national service, or that the closures and mass arrests were necessary for the sake of national unity or were effected because of the newspapers' failure to comply with laws covering media licences. However, a more likely explanation is that the crackdown was an attempt to stamp out criticism of the Eritrean government's treatment of students and political dissenters, and of its conflict with Ethiopia. In April 2003, President Isaias Afewerki told Radio France Internationale that the journalists listed as arrested or missing had been bribed by forces opposed to the government to cause division. He stated, "You cannot say a spy is a journalist... In the middle of the war we had to check them. We had to say enough is enough." In a 2004 interview, President Afewerki commented that there had never been any independent media in Eritrea, only journalists in the pay of the CIA. In a TV interview in June 2009, the President said that he did not know what crime Dawit Isaac had committed but that he had made a "big mistake". He added that the Eritrean authorities would not release Isaac or put him on trial and that they have their "own ways of dealing with that". **Health concerns/ prison conditions:** It was reported in April 2004 that the journalists were being held in secret security sections of the 2<sup>nd</sup> and 6<sup>th</sup> police stations in the capital Asmara. It is believed that they have since been moved to prisons in various locations, where conditions are reputed to be brutal. There are serious concerns about severe ill treatment, possible torture, poor health and lack of access to medical care, as highlighted by the reported deaths of four journalists in custody (see below). In September 2009, Reporters Without Borders reported that many of the imprisoned journalists were being held in metal containers or underground cells in Adi Abeito military prison (northwest of Asmara), Eiraeiro prison (near the locality of Gahtelay) and in the Dahlak archipelago. **Reported deaths in custody:** In 2007, it emerged that four of the journalists who were arrested in September 2001 had reportedly died in custody between 2005 and early 2007: **Said Abdelkader** (*Admas*), **Medhanie Haile** (*Keste Debona*), **Yusuf Mohamed Ali** (*Tsigenay*), **Fesshaye Yohannes "Joshua"** (co-owner of *Setit*, playwright and poet). Their deaths were attributed to harsh conditions and lack of medical attention. Some sources indicate that Yohannes had been tortured prior to his death, including having his fingernails ripped out. **ACPHR ruling:** In May 2007, the African Commission on Human and People's Rights (ACPHR) of the African Union ruled that the detention of the journalists was arbitrary and unlawful and called on the Eritrean government to release and compensate the detainees. **Information on Dawit Isaac:** Isaac, who spent a number of years in Sweden during the Eritrean war of independence and the border dispute between Eritrea and Ethiopia, holds Swedish citizenship. In November 2001, the Swedish local consul held a brief meeting with Isaac in jail. In April 2002, it was reported that Isaac had been hospitalized suffering from injuries sustained through his torture. In November 2005, Isaac was briefly released for a medical check-up and was allowed to call his family and friends in Sweden. This was due to pressure by groups in Sweden but did not lead to Isaac's release: he was returned to prison two days later with no explanation. Since then Isaac has reportedly been moved to various prisons around the country. In January 2009, he was reportedly transferred from prison to an Air Force hospital in Asmara as a result of serious illness but was later returned to prison. The most recent reports indicate that Isaac is being held at Eiraeiro prison camp, 10 miles north of the capital Asmara, along with a number of the other detained journalists. As of January 2010,



Isaac was reportedly being kept in solitary confinement, in a tiny cell with no windows and was in very poor physical and mental health. He and the other inmates are reportedly not allowed any contact with each other or the outside world, are routinely shackled and receive almost no medical care. Many are in a very poor psychological state. In mid April 2010, the Swedish MEP (Member of the European Parliament) Eva-Britt Svensson reportedly stated that the Eritrean ambassador in Brussels, Girma Asmerom Tesfay, had told her in a meeting that Isaac was to be formally charged with a crime and taken to court. However, this was swiftly denied by the Eritrean embassy in Brussels. **Update on Isaac:** In an interview published on the website of the Swedish daily newspaper *Aftonbladet* on 1 August 2010, Yemani Gebreab, a senior adviser to President Afeworki, said that Isaac was being held for “very serious crimes regarding Eritrea’s national security and survival as an independent state.” He also said Isaac was involved in a “conspiracy” by a group of Eritreans “to facilitate” an invasion of the country by Ethiopia during the border war between the two countries. He refused to provide assurances that Isaac was still alive. On 18 and 19 October 2010, Esayas Isaac, Dawit Isaac’s brother, met with the Swedish government and the European Parliament to inform them that they are legally bound under international and European law to actively seek Dawit Isaac’s release. This assertion was based on a legal opinion drawn up by two Swedish lawyers. As of 27 October 2010, when Isaac turned 46, he had still not been formally charged with any crime, and his whereabouts remained unclear. A new collection of his writings, entitled *Hope- the Tale of Moses and Manna’s Love*, was unveiled at Sweden’s Göteborg book fair in late September 2010. **Update on other journalists:** On 18 February 2010, Reporters Without Borders reported that Emanuel Asrat and Dawit Habtemichael, like Isaac, were being held at Eiraeiro prison camp (cells 25 and 12 respectively). However, an April 2010 article by the Committee to Protect Journalists cited a report by Radio Wegehta, an opposition station based in Ethiopia, in which an alleged former prison guard at Eiraeiro stated that Habtemichael had died in custody, in addition to the four journalists named above; this death is unconfirmed. The former guard reportedly also said that Yusuf Mohamed Ali had died in June 2003 as a result of extreme heat, Medhanie Haile had died due to lack of medical treatment while Fesshaye Yohannes “Joshua” and Said Abdelkader had committed suicide. These reports are likewise unconfirmed. **Honorary Members:** American PEN, PEN Canada. Dawit Isaac is an Honorary Member of Finnish PEN and Swedish PEN. **Awards:** Isaac was awarded the 2009 Tucholsky Award by Swedish PEN and the 2011 Golden Pen of Freedom, the annual press freedom prize of the World Association of Newspapers and News Publishers (WAN- IFRA). **Mahmud AHMED SHERIFFO, Haile WOLDETESNAE, Petros SOLOMON, Saleh Idris KEKIA, General Ogbe ABRAHA, Astier FESHATSION, Berhane GHEBRE EGHZABIHER, Hamid HIMID, Estifanos SEYOUM, Germano NATI and Beraki GHEBRE SELASSIE:** former Minister of Local Government, former Minister of Trade and Industry, former Minister of Fisheries, former Minister of Transportation and Communication, and former Chief of Staff of the Defence Force and Minister of Trade and Industry respectively (the final six were also former members of government), have been detained since 18 or 19 September 2001 after the publication in May 2001 of an open letter critical of the government addressed to members of the ruling People’s Front for Democracy and Justice (PFDJ) party. All 11 were members of the so-called G-15, a group of 15 PFDJ senior officials who signed the letter. They were arrested in Asmara on 18 and 19 September 2001 and accused of crimes against national security and sovereignty. A

twelfth G15 member was also arrested but was released when he recanted. The three remaining members were abroad at the time of the arrests and have not returned to Eritrea. In February 2002, in the first parliamentary session since 2000, President Issayas Afewerki declared that the G-15 members had “committed treason by abandoning the very values and principles the Eritrean people fought for”. The National Assembly therefore “strongly condemned them for the crimes they committed against the people and their country”. After such statements it seems highly improbable that the eleven currently held will receive a fair trial. They have been held incommunicado ever since and it is not known whether they have been formally charged. According to Amnesty International, their family and friends have faced persecution whenever they have tried to speak out against the detentions. In April 2009, Amnesty reported that at least one of the G-15 members, General Ogbe Abraha, had reportedly died in custody due to the harsh conditions and lack of access to medical treatment. Astier Feshatsion was said to be suffering from stomach ulcers. **Most recent information:** According to a May 2010 report by Amnesty International, in early 2009 there were unconfirmed reports that nine out of 11 of the former government officials known as the G-15 had died in detention since 2002. No further information as of 31 December 2010.

#### *Detained after 2001:*

**Yirgalem ASFHA (f)** (essayist and journalist - staff member at Radio Bana, former art critic for the independent weekly newspaper *Zemen*; **Yirgalem FISSEHA MEBRAHTU (f)** (poet and journalist for Radio Bana); **Meles Negusse KIFLU:** (writer, poet and journalist - Radio Zara and Radio Bana, formerly worked for *Tsigenay*); **Bereket MISGHINA** (“Wedi Misghina”) (playwright and actor and staff member at Radio Bana). **Date of arrest:** 22 February 2009, during a raid on Radio Bana, based in Addis Ababa, during which at least 50 employees were arrested by the security forces. By April 2009, most had been released but a number remain in detention. **Reasons for arrest:** No reason has been given for the journalists’ arrest and they have apparently not been charged with any offence. However, it is thought that Asfha and Misghina might have been arrested due to their close working relationship with foreigners and a programme broadcast on Radio Bana in January 2009 about participatory government. Radio Bana produces educational programs for the Ministry of Education. **Place of detention:** May Srwa prison (Fisseha, Kiflu and Misghina); unknown (Asfha). **Other information:** Kiflu and Misghina were reportedly first held at the Doboito detention centre and then at the military prison in Adi Abeito, to the northwest of Asmara. Fisseha, who was 27 at the time of her arrest, was initially taken to Adi Abeito but was subsequently transferred to the nearby May Srwa prison. Misghina is said to come from a very prominent family in Keren in northern Eritrea. He was reportedly tortured in 2002 after a screening of his film *Fistametat*. Asfha, who was thought to be aged 30 at the time of her arrest, is from Adi Keyih in the south of the country. Kiflu is married with two children. **Most recent information:** On 18 February 2010, Reporters Without Borders reported that Fisseha, Kiflu and Misghina were being held in May Srwa prison, to the north of the capital Asmara. On 23 May 2010, Reporters Without Borders said that Fisseha had been kept in solitary confinement for a number of weeks for unknown reasons. No further news of Asfha. As of 31 December no further details. **Mulubrhan HABTEGEBRIEL:** journalist for the independent newspapers *Megaleh* and *Setit*, as well as an essayist, commentator and translator for Radio Zara and the state-run newspaper *Hadas Eritrea*. **Date of arrest:** 2008. **Reason for arrest:** Not known. **Place of detention:** Adi

Abeito military prison. **Other information:** Along with other prisoners (including Bereket Misghina and Meles Negusse Kiflu – see above), reportedly taken to an unknown destination in armoured cars on the night of 22 May 2009 before being sent back to Adi Abeito. No further news as of 31 December 2010.

**Wedi ITAY:** freelance journalist, former journalist for *Keste Debona*; writer and essayist. **Date of arrest:** Unknown. **Place of detention:** A hospital in Asmara. **Other information:** Itay was in his 40s at the time of his arrest and is now said to be seriously ill. He is reportedly a former member of the Eritrean People's Liberation Front (EPLF). No further news as of 31 December 2010.

## ETHIOPIA

### *Imprisoned: main case*

\***Akram EZEDIN:** acting editor of the privately owned Islamic weekly newspaper *Al-Quds*, based in the capital Addis Ababa, has reportedly been detained without charge since 11 September 2010. Ezedin (17) took over the running of the newspaper in January when his father, **Ezedin Mohamed**, editor of *Al-Quds*, was sentenced to one year in prison for a 2008 column criticizing statements made by Prime Minister Meles Zenawi during an interview with the British newspaper *The Guardian* (see below). On 11 September 2010, Mohamed was released and Ezedin was arrested, reportedly on the basis of articles critical of the performance of Afar's local Islamic Council or Mejilis, published by *Al-Quds* in July. Ezedin is was reportedly being held in a prison in Asaita, the regional capital of Afar and had reportedly appeared in Afar's court four times but was yet to be charged. Pre-trial detention is illegal under Ethiopia's Mass Media and Freedom of Information Proclamation. Moreover, as *Al-Quds* is a national newspaper, any case against it should be heard in a federal not a state court. As of October 2010, Ezedin was still in detention. PEN is seeking an update. [Update #1 to RAN 07/10]

### *On trial*

**Amare AREGAWI:** editor of the pro-government weekly Amharic-language newspaper *The Reporter*, was arrested and briefly detained in August 2008 and is now on trial for libel. The case was brought by the Gondar-based brewery Dashen following a July 2008 *Reporter* article that quoted two former Dashen employees as saying they were wrongfully dismissed. **Arrest and detention:** Aregawi was arrested by police from the Amhara region at his office in Addis Ababa on 22 August 2008 and taken to the headquarters of the Addis Ababa police. The police were reportedly also looking for deputy editor **Eshete Assefa** and the author of the offending article, reporter **Teshome Niku**, but neither of them were in the office at the time. Aregawi was then transferred to a prison in Gondar, north of the capital, where he appeared in court on 25 August 2008. The prosecutor and judge reportedly offered to release the editor on bail in Gondar, but he refused on the grounds that it was illegal for him to have been taken there (under a new press law adopted in July 2008, defamation cases should be tried in the place where the alleged offence took place, in this case Addis Ababa, where *The Reporter* is registered). Aregawi was finally released on bail after being held for six days. **Attack:** On 31 October 2008, Aregawi was reportedly assaulted by unidentified individuals when leaving a meeting at his son's school. He was hit in the back of the head and left unconscious, and was later taken to hospital. Four men were later arrested in connection with the attack. The motive of the crime was not known but Aregawi and other *Reporter* staff had report-

edly received anonymous threats in connection with a series of reports alleging that people close to a Saudi-Ethiopian billionaire had mismanaged his investments. As of August 2009, the investigation into the attack had stalled because the individuals who ordered the attack had reportedly left the country. The assailants had reportedly been tortured while in police custody. **Background:** Aregawi ran Ethiopia's public television after the fall of the Derg dictatorship in 1991 and is reportedly a former high official of the ruling EPRDF party. *Reporter* is a wide-circulation newspaper that reportedly defended the violent 2005 post-election crack-down on the independent media and government opponents. The board chairman of the Dashen brewery, which is an investment of the EPRDF's Endowment Fund for the Rehabilitation of Tigray, is Bereket Simon, a senior adviser to Prime Minister Meles Zenawi. **Most recent information:** As of early February 2010, the trial was ongoing and a ruling was expected by early September. The court was reportedly expected to rule in favour of Aregawi or fine him rather than giving him a prison sentence. No further news as of 31 December 2010; PEN is seeking an update.

**Dawit KEBEDE and Wesenseged GEBREKIDAN:** editors of *Awramba Times* and *Harambe* respectively, are on trial for "incitement". Kebede is also facing prosecution for criminal defamation. On 7 August 2008, Kebede and Gebrekidan were arrested and released on bail. The police were reportedly acting on orders from the Ministry of Justice, which had requested a criminal investigation into the two papers. *Awramba Times* was charged for an editorial, interview and opinion piece that had appeared in five different issues, while *Harambe* was charged for an editorial and opinion piece that had appeared in three separate issues. **Background:** At the beginning of August 2008, *Awramba Times* had been warned by police that they would block the distribution of the newspaper if it persisted in covering a new political opposition movement, Ginbot 7. Ginbot 7, which is named after the day on which the disputed 2005 elections were held, is led by **Berhanu Nega**, a formerly imprisoned academic (see previous case lists). Kebede and Gebrekidan were jailed alongside Nega in 2005 and spent 21 months in jail before being released on a conditional pardon in August 2007. **New charges:** On 27 November 2008, it was reported that Kebede had appeared before a federal criminal court charged with defaming a pro-government political leader named Ayele Chamiso. Chamiso leads a small faction of CUD, the main opposition group in the 2005 elections, which is now allied with the EPRDF ruling party. Kebede was released on bail. **Incitement trial:** In late February 2009, it was reported that the public prosecutor had filed criminal charges against both Kebede and Gebrekidan at the federal court. Both were granted bail. Gebrekidan was unable to pay post bail and was imprisoned for a few weeks until local journalists raised the money. A final ruling in both cases was reportedly expected by September 2010. If convicted, the journalists face a possible prison sentence. **Recent information:** On 29 June 2010, it was reported that *Awramba Times'* mail was being tampered with. According to Kebede, the paper had complained to the Ethiopian Postal Service at least three times since 6 June after finding opened and destroyed envelopes in its mailbox the national postal headquarters in Addis Ababa. No further news on the trials. **Awards:** On 23 November 2010, Kebede was given the Committee to Protect Journalists' International Press Freedom Award for "risking his freedom and security to report the truth as he sees it in his country."

### *Released*

**Ezedin MOHAMED:** editor of the Islamic newspaper *Al-Quds*, was released at the end of September/ beginning of October 2010 after

serving eight months of a one-year prison sentence. Mohamed's son, **Akram Ezeden**, who had taken over the editorship of *Al-Quds* while he was in prison, was himself reportedly imprisoned in mid September 2010 pending trial on defamation charges (see above). Mohamed was sentenced to one year in prison on 29 January 2010. The exact nature of the charges were not clear but they were thought to relate to a January 2008 column that criticized Prime Minister Meles Zenawi for statements he made during an interview with the British newspaper *The Guardian*. The *Al-Quds* column reportedly challenged Zenawi's characterization of his country as "Orthodox Christian Ethiopia". Mohamed was previously arrested on criminal defamation charges in February 2008.

## GABON

### *Brief detention*

\***Jean-Yves NTOUTOUME**: editor of the private bimonthly newspaper *Le Temps*, was imprisoned for five days from 26 to 31 October 2010 after the paper failed to pay 10 million CFA francs (US \$20,000) in damages to a former treasurer of the Gabonese Democratic Party (PDG). The civil libel lawsuit was brought several years before in response to a column by former *Le Temps* reporter **Mathieu Ebozo'o**, which reportedly raised questions about whether the former treasurer could have been involved in an armed robbery which resulted in the death of a courier and the theft of a large sum of money. Ntoutoume was detained at Gros Bouquet prison in the capital Libreville and was released on 31 October after paying the remaining balance of the fine.

## GAMBIA

### *Imprisoned: main case*

\***Chief" Ebrimah MANNEH**: reporter and sub-editor with the pro-government *Daily Observer*, was reportedly arrested by two National Intelligence Agency (NIA) officers on 7 July 2006 and has held been in incommunicado detention by the NIA at various sites ever since, seemingly without having been charged with any offence. The NIA has repeatedly denied that they have the journalist in their custody; the government also denies any knowledge of his case. It is believed that the reason for Manneh's arrest is that he is alleged to have had contact with a foreign journalist before the July 2006 African Union Summit held in the Gambian capital Banjul. Manneh apparently gave this journalist information deemed by the Gambian government to have been damaging to the country's image. According to a former colleague, Ousman Darboe, Manneh reprinted a BBC story critical of President Yahya Jammeh's democratic credentials; his decision was later overruled by editors and the relevant issue of the *Observer* withdrawn. Manneh has reportedly been moved around the country throughout his detention and although the local media has reported seeing him on several occasions, the government remained silent on the subject until April 2009 (see below). **Last sighting**: Manneh was reportedly seen on 26 July 2007 at Gambia's main hospital where he was receiving treatment for high blood pressure. He was said to be very weak and was accompanied by members of the Police Intervention Unit (PIU), a paramilitary wing of the Gambian Police Force and Prison Service. Prior to the sighting Manneh had apparently been detained at Mile Two Central prison on the outskirts of Banjul, before being briefly admitted to Gamtel Ward Hospital and then being transferred to a military clinic in Banjul. **ECOWAS ruling**: On 5 June 2008, the Community Court of Justice of the Economic Community of

West African States (ECOWAS) in Nigeria declared Manneh's arrest and detention illegal and ordered the Gambian authorities to release him. The court also awarded Manneh US\$100,000 in compensation from the Gambian government. The government refused to cooperate throughout the court proceedings and has yet to comply with the ruling. **Official position**: On 6 April 2009, the Gambian authorities finally broke their silence with regards to Manneh's disappearance when the Attorney General and Minister of Justice publicly stated that the journalist was not in police custody and rejected the ECOWAS ruling. **UN ruling**: In November 2009, the United Nations Working Group on Arbitrary Detention issued an opinion stating that the Gambian government's arrest and continued detention of Manneh are without legal justification and in violation of international law, and called for Manneh to be released immediately. **Recent information**: On 15 April, 2009 a report by Agence France-Presse quoted an unnamed police source as saying that Manneh had been removed from Mile Two prison in the middle of the night some time in 2008, and speculating that the journalist was dead. However, on 27 April 2009 it was reported that credible sources had said that Manneh was still alive. As of 7 July 2010, Manneh had been missing for four years. No further news as of 31 December 2010.

### *Imprisoned: investigation*

\***Edwin Nebolisa KWAKAEME**: activist and publisher of the privately-owned quarterly magazine *Window* which reports on human rights violations in the country. On 6 September 2010 Kwakaeme was sentenced to a six-month prison term with hard labour and a fine for allegedly giving false information to the office of President Yahya Jammeh. He was reportedly arrested on 8 March 2010 after writing to the office of President Jammeh asking him to make his daughter a goodwill ambassador to the human rights organisation which Kwakaeme works for, Africa in Democracy and Good Governance (ADG). Before the sentence, Kwakaeme had been on remand for seven months and had spent a one and half weeks in police custody. The court also suspended ADG indefinitely. No further news as of 31 December 2010. Kwakaeme is expected to be released in early February 2011.

## IVORY COAST

### *Case closed*

**Guy-André KIEFFER**: writer and independent reporter with joint French and Canadian nationality, disappeared on 16 April 2004 and is now assumed to have been killed. According to Reporters without Borders (RSF), he was "abducted from the car park of an Abidjan supermarket on 16 April 2004 after falling into a trap set for him by a member of President Laurent Gbagbo's entourage". **Background**: Kieffer was the Abidjan correspondent for the French publication *La Lettre du Continent* and had written for French business publication *La Tribune* and other publications. He also reportedly wrote for the Ivorian press under a pseudonym and was collaborating on a book with Louis-André Dacoury-Tabley, foreign affairs coordinator for the Patriotic Movement of the Cote d'Ivoire (*Mouvement patriotique de Cote d'Ivoire* – MPC). In addition to his work as a journalist and writer, Kieffer has also worked as a cocoa and coffee trade expert for a firm of consultants and had conducted numerous investigations into the coffee and cocoa sectors, some of which have exposed corruption. **Investigation**: The investigation into Kieffer's disappearance, led by French judge Patrick Ramaël, has dragged on since 2004 with no conclusion. Key suspects have been

Michel Legré, the brother-in-law of President Gbagbo's wife, Simone Gbagbo. Legré was charged with 'accessory to kidnapping', 'unlawful confinement' and murder and held in an Abidjan detention centre for a year and a half before being granted provisional release in October 2005. Jean-Tony Oulaï, an Ivorian army captain who claims to have belonged to the Ivorian special services, was detained for two and a half years from 2007 on suspicion of kidnapping and illegally detaining Kieffer before being provisionally released in April 2010. Judge Ramaël has reportedly faced constant obstruction by the Ivorian authorities, although they have denied this. In October 2009, it was reported that a man claiming to be a soldier in the Ivorian army said that Kieffer had been killed by members of Simone Gbagbo's entourage, without her knowledge, during a botched interrogation within the presidential compound. However, in apparent response to the new testimony, the Ivorian state prosecutor Raymond Tchimou stated that Kieffer had been taken out of the country and is still alive. Tchimou offered no other explanations or details on the journalist's purported whereabouts. The investigation was still unresolved as of December 2010; case closed due to lack of information. (See previous case lists for more details).

#### On trial

\***Traore MEDANDJE**: reporter for the daily newspaper *L'Intelligent d'Abidjan*, was sentenced to a one-year jail sentence and a fine of 5 million CFA (approx 7,600 Euros) by the Abidjan Criminal court on 26 July 2010 on charges of defamation and attempted blackmail of a former health ministry official. The case was prompted by a 4 September 2009 article in which Medandje accused the then departmental director of health of getting rich by setting up unauthorised private clinics in the Vavoua region. The health ministry confirmed the allegations and fired the director for "activities contrary to the ethics of his profession", however this did not stop him from filing a complaint against Medandje a few months later, accusing him of defamation and attempted extortion. Medandje remained free pending the outcome of his appeal. A hearing was set for October. No further news as of 31 December 2010; PEN is seeking an update.

\***Patrice POHE**: journalist and communications advisor to the state prosecutor, was arrested and detained on the orders of his employer on 21 July 2010 for allegedly leaking a report about embezzlement in the cocoa and coffee sector to the privately-owned newspaper *Le Nouveau*. It was reported that his arrest followed the interrogation of **Allan Alliali**, managing editor of privately-owned newspaper *Le Quotidien*. Both journalists were interrogated separately before being interrogated face-to-face in the presence of the secretary of the state prosecutor. At a hearing on 23 July, Pohe's case was adjourned to 26 July; no reason was given. No further news as of 31 December 2010.

#### Attacked

\***Laurent DESPAS**: French journalist, editor and founder of the Pan-African website [a](#), was attacked and beaten and had a finger broken while covering violent clashes between members of the Cote d'Ivoire Student and School Federation (FESC) and young opposition supporters outside Rally for Democracy and Peace (RHDP) campaign headquarters in the capital Abidjan on 19 November 2010. According to the journalist, he was attacked by twenty people shouting "we are going to carve you up, whitey". His mobile phone and camera were taken away from him. He later managed to recover the camera. The police reportedly did not intervene or tried to investigate the attack.

#### Non custodial sentence

\***Stephane GUEDE, Theophile KOUAMOUO and Saint- Claver OULA**: respectively managing editor, news editor and editor in-chief at the daily newspaper *Le Nouveau Courrier*, who were arrested on 14 July 2010 and were released on 27 July 2010. They were held in a state custody in Abidjan. The paper was fined 5 million CFA (US\$9,800) and banned from publishing for 15 days. They were found guilty on 21 July 2010 of disclosing confidential judicial information under the 2004 Press Law. The charges related to the journalists' refusal to disclose their source for a 13 July story which cited the contents of a prosecutor's confidential investigating report detailing corruption in Ivory Coast's cocoa and coffee export industry. Oula reportedly suffered from a stomach ailment while in custody for which he was denied the hospital treatment he required, causing him to go on hunger strike. The newspaper had not decided whether to lodge an appeal.

## KENYA

#### Killed: official investigation ongoing

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

**Investigation**: On 8 June 2009 it was reported that two key witnesses, Nyaruri's family lawyer and a policeman, had had gone into hiding after receiving death threats. The lawyer had been pushing for the arrest of Nyaruri's suspected killers; the policeman had been providing protection to the lawyer and had been instrumental in the arrest of two key suspects. The threats warned them to drop the case. It is suspected that senior policemen from Nyamira may have masterminded the murder and be responsible for attempting to stall the investigation. The police officers in charge of investigating the murder had also received repeated threats; one of them reportedly filed a complaint to the police commissioner but this apparently caused the threats to intensify. As of 21 September 2009, one suspect, a member of a local gang, was reportedly facing murder charges, but the other, a taxi driver, had been released without explanation and had not been seen since. On 24 February 2010, it was reported that a suspect had been arrested in Kisii and transferred to Kisumu, where the case is being handled. Police said the suspect, a member of the Sungu Sungu group which is suspected to have been hired to kill the journalist, had been identified shortly after the killing but had gone into hiding. **New information**: The murder trial was reportedly postponed again on 4 November 2010. The judge investigating the case disqualified

himself from the trial of the two suspects, stating that it was his last day hearing criminal cases and he could not initiate a new case despite the presence of five witnesses in court, including a key former police investigator into the murder, Robert Natwoli, who arrested the suspects. Despite being a crucial witness, Natwoli has not yet been given an opportunity to testify. He said he left the police force this year after harassment and intimidation from fellow officers. The murder remains unsolved as of 31 December 2010.

### *On trial*

**Fwamba N C FWAMBA:** contributor to various print media and a member of Kenyan PEN, has been arrested on a number of occasions and is facing charges for taking part in a supposedly illegal demonstration. On 7 August 2007, Fwamba was arrested along with **Philo Ikonya**, President of Kenyan PEN, and nine others while they were singing a peace song in a small group outside the headquarters of the Criminal Investigation Department (CID) to protest against arbitrary arrests of members of civil society. Fwamba and Ikonya were arrested again on 18 February 2009 for taking part in a peaceful protest against hyperinflation and the rising prices of maize flour at a time of famine in Kenya. They were arrested outside the Kenyan parliament along with another activist. All three were reportedly severely assaulted while in police custody. On 19 February 2009, they were charged with “taking part in an unlawful assembly” and released on bail. Both Fwamba and Ikonya were hospitalised following their release to receive treatment for injuries sustained during the assault. They attempted to lodge a complaint against the senior police officer who assaulted them but this was denied on three successive occasions. Fwamba said he also received threats in 2009, including a death threat from an MP. He believed his movements and phone calls are being monitored by state agents. Ikonya is now living in exile. **Update:** On 10 August 2010, Fwamba reported that the last witness in the case had been due to appear on 31 July but did not and that the court keeps postponing the hearing dates. According to Fwamba the presiding magistrate allowed the case to proceed in spite of inconsistencies from prosecution witnesses. In addition the court has failed to separate the case from Ikonya’s as it should have. The case was reportedly ongoing as of 31 December 2010.

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

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

**Eric ORINA:** freelance journalist for a number of publications including the *Daily Nation* and *The Standard*; also Secretary General of the Kenya Union of Journalists, is on trial for creating a disturbance and causing a breach of the peace. Orina was reportedly assaulted by policemen during public celebrations for Madaraka (Kenya self government) Day in a stadium in Nairobi on 1 June 2009 after he went to the rescue of photo-journalist **Boniface Mwangi** who was being manhandled by two men. When Orina questioned the behaviour of the assailants, who turned out to be plainclothes policemen, he and Mwangi were reportedly taken to the basement of the stadium and beaten. Both journalists were left with severe injuries, in Orina’s case a deep cut to his head and bruising to the hand, ribs and legs, while Mwangi suffered a sprained ankle and bruising. They were then detained overnight in police custody and appeared in court the following day, charged with creating a disturbance and causing a breach of peace. The charges reportedly stem from the journalists having shouted out slogans criticising corruption and impunity during the ceremony, at which the President was present. Orina and Mwangi were released on bail of KES20,000 (approx. US\$256) each. Following their release the journalists received hospital treatment for their injuries and lodged a complaint with the authorities about the police’s behaviour. If convicted, Orina and Mwangi face a maximum six-month prison sentence. **New information:** On 31 January 2010, Mwangi reported that he and Orina were due to appear in court on 17 February when they hoped to be acquitted due to a lack of witnesses for the prosecution, who had failed to attend previous hearings. No further information as of 31 December 2010; PEN is seeking an update.

### *Death threat*

\***Sam OWIDA:** journalist with the *Nation* newspaper, reportedly received two anonymous threatening phone calls on 17 December 2010 warning him that he could “share Nyaruri’s fate”, referring to the journalist **Francis Nyaruri** who was killed in January 2009 (see above). Owida was a close friend of Nyaruri’s, the first to identify his body and had highlighted his murder in the media. According to Owida, the caller, who claimed to be part of the local Sungu Sungu militia that operates in western Kenya, asked if he was the journalist who publicised the killing

of Nyaruri and said they were “on to him.” The threats, which the police were reportedly investigating, have forced Owida to take precautions and change locations frequently.

### **Attacked**

**\*Khainga OOKWEBA:** poet, writer and treasurer of Kenyan PEN, was attacked by an unknown person armed with a machete on 17 December 2010 outside the Kenya National Museum in Nairobi, where Ookweba had attended the launch of the sixth edition of literary journal *Kwani*. He sustained serious injuries to his head and arms and was robbed of money, a digital video camera, a notebook and three DVDs with recorded interviews. He was reportedly accompanied by journalist and human rights activist Onyango Oloo at the time of the attack. Earlier that day Ookweba had recorded an interview with Kenyan literary scholar Professor Micere Mugo who was in the country after many years of exile. The attack was reported to the Central Police Station. As of January 2011, Ookweba reported that he had made a good recovery.

## **LIBERIA**

### **Harassed**

**\*Rodney SIEH:** editor of *Front Page Africa* newspaper, was reportedly ordered by the Supreme Court to “help the Bench understand” the basis for information provided in an article written and submitted by a reader entitled “Biasness, Discrimination and Prejudices in the Angel Tokpah case”. The article, published on 25 October 2010, accused an associate justice of bias when she forced family members and friends of Angel Tokpah, a young girl who was murdered, to leave the court. At the hearing, Sieh’s lawyer refused to defend him. In his second appearance in court on 3 November, Sieh asked for more time to obtain a lawyer; he was expected to appear in court again on 9 November. On 2 and 3 November, *Front Page Africa* published pieces stating that Sieh feared that he would not receive a fair hearing.

### **Case closed**

**Syrenius CEPHUS and Michael MAKINDE:** respectively publisher of the *Plain Truth* newspaper and manager of the Seamarco Printing Press, which publishes the newspaper. Both are on trial for criminal libel against the President, sedition and criminal malevolence in connection with a 9 December 2009 article suggesting that the Liberian government was supplying arms and ammunition to Guinean dissident groups in their bid to overthrow the military junta in Guinea. Cephus was summoned for questioning on 11 December and on 14 December was taken to the NSA headquarters where he was interrogated and held overnight. Makinde was also arrested on 11 December in connection with the same story and released after three days. Both men were formally charged on 16 December and taken to Monrovia Central Prison pending trial. They were released on bail on 18 December and were expected to appear in court on 22 December 2009. No further news as of 31 December 2010; case closed due to lack of information.

## **MAURITANIA**

### **Harassed**

**\*Mohammed Ould ABDEL LATIF:** a reporter for the privately-owned Arabic-language daily newspaper *El-Hayat*, was detained for several hours on 18 July 2010 before being released without charges. It was

reported that his arrest was a result of his investigation into tax collection by the Arafat Municipal Authorities in the capital. Abdel Latif was arrested while interviewing traders about the alleged involvement of the police in tax collection. It was also reported that the police accused the reporter of disobeying their orders.

## **NAMIBIA**

### **Threatened**

**\*Max HAMATA:** editor of independent weekly tabloid newspaper *Informante*, reportedly feared for his own and his family and staff members’ safety following threats relating to its publication of a 4 November 2010 article describing alleged health complications suffered by Namibia’s founding president. The newspaper has since been attacked in the media and threatened with legal action. In its 11 November edition, *Informante* published a letter from the former president’s legal representatives, instructing the paper to retract the offending article and issue an unconditional apology or face prosecution. Hamata had also recently had a defamation case launched against him by an Oshakati police inspector. The defamation claim was based on an article which it claimed that the inspector had recommended another police constable for a training course following an alleged romantic tryst between the two during the Omuthiya authorities’ elections. The case was dismissed on 11 October 2010.

## **NIGER**

### **Harassed**

**Moussa AKSAR:** publisher of privately-owned newspaper *L’Evenement*, was arrested at his home on 20 September 2010 and detained overnight by security personnel from Niger’s intelligence service (Renseignements Generaux, RG) for allegedly criticizing security agents. He was reportedly questioned for about 12 hours and released without charge on 21 September. Aksar’s arrest reportedly followed comments he made on the French TV station *France 24*, where he claimed security lapses in the north of Niger had enabled a militant group to abduct seven foreign nationals. **Background:** In August 2009, Aksar was one of eight editors questioned about the publication of a leaked document indicating that President Mamadou Tandja’s son received kickbacks from Niger’s uranium mining profits; they were released without charge a few hours later. On 18 November 2008, Aksar and another journalist, **Aboubacar Sani**, were sentenced to three months in prison for criminal libel and ordered to pay fines. The charges stemmed from a 29 September 2008 editorial by Sani raising questions about management at the country’s electricity supplier, NIGELEC. The journalists were released pending appeal.

### **Case closed**

**Ali SOUMANA:** publisher of the independent Niamey-based weekly newspaper *Le Courrier*, was on trial for defamation and “publishing false information”. Soumana was arrested on 6 April 2009 and detained at the headquarters of the Criminal Investigation Department (CID) following a defamation complaint brought against him by the managing director of the state-owned water company, Eau du Niger (SPEN). The charges apparently stem from a 26 March 2009 article accusing the SPEN head of engaging in “dirty business deals” with an allegedly corrupt Chinese geo-engineering company, which, according to *Le Courrier* claimed. Soumana was released on 7 April 2009 and was later charged with two

counts of defamation and “publishing false information”. He was reportedly arrested again on 1 August 2009 and questioned about a *Le Courrier* report alleging that Niger’s National Commission on Human Rights and Fundamental Freedoms misused funds earmarked for supervision of a referendum on a constitutional amendment abolishing presidential term limits. Soumana was arrested and detained along with *Le Canard Déchaîné* editor **Abdoulaye Tiémogo**, who was subsequently sentenced to three months in prison on other charges. Soumana, Tiémogo and six other editors were also questioned about the publication of a leaked document indicating that President Mamadou Tandja’s son received kickbacks from Niger’s uranium mining profits. The other six editors were released without charge a few hours later. **Update:** As of 31 December 2010, no further information on Soumana’s trial for alleged defamation. Case closed due to lack of information.

## NIGERIA

**Killed: official investigation ongoing**

**Bayo OHU:** assistant news editor for the independent daily newspaper *The Guardian*, was shot by a group of unidentified assailants at his home in Lagos on 20 September 2009. Ohu (45) was getting ready to go to church to meet his wife, and two of his five children were home at the time. Local journalists reportedly believe that Ohu was killed for his political reporting, suggesting as a possible motive a recent investigation into the alleged use of forged educational certificates by a recently appointed customs official. Ohu had also been reporting on the Ekiti state elections campaign which had reportedly involved some attacks on journalists. His assailants reportedly took a laptop and a mobile phone from his house but nothing else. In October 2009, it was reported that two suspects had been arrested and that police were offering a N2m (approx. US\$13,285) reward for anyone with information that could lead to the killers’ arrest. On 15 March 2010, the police held a press briefing in which they presented three suspects who allegedly shot Ohu during a break-in. However, according to Reporters Without Borders, the police did not present any substantial new evidence and only journalists from the two TV stations and from Ohu’s newspaper, *The Guardian*, were allowed to attend. Reporters Without Borders expressed concern that the police were still insisting that Ohu was shot in the course of a break-in although there are strong indications that he was the victim of a targeted killing related to his work as a journalist. No further news as of 31 December 2010.

## RWANDA

**Killed: official investigation ongoing**

**Jean Leonard RUGAMBAGE:** deputy editor of the banned newspaper *Umuwugizi*, was shot in the chest as he drove through the gate of his home in the capital Kigali on 24 June 2010. Police arrived at the scene soon afterwards but Rugambage was already dead. Police investigations were opened. Prior to his death, Rugambage (34) had reportedly told friends and colleagues that he was being followed and had received phone threats. **Jean-Bosco Gasasira**, the exiled editor of *Umuwugizi*, said he believed the murder was reprisal for a recent story alleging government involvement in the attempted assassination of a former Rwandan army commander in South Africa. Gasasira suspected that Rwandan security operatives were behind the killing. The government has denied the accusations as “baseless”. On 28 June, the police announced that two,

unnamed people had been arrested in connection with the shooting. They said that one of the suspects, who had already pleaded guilty, is related to a person allegedly killed by Rugambage during the 1994 genocide. Rugambage was acquitted of genocide charges by a local *gacaca* court in 2007. **Background:** *Umuwugizi*, considered to be one of the few critical voices in Rwanda, was suspended for six months by the Media High Council in April 2010, and when the newspaper moved online soon after, its website was blocked within Rwanda. These developments occurred in the run-up to the presidential elections scheduled for August 2010. Before joining *Umuwugizi*, Rugambage was a reporter for the now-defunct independent tabloid newspaper *Umuco*. He was imprisoned for 11 months in 2005-06 after writing an article alleging mismanagement and witness tampering in Rwanda’s traditional courts for suspects of the 1994 genocide. He is survived by a wife and a two-year-old daughter, according to local journalists. **New information:** At the end of June 2010 it was reported that two suspects had been arrested and that one had pleaded guilty to the murder. Didace Nduguyangu and Antoine Karemera were arrested the day after the killing, on 25 June. Nduguyangu reportedly pleaded guilty to shooting Rugambage, saying that Karemera had advised him to do so to avenge Rugambage’s alleged murder of members of his family in the 1994 genocide. Karemera denied any responsibility. There was scepticism among journalists about the arrest as the government did disclose details of the investigation. Both suspects were reportedly sentenced to life imprisonment for the crime on 29 October. [RAN 37-10]

**Imprisoned: main cases**

\***Agnes UWIMANA (f)** and **Saidati MUKAKIBIBI (f):** respectively editor and assistant editor/ reporter of the now-defunct independent weekly tabloid newspaper *Umurabyo*, have been detained in a prison in Kigali since July 2010. They are charged with sedition, inciting public disorder, ethnic “divisionism,” and promoting genocide ideology following a series of articles that were critical of Rwandan President Paul Kagame. Uwimana was arrested on 8 July while Mukakibibi was detained the following week, allegedly for comparing the President with Adolf Hitler. The authorities denied that their arrest was linked to forthcoming elections in August. *Umurabyo*, which rose to prominence in April 2010 following the government’s closure of leading private newspapers *Umuseso* and *Umugizi*, had in its recent editions raised questions about a number of sensitive topics, including the murder of journalist **Jean-Léonard Rugambage** (see above), the fallout between Kagame and two now-exiled military leaders, as well as reports alleging extravagant government spending on luxury aeroplanes. **Background:** In June 2010, the chairman of Rwanda’s Media High Council Board accused Uwimana of publishing “defamatory articles and falsehoods” in an article that suggested that all Rwandans were both victims and perpetrators of the 1994 genocide. In 2007-08, she served a one-year prison sentence on charges of ethnic divisionism and libel after she published an opinion piece on ethnic violence in Rwanda. **Update:** Both still detained as of 31 December 2010.

**On trial**

**Charles KABONERO, Didas GASANA and Richard KAYIGAMBA:** respectively former editor, acting editor-in-chief and reporter of the Kinyarwanda-language private weekly newspaper *Umuseso*, were given prison sentences on 22 February 2010 after being convicted in absentia of invading the privacy of the Cabinet Affairs Minister and the Mayor

of Kigali. Kabonero was sentenced to one year in prison and Gasana and Kayigamba to six-month prison terms under the 1977 penal code and 2009 Media Law. All three were also ordered to pay damages of 1 million Rwandan francs (US\$1,700) to the minister and the mayor. They were free pending appeal. The case related to a November 2009 article reporting allegations of an extramarital affair between the minister and the mayor. According to Kabonero, the story was a matter of public interest because Rwanda's 2008 Law on the Leadership Code of Conduct criminalized offenses such as adultery for public office holders. Both the minister and the mayor have publicly denied the accusations. At the time of the conviction, Kabonero and Gasana were already appealing a suspended two-year prison term from a 2008 conviction for defamation over a story about tax evasion charges against a businessman in South Africa. **New information:** As of 20 October 2010 the three journalists had reportedly fled the country and they were working from exile. According to Kabonero they were facing up to 25 years in prison

### Harassed

\***Nelson GATSIMBAZI:** managing editor of the bimonthly *Umusingi*, was reportedly accused by a presidential advisor of working with "enemies of the state" on 13 December 2010. In response to a question Gatsimbazi asked about prolonged pre-trial detentions, the advisor accused the journalist of receiving funds from "outside" to spread "lies and rumours". The comments follow public remarks made by the President on several occasions earlier this year that seemed designed to intimidate critical journalists

## SENEGAL

### On trial

**Abdou Latif COULIBALY:** author and journalist, including director of the fortnightly newspaper *La Gazette*, faces continuous lawsuits for his criticism of the government and state owned companies in his newspaper and books. (1) Most recently, on 16 November 2010 Coulibaly and two other *Gazette* reporters, **Aliou Niane** and **Alioune Badara Coulibaly**, were given a one-month suspended jail sentence and a 30,000 Euro fine for defamation after accusing the government of corruption in a 2007 telecom deal with Sudan. (2) Coulibaly is also being repeatedly sued by the state-owned national lottery, Lonase. Lonase originally sued Coulibaly for defamation and public slander in 2007 following the publication that year of his book *Loterie nationale sénégalaise: chronique d'un pillage organisé* on the alleged embezzlement of funds within the company. The defamation charges were dismissed in May 2008, however the plaintiff appealed and the final appeal was due to be heard on 5 November 2010. The plaintiff also brought another case against Coulibaly, who was on 10 July 2010 found guilty of receiving stolen documents in relation to his book. No further news on these two cases as of 31 December 2010; PEN is seeking an update. In a separate case brought by the director general of Lonase, on 3 November 2009 Coulibaly and *La Gazette* reporter **Cheikh Fadel Barro** were given a three-month suspended prison sentence and fines for publishing "false news" on the basis of an April 2009 article on Lonase's alleged deficit and foreign debts. They were acquitted of additional charges of defamation and public slander. **Background:** Coulibaly has previously got into trouble over other books, including death threats, publications blocked at customs and the restricted circulation of his books within Senegal.

\***Abdourahmane DIALLO:** editor of the daily newspaper *Express News*, was sentenced in absentia on 26 August 2010 to six months in jail for defaming President Wade's chief of staff in articles published on 23-24 June. A warrant was issued for Diallo's arrest but as of 30 August, he had not been detained. Diallo was also given a suspended sentence of 18 months, while the newspaper was ordered to pay the chief of staff 20 million CFA francs (30,000 Euros) in damages. Some local journalists claimed that Diallo had never received any summons to appear in court. The newspaper's lawyer said that he would appeal the sentence.

### Attacked

\***Najib SAGNA:** reporter with the privately owned Dakar-based daily newspaper *Walf Grand Place*, was reportedly attacked by four assailants while he was on his way to work on 6 July 2010. One of the assailants was allegedly a relative of the deputy minister of Justice and Human Rights. The attack followed an article that Sagna published about the deputy minister's daughter in the 5 July edition of the newspaper. Sagna said that he recognised one of his attackers as the deputy minister's sister, who told him that "he [had] signed his death warrant for writing the article".

### Case closed

**Pape Samba DIARRA** and **Mame Seye DIOP:** respectively editor and journalist for the weekly *Weekend Magazine*, were reportedly sentenced to three months in prison and a 10 million CFA (US\$20,000) fine on 21 June 2009 for "public slander" of the deputy speaker of the Senegalese parliament. The charges stemmed from an article that was allegedly critical of the love life of the politician, who is a member of the ruling Senegalese Democratic Party. The journalists appealed the conviction and were released pending the appeal hearing. No further news as of 31 December 2010; case closed due to lack of information.

## SIERRA LEONE

### Brief detention

\***Abdul Rahman KAMARA, Razrok WURIE, Sheik Unisa THORONKA** and **Alfred KOROMA:** respectively journalists with newspapers *Torchlight*, *Satellite*, *Global Times* and *African Champion*, were arrested on 13 December 2010 on the orders of the minister of lands after being accused of possessing classified documents relating to an investigation into an alleged fraud in the in one of the country's ministries. All four journalists were released on police enquiry bail later the same day following the intervention of the Sierra Leone Association of Journalists.

## SOMALIA

### Released

\***Yusuf Ali ADAN:** Bossasso correspondent for the news website Somalifans ([www.somalifans.net](http://www.somalifans.net)), was released on 30 December 2010 after six months' arbitrary detention. Adan was arrested by soldiers in Bosasso, the commercial capital of the self-declared autonomous state of Puntland, in June 2010. He was later handed over to the antiterrorist Puntland Intelligence Service (PIS), who detained him incommunicado until 27 July, when his whereabouts were made known to his family. He held in Bosasso central prison. No reason was been given for his arrest. However, it was believed to be linked to articles he had written criticising the Puntland administration, touching on alleged links to piracy and



human rights abuses. Prison conditions were reportedly poor and Adan was said to be in ill health, suffering from gastric complaints and dehydration among other ailments, and with no access to medical care. On 27 December 2010 the PIS finally presented Adan to the criminal court in Bosasso. The prosecutor was reportedly unable to present any criminal evidence against Adan, however he claimed that the journalist had defamed the Puntland Ports Minister, which caused the public to panic and could have resulted in imminent anarchist action, insecurity and social unrest. The prosecutor added that the minister had since withdrawn his defamation complaint. The judge asked the prosecutor to present the minister's statement of withdrawal before 30 December. On that date, the judge ruled that the prosecutor had failed to bring the court any legal evidence against Adan and ordered his immediate release. Adan was not awarded any compensation as his lawyer had requested.

**Hadis Mohamed HADIS:** editor of the independent Somaliland-based news website Baadiyenews.com, was reportedly arrested by officers of Somaliland's Criminal Investigation Department (CID) at a hotel in Hargeisa on 26 June 2010. When asked the reason for his arrest, the CID officers only said that they were investigating "serious crimes" that they suspect Hadis of being involved in. The officers reportedly also confiscated the journalist's camera. Hadis was taken to Hargeisa central prison the same day, where he was held for five days.

### Case closed

**Mohamed Said ABDULLAHI and Yasin Jama ALI:** respectively editor-in chief and reporter for the online newspaper *Berberanews* (berberanews.com), were reportedly convicted of committing a "crime against the Somaliland nation" by the Sahil regional court in Berbera, in the semi-autonomous republic of Somaliland, on 23 August 2009. Abdullahi was sentenced in absentia to three years in jail for allegedly defaming local officials; he had been in hiding since mid August. The website was also banned from operating for an indefinite period. Ali was freed but banned from practicing journalism until further notice. He had been arrested and detained for 10 days without charge after he posted two opinion pieces, not written by him, that accused local officials of misusing public funds to support a local political party. No further news on the appeal as of 31 December 2010; case closed due to lack of information.

## SUDAN

### Imprisoned: main cases

\***Jaafar Alsabki IBRAHIM:** Darfuri journalist with the opposition newspaper *Al-Sahafa*. **Date of arrest:** 3 November 2010. **Charges:** Not yet charged or sentenced. **Details of arrest:** Ibrahim was arrested by the National Intelligence and Security Services (NISS) from *Al-Sahafa's* office in the capital Khartoum amid a wave of arrests of Darfuri media workers and activists. His arrest followed the detention of eight activists and journalists from Darfur between 30 October and 3 November, and an unknown number of others. None of the detainees had access to their family or a lawyer. **Place of detention:** Ibrahim's whereabouts are still unknown. **Conditions in detention:** Ibrahim and the other Darfuris are considered to be at risk of torture and ill-treatment. When Ibrahim's arrest was reported, it was said that one of the other detainees, Radio Dabanga director Abdelrahman Adam Abdelrahman, had already been subjected to torture. Torture or other forms of ill-treatment of human rights activists and journalists by the National Intelligence and Security Services is often reported in Sudan, particularly amongst Darfuris and

when those detained are not given access to the outside world. [RAN 51/10 and updates]

**Abu Zar AL-AMIN, Ashraf ABDELAZIZ and Altahir IBRAHIM (known as Abo Jawharah):** respectively deputy editor, reporter and political editor of the opposition daily newspaper *Rai al-Shaab*, are serving prison sentenced for allegedly "undermining the constitutional system" and "publishing false information". **Arrest:** The three journalists were arrested during a raid by the National Intelligence and Security Services (NISS) on the newspaper's offices in Khartoum on 16 May 2010. NISS agents confiscated equipment and copies of the latest issue of the paper and closed the newspaper down until further notice. Two other *Rai al-Shaab* employees were reportedly also arrested. All three journalists were detained incommunicado. **Charges:** On 25 May, Al-Amin was charged with "undermining the constitution," "terrorism and espionage," "publishing false news," "undermining the prestige of the State" and "inciting sedition", crimes that can carry the death penalty. He was transferred to police custody and his wife and brother were allowed to visit him. **Allegations of torture and ill treatment:** During his initial detention, Al-Amin was reportedly tortured and otherwise ill treated by NISS agents, including being given electric shocks. When his family was allowed to visit him five days after his arrest, he was injured and complained of back pain, blood in his urine and insomnia. Ibrahim was also reportedly tortured and ill treated. **Trial:** The trial of the three journalists began on 11 June. On 16 June, the defence lawyers pulled out after the court reportedly refused to hear testimony from three of the four defence witnesses on the grounds that they were members of the opposition and their testimony consisted only of hearsay. The court gave the journalists three days to choose new lawyers and the trial was scheduled to resume on 21 June. **Conviction:** On 15 July 2010, the three *Rai al-Shaab* journalists were convicted of "undermining the constitutional system" and "publishing false information". Al-Amin was sentenced to five years in prison while Abdelaziz and Ibrahim received two-year sentences. A fourth *Rai al-Shaab* reporter on trial, **Ramadan Mahjub**, was acquitted. The court also ordered the newspaper's closure and the seizure of all the assets of the company that owns it. The journalists intended to appeal. They are being held in Kober Prison in Khartoum, which is notorious for its abusive treatment of detainees. Amnesty International considers that Al-Amin, Abdelaziz and Ibrahim to be prisoners of conscience, detained solely for expressing their opinion without advocating violence. **Background:** The raid on *Rai al-Shaab* was apparently triggered by a 14 May 2010 article alleging that Iran had built a weapons factory in Sudan to supply insurgents in Africa and the Middle East. The ruling National Congress Party dismissed the report as false and a scheme by the opposition Popular Congress Party (PCP) - which publishes *Rai al-Shaab* - to damage relations between Sudan and the United States. The day before the raid on *Rai al-Shaab*, the authorities had arrested the PCP leader Hassan al-Turabi, who is a vocal critic of President Omar Hassan al-Bashir, accusing al-Turabi of "stirring up hatred, disseminating malicious lies and abuse of Sudan's foreign relations"; he was released without charge on 1 July. There were further raids on several other newspapers on 19 May, including on another opposition newspaper, *Ajras Alhurria*, which was ordered to remove an article on the journalists' arrests, among others. Sudanese President Omar al-Bashir, accused of war crimes and crimes against humanity in Darfur, was re-elected in national elections in April 2010. According to rights groups, the election process was seriously flawed and marred by widespread repression and human rights violations. [RAN 51/10 and updates]

### On trial

**Al-Haj Ali WARRAG and Fayeze Al Sheikh Al SALEEK:** respectively former and current editor of the newspaper *Arjas al-Huriya*, are reportedly facing trial for “humiliating the state and publishing false news”, it was reported on 11 May 2010. The charges stem from to a 6 April article by Warrag which supported a boycott of the Sudanese elections called by Yasser Arman, the leader of the Sudan People’s Liberation Movement, accused the National Conference of vote-rigging and strongly criticised President Omar al-Bashir. The journalists are being prosecuted under Article 66 of the criminal law, and Articles 24 and 26 of the press law and reportedly face up to a year in prison or a fine, or both. No further news as of 31 December 2010.

### Harassed

**\*Sahal ADAM, Zahel AT-TIB, Qamer DULMAN, Fatima JAQUED (f), and Hanadi AS-SADIQ:** journalists for the Arabic-language daily newspaper *Ajras al-Huriya*, were reportedly summoned for questioning by security agents, it was reported on 9 August 2010. This occurred after they refused to fill in and return a questionnaire distributed to journalists by the security services in July consisting of 26 detailed questions about political viewpoints, friends, addresses, bank accounts, and floor plans of journalists’ homes. Critical publications were reportedly ordered to return the completed forms by 5 August. Adam refused to provide the information and his editor was reportedly told that Adam would be arrested if he failed to cooperate. The other journalists provided the information after being interrogated for several hours.

## SWAZILAND

### On trial

**\*Bheki MAKHUBU:** editor of the privately-owned magazine *Nation*, was charged with criminal defamation on 14 December 2010 in a case brought by the Attorney General. The case, postponed until May 2011, stems from two articles published by the magazine in February 2010. The first criticized a judgment by a High Court full bench on a political case brought by progressive groups, and the other criticized the Chief Justice for a speech in which he referred to himself as a “makhulu baas”, slang for “big boss”. Makhubu denied that the articles he was charged for constituted contempt of court or criminal defamation.

## TOGO

### On trial

**\*Zeus K. AZIADOUVO, Jean-Baptiste K. D. DZILAN and Glakpé K. OLIVIER:** managing editors of the privately-owned newspapers *Liberté*, *Forum de la Semaine* and *Journal Le Correcteur*, based in the capital Lomé, are on trial for “false publication” and “criminal defamation”. The case stems from a complaint filed by the country’s Inspector General of Police over an 8 May 2010 article in the three newspapers which alleged that two traffic policemen had caused the deaths of a commercial motor-bike driver and his passenger after the driver ran a red traffic light. The newspapers quoted unnamed eyewitnesses who claimed that the policemen had pushed the driver off his bike, resulting in his death as well as that of the passenger. The police have denied the accusations, claiming that the man died as a result of an accident caused by speeding. The editors were arraigned on 19 May 2010 and were due to make their third appearance in court on 9 June. No further news as of 31 December 2010.

## UGANDA

### Imprisoned: investigation

**Patrick OTIM:** freelance journalist for the government vernacular newspaper *Rupiny* and a radio station in Gulu District, is on trial for treason. Otim was reportedly arrested by plainclothes policemen from the Chief-taincy of Military Intelligence (CMI) along with seven supporters of opposition political parties in May 2009, while local council by-elections were taking place. He was held incommunicado without charge for more than four weeks, during which time officials denied that Otim was in government custody. The journalist finally appeared in court on 15 June 2009 in response to a habeas corpus application filed by human rights lawyers. He was charged with treason, along with 10 others, for allegedly forming an armed rebel movement named the Popular Pacific Front (PPF) with the aim of overthrowing the government. The accused were remanded in custody and sent to Luzira Prison in the capital Kampala. As of late June 2009, the government was reportedly yet to produce any evidence to back up the charges but it claimed to have seized weapons and military equipment related to the alleged crime. Two of the 10 other defendants are reportedly former members of the Lords Resistance Army (LRA). Otim’s case passed to the High Court on 18 November 2009. On 5 January 2010, it was reported that he was facing a possible death sentence. Otim’s trial was reportedly scheduled to commence in February 2010 but was postponed. On 7 July it was reported that Otim had still not been brought to trial and was being pressurized to apply for amnesty, a controversial provision in Ugandan law that gives blanket immunity to all rebels who make a full confession. According to his lawyer, Otim has refused amnesty and wants his case to be brought to court. No further news as of 31 December 2010; PEN is seeking an update.

### On trial

**Moses AKENA:** reporter for *The Daily Monitor*, is on trial for alleged criminal defamation of the Deputy Resident Commissioner of Gulu District in a case brought on 10 August 2009. The charges reportedly relate to a story Akena wrote on corruption. His petition to suspend his trial pending the outcome of a constitutional challenge of criminal libel statutes before the Supreme Court was rejected but then quickly reversed by a higher Magistrate Court on appeal. As of May 2010, Akena was still regularly reporting to court as part of his bail conditions but the case had still not gone to trial. No further news as of 31 December 2010.

**Joachim BUWEMBO and Bernard TABAIRE:** Buwembo and Tabaire are former managing editors of the *Daily Monitor*; Tabaire is now a columnist for the same newspaper. Both were charged in their capacity as managing editors with defaming the Inspector General of Government on 28 January 2008. The charges are based on a 17 August 2007 article on alleged irregular salary claims made by the official. Two other *Daily Monitor* journalists, news editor **Robert Musaka** (now with the *Observer*) and chief parliament reporter **Emmanuel Gyezaho** were also charged with one count each. All four were released on bail pending trial. In June 2009, it was reported that Buwembo, Mukasa, Tabaire and Gyezaho had unsuccessfully challenged the constitutionality of Section 179 of Uganda’s Penal Code Act on criminal defamation before Uganda’s Constitutional Court. Their petition was unanimously dismissed. The journalists said they would take the petition to the Supreme Court, the country’s highest court. Senior reporter **Angelo Izama** was named in the lawsuit but was not charged because he was abroad; he is likely to be included if the petition is dismissed by the Supreme Court

and the trial starts in the magistrates court. Tabaire and Izama are also facing other charges (see separate entries below). **Update:** In early 2010, the requirement to report to a magistrate on a monthly basis was finally waived until there is a court decision. As of 30 June 2010, the Supreme Court appeal was still pending. No further news as of 31 December 2010.

**Honorary Member** (Bernard Tabaire): English PEN.

**Angelo IZAMA, Daniel KALINAKI and Grace MATSIKO:** Kalinaki and Izama are, respectively, managing editor and senior reporter of the *Daily Monitor*; Matsiko was formerly a senior reporter for the same publication but now runs an occasional magazine *Kampala Dispatch*. On 2 January 2009 it was reported that all three had been questioned by the Criminal Investigation Directorate (CID) for allegedly publishing materials prejudicial to national security and released on police bond. The charges stem from a 28 December 2008 piece about Operation Lightning Thunder, a joint state operation in the DRC (involving Uganda, the DRC and Southern Sudan) to capture Lord's Resistance Army rebels. The journalists reportedly face up to seven years' imprisonment if convicted. As of 30 June 2009, the case was ongoing and was being handled by the Media Offences Department, created within the Ugandan police force in late 2008. All three were reportedly arrested at least four times in 2009. **Update:** As of June 2010, the case was reportedly in limbo but could be resurrected at the State's discretion. No further news as of 31 December 2010. Izama is also on trial for criminal defamation (see entry below).

**Daniel KALINAKI and Henry OCHIENG:** managing editor of the *Daily Monitor* and editor of the *Sunday Monitor* respectively, were reportedly charged with forgery in August 2009 after the newspapers printed a reproduction of a leaked presidential memorandum. The *Monitor* had acknowledged some errors in the reproduction of the document (relating to the misspelling of the name of an ethnic group) and published a correction on 4 August. Although government spokeswoman Kabakumba Matsiko reportedly criticized the media's coverage of the story, she did not dispute the document's contents. The editors were freed on bail pending trial on 7 October 2009. **Update:** The case was reportedly extended to 29 March 2010 because the Directorate of Public Prosecutions did not have the police file. Trial reportedly ongoing in the magistrate's court as of late June 2010. No further news as of 31 December 2010. Kalinaki and Ochieng are also facing prosecution for other matters (see cases above and below). Kalinaki was reportedly arrested least four times in 2009.

\***Timothy KALYEGIRA:** news editor for the *Uganda Record* website, is facing sedition charges for articles he published articles on the *Record's* website between 12 and 16 July 2010 after several bomb blasts in Kampala claimed more than 70 lives. He has been arrested on several occasions since 2 August and on 4 August his house was searched by police, who confiscated his laptop, a tape recorder and personal documents and also demanded the passports to his email accounts. Kalyegira is reportedly facing a five-year prison sentence or a fine. The case continues despite the fact that criminal sedition was declared unconstitutional by the constitutional court in late August 2010.

**Henry OCHIENG and Angelo IZAMA:** respectively editor and senior reporter for *Sunday Monitor* news magazine, were interrogated at the police "media crimes" division on 3 February 2010 before being taken to court and charged with criminal libel the same day. The two journalists were accused of defaming President Yoweri Museveni in a 19 December 2009 opinion piece by Izama entitled 'Will the people's power defeat President Museveni in the poll?' The piece reportedly discusses the risk of political violence during the general elections scheduled for 2011 and also suggests parallels between President Museveni's Uganda and the

Philippines under former leader Ferdinand Marcos. President Museveni, who took power in Uganda a few months before Marcos was ousted by protests in 1986, is expected to seek a fourth term in the 2011 general elections. Izama and Ochieng denied the charges and were released on bail pending trial, which reportedly began on 25 February. Defamation cases are all suspended pending a Supreme Court ruling on the constitutionality of such penal code statutes. No further news on the case as of 31 December 2010. Both Ochieng and Izama are also facing prosecution for other matters (see cases above and below). Izama was reportedly also harassed by police in January 2010 over a 20 December 2009 article entitled "Preparing for 2011 elections by arming troops" which allegedly libelled President Yoweri Museveni.

**Andrew MWENDA, Odoobo BICHACHI and John NJOROGGE:** publisher/ political journalist, consulting editor and journalist respectively for the weekly news magazine *The Independent*, are facing trial on charges of sedition. They were arrested during a Chieftaincy of Military Intelligence (CMI) raid on Mwenda's home and the newspaper's offices on 26 April 2008, during which documents and journalist equipment were seized. The raid and arrests were reportedly linked to two stories published by *The Independent* that week: one an interview that touched on the alleged use of torture by Ugandan military intelligence in secret government-run detention centres and implicated top officials in atrocities during Uganda's civil war with the Lord's Resistance Army; the other an editorial alleging unrest in the army following the imprisonment of the former army chief for corruption. The three journalists were taken to the Criminal Investigations Directorate (CID) and were released on bail a few hours later. Mwenda is well known for his critical reporting and was reportedly already fighting numerous counts of "sedition" and "promoting sectarianism" in relation to his journalism, most linked to commentary aired on Mwenda's former political radio talk show. It has been reported that Mwenda could spend up to 75 years in jail if convicted. On 20 November 2008, Mwenda and Bichachi received police summons for questioning about coverage deemed "prejudicial" to state security. He has challenged the constitutionality of the sedition charges in court. Mwenda and Bichachi were reportedly ordered to report to the police at least seven times in 2009. **Update:** As of May 2010, the sedition trial had been suspended pending the constitutional court ruling on the challenge to the sedition law. On 27 August 2010 the constitutional court ruled that the charge of criminal sedition is unconstitutional.

**Ssemujju Ibrahim NGANDA:** former investigative journalist and political editor for the bi-weekly newspaper *The Observer*; now reportedly spokesman for the Inter Party Co-operation (IPC), a coalition of opposition parties. In October 2008, while Nganda was still working as a journalist, it was reported that he had been charged with "promoting sectarianism" and "incitement to violence" for the second time in two years. The journalist was arrested and interrogated by Criminal Investigation Directorate (CID) detectives at least three times in October 2008. He has reportedly been accused of mobilizing Baganda, the biggest ethnic group critical of the current government, and of criticising President Yoweri Museveni in talk shows for the alleged high rates of human rights violations during his administration. If convicted, Nganda could face up to five years in prison for promoting sectarianism and up to three years for incitement to violence. Nganda was accused of the same charges in June 2006 for writing an article that criticized government persecution of opposition leader Kizza Besigye. The trial was halted as the offence is being challenged in Uganda's Constitutional Court, but the case has not been dropped. *Observer* editor **James Tumusiime** is also named in

the case. Both men have been reporting to the police on a regular basis since 2007 as part of their bail conditions. On 24 July 2009, Nganda was reportedly threatened with judicial sanctions by the Ethics Minister over two opinion pieces on President Museveni. **Update:** As of May 2010, the 2006 charges against Nganda and Tumusiime still stood but the case had not gone to court because of the pending constitutional challenge to the relevant sections of the penal code. On 27 August 2010 the constitutional court upheld the constitutionality of the charge of “promoting sectarianism”. No further news on the case as of 31 December 2010.

**Kalundi Robert SSERUMAGA:** writer, journalist and popular host of a daily radio talk show, ‘Spectrum’, was briefly detained and assaulted in custody in September 2009 before being released on bail pending trial for alleged sedition. **Details of arrest and detention:** Sserumaga was arrested late on 11 September 2009 as he left the studios of WBS Television in the Ugandan capital Kampala where he had participated in a debate in which he had criticised President Museveni for allegedly stirring up conflicts between people who had hitherto co-existed peacefully. Eyewitnesses, including journalist **Bernard Tabaire** (see above and below), reported that Sserumaga was bundled into a waiting car and taken away. A day later it was disclosed that he was being held in the Kampala Central Police Station. On 14 September, it was reported that he had been transferred to the International Hospital in Kampala to receive treatment for injuries he sustained during severe police beatings. **Charges:** On 15 September 2009, Sserumaga was formally charged on six counts of sedition under Sections 39 (1) (a) and 40 (1) (b) of the Penal Code. Each count refers to comments he made during a discussion on the ‘Kibazo on Friday Live Talk Show and Phone-in Programme’, broadcast on 11 September. He is accused of “intention to bring into hatred, contempt and to excite disaffection against the person of the President, and the Government...” On reading the charge sheet, PEN concludes that while strongly critical of the authorities, none of the contentious statements can be considered as incitement to violence. Sserumaga was freed on payment of US\$250 bail. As of May 2010, the case against Sserumaga had been stayed pending the Constitutional Court decision on the challenge to the sedition law. Sserumaga was reportedly also suing the Chairman of the Broadcasting Council and the Attorney General for unlawfully suspending him from broadcasting. **Update:** On 27 August 2010 the constitutional court ruled that “criminal sedition”, the charge against Sserumaga, was unconstitutional. It is not clear whether the case against him has now been dropped; PEN is seeking further information. **Background:** Violence broke out when the government banned the King of Buganda, one of the four tribal regions in Uganda, from visiting the neighbouring Kayunga district. Over 20 people were said to have been killed, and 550 others, including Sserumaga, were reportedly arrested to face trial. Four other radio stations were also closed (of which three are back on air as of June 2010). Sserumaga was suspended from his talk show following his detention. [RAN 48/09 and updates]

\***Bernard TABAIRE, Henry OCHIENG and Chris OBORE:** respectively weekend edition managing editor, Sunday editor and journalist of the *Monitor* newspaper, were summoned by the police on 4 October 2010 and released on bail after being charged with sedition. The summons related to an article by Obore, published in late September 2010, alleging that soldiers were secretly trained as policemen in order to have the police force under military control. The charges were brought despite the fact that criminal sedition was declared unconstitutional in late August 2010. Tabaire and Ochieng are also on trial for other matters (see above).

**Richard TUSIIME and Francis MUTAZINDWA:** editor-in-chief and news editor of the tabloid newspaper *Red Pepper*, are on trial for allegedly defaming the Libyan President, Col. Muammar Gaddafi. The charges stem from a series of articles in February 2009 alleging that President Gaddafi was having an adulterous relationship with Best Kemigisha, the Queen Mother of King Oyo Nyimba of Tooro Kingdom (Tooro is one of the kingdoms that merged to form Uganda at independence and has a ceremonial traditional ruler). The lawsuit was brought by President Gaddafi but was subsequently taken over by the Ugandan Director of Public Prosecution (DPP). On 18 February 2009, Tusiime and Mutazindwa were charged with six counts of criminal defamation of a foreign prince under section 53 of the Ugandan Penal Code. They denied the charges and were released on bail. If convicted, they reportedly face up to two years in prison. President Gaddafi is reportedly also seeking millions of dollars in damages. *Red Pepper* often faces lawsuits due to its coverage of the lifestyles of celebrities and public officials. **Update:** As of June 2010, the case was reportedly ongoing. No further news as of 31 December 2010.

## ZAMBIA

### On trial

**Fred M'MEMBE:** editor-in-chief and owner of the daily independent newspaper *The Post*, was twice charged with criminal contempt of court in 2009 in relation to articles critical of the trial for pornography of *Post* news editor **Chansa Kabwela** (see Background below). On 31 August 2009, the trial magistrate summoned M'membe, along with Cornell University law professor **Muna Ndulo** - the author of an opinion piece which *The Post* published on Kabwela's prosecution on 27 August - and the entire *Post* editorial staff to appear in court on contempt charges. These charges were dismissed in September 2009. However, on 14 October 2009, M'membe and the newspaper were again charged with contempt of court over an August opinion piece on Kabwela's trial. **Sentence:** On 4 June 2010, M'membe was sentenced to four months in prison with hard labour following his conviction for contempt of court earlier that week. The magistrate reportedly justified the prison sentence by claiming that *The Post's* publication of Muna Ndulo's opinion piece about Chansa Kabwela's trial was likely to affect the proceedings and that it would serve as a deterrent to other journalists. M'membe was taken to Chimbokaila Prison in the capital Lusaka but was released on bail on 7 June pending his appeal to the High Court. No further information as of 31 December 2010. **Background:** Chansa Kabwela of the *Post* was arrested in July 2009 for circulating photographs of a woman giving birth without medical help outside the University Teaching Hospital. Kabwela decided the photos were too graphic for publication but sent them to a number of government ministers, an archbishop and two civil society groups, urging that a medical workers' strike be settled. She was charged with circulating obscene materials but was acquitted on 16 November 2009. President Rupiah Banda, who described the photos in question as pornographic, is reportedly known to be an enemy of *The Post*, which has exposed alleged corruption in Zambia.

## ZIMBABWE

### On trial

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

are on trial for criminal defamation and “publishing falsehoods” for an article alleging police corruption. The charges stem from a January 2009 story that alleged that senior police officials were involved in a Grain Marketing Board (GMB) scandal in which tonnes of maize was sold on the black market in Zimbabwe and Zambia. On 17 March 2009, the two journalists were made to sign a police statement. Malaba and Tshuma are reportedly the first journalists working for state-owned publications to be prosecuted under Zimbabwe’s media laws. Court case reportedly still pending as of 21 October 2010.

\***Nqobani NDLOVU**: reporter for the newspaper *The Standard*, is on trial for criminal defamation relating to an article on police exams. On 17 November 2010, **Dumisani Sibanda**, bureau chief for the *Standard’s* sister paper *Newsday* and president of the Zimbabwe Union of Journalists (ZUJ), was arrested at his office by police from the Criminal Investigations Department’s Law and Order section in Bulawayo and briefly detained at Bulawayo Central Police station. He was questioned in connection with a story that appeared in *The Standard* on 14 November 2010, regarding the alleged cancellation of police promotional examinations. The article said that the exams were being scrapped to facilitate the absorption of war veterans and retired police officers into the police force ahead of the 2011 elections. According to Sibanda, the police also wanted him to disclose the whereabouts of Ndlovu, the author of the story in question, as a precondition for his release. Sibanda was released after telling them that Ndlovu was out of town. Ndlovu was arrested later the same day and charged with criminal defamation. The next day he presented himself to the police for questioning. He was asked to reveal his sources for the article in question, which he refused to do, and was detained. On 22 November the judge in charge of the case ruled that Ndlovu could be freed on bail, but the police appealed against the decision, asking for his detention to be extended for another seven days under section 121 of the Criminal Procedure and Evidence Act. The journalist was eventually released on 26 November 2010 pending trial.

#### **Brief detention**

\***Nkosana DLAMINI**: freelance journalist for various online newspapers including <http://www.zimbabwejournalists.com>, was reportedly arrested on 30 October 2010 while he was covering a meeting to discuss the creation of a new Constitution. He was later released after being charged with and fined for “criminal nuisance”.

\***Nevanji MADANHIRE**, editor of Harare-based weekly *The Standard* was arrested on 17 November 2010 and detained for nine days in a police station in the capital Harare for an article questioning the probity of the local police. He was freed on bail of US\$100 by a judge who ordered an investigation into a complaint lodged by Madanhire’s lawyer about the length of the editor’s detention.

#### **Harassed**

\***Wilf MBANGA**: editor and publisher of the newspaper *The Zimbabwean*, which is published in London and South Africa, had an arrest warrant issued against him by the Zimbabwean police on 5 November 2010 for a story published in 2008 about the murder of an election official. According to the Zimbabwean Police Chief Superintendent, Mbanga is wanted for an article “prejudicial to the state.” Mbanga, who lives in London, pointed out that his contact details are published in every issue of the newspaper and it is public knowledge that he is in self-imposed exile in the UK. Mbanga does not face immediate arrest, but the warrant would be an impediment to his return to Zimbabwe.

#### **Case closed**

**Davison MARUZIVA**: editor of the independent Sunday newspaper *The Standard*, was on trial for publishing a 20 April 2008 opinion piece by an opposition leader that was critical of the Mugabe regime. Maruziva was arrested at his office on 8 May 2008 and the next day was charged with ‘publishing false statements prejudicial to the state and contempt of court’ and released on bail. The author of the piece in question, Arthur Mutambara, the leader of a breakaway faction of the Movement for Democratic Change (MDC), was standing trial with Maruziva. No further news as of 31 December 2010; case closed due to lack of information.

## **AMERICAS**

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### **ARGENTINA**

#### **Killed: motive unknown**

\***Adams Ledesma VALENZUELA**: Bolivian-born reporter for the community weekly newspaper *Mundo Villa* and director of local TV station *Mundo Villa*, was found stabbed to death next to his home in the Argentinean capital Buenos Aires on 4 September 2010. According to his wife, Valenzuela left home in the early hours of that morning, possibly to fix an electrical problem in the neighbourhood. The journalist was also known as a community advocate and leader. The authorities had not identified any suspects or disclosed possible motives for the murder. Valenzuela’s wife said that a woman had approached her when she arrived at the murder scene just after the attack and warned her that something similar might happen to her and her six children if they did not leave the neighbourhood. She also said that two women had approached her sister the following day and made similar threats. She filed a complaint with the federal police and the authorities reportedly assigned federal agents to patrol around the journalist’s home.

### **BRAZIL**

#### **Killed**

\***Francisco GOMES DE MEDEIROS**: contributor to newspaper *Tribuna do Norte*, internet writer and news director of a local radio station, was shot dead by a man on a motorbike in front of his house in Caicó, Rio Grande do Norte state, on 18 October 2010. Gomes had reported on a variety of local topics, including government corruption, crime and drug trafficking. He had recently received death threats after publishing a piece on his blog accusing local politicians of being involved in buying votes in exchange for drugs during the first round of the Brazilian general elections on 3 October. On 19 October the police arrested Joao Francisco dos Santos and claimed that he had admitted killing Gomes in reprisal for his coverage of Santos’ 2007 conviction on armed robbery charges. Despite this, state police said that they were still investigating the case and had not ruled out further leads. On 3 December the *Diário de Natal* reported that Gomes’ killing was carried out on the orders of a jailed drug trafficker, according to local police. Valdir Souza do Nascimento,

who was arrested in 2007 and is now serving a sentence for drug trafficking, allegedly ordered Santos to shoot Gomes because the journalist's reporting was affecting the criminal activities that Souza was continuing to run from prison.

#### ***Killed: motive unknown***

\***Wanderley DOS REIS:** journalist and owner of local free newspaper *Popular News*, was shot by three gunmen at his home on 16 October 2010 and died in hospital the next day. According to Moisés Fernandes da Silva, who lived in Dos Reis' house, the gunmen knocked at the door asking to see Dos Reis and then took him to the kitchen after which a gun shot was heard. No theft was recorded which raised the possibility of Reis having been killed for his journalistic work. Dos Reis specialized in politics and urban infrastructure and covered the Ibitinga area. *Popular News*, which appeared irregularly, was reportedly opposed to Ibitinga's current municipal authorities.

\***José Rubem Pontes de SOUZA:** owner and editor of the local newspaper *Entre-Rios Jornal*, was shot dead in Paraíba do Sul, Rio de Janeiro province, on 30 October 2010. According to witnesses, an unidentified gunman shot Souza twice in the neck before fleeing. The police investigating Souza's murder suggested that he was killed during a hold-up but this is reportedly not supported by witness accounts. *Entre-Rios Jornal* had recently provided extensive coverage of the murder of a young woman in Três Rios. Souza was reportedly also active in local politics and ran for mayor of Paraíba do Sul in 2008. **Update:** On 12 November it was reported that the police had claimed to have arrested the person who shot Souza. The suspect, Renato Demétrio de Souza (no relation to the journalist), is a former member of the military police wanted in the past for suspected robbery, drug-trafficking, two murders and forming an armed organization. According to the police, the suspect rented out juke boxes to bars, sharing profits with influential local businessmen and others, and shot Souza for refusing to enter into a business relationship with him. Two people who were present when Souza was shot reportedly identified the detainee as the killer.

#### ***Attacked***

\***Ademir FELICIANO:** journalist, was beaten while he was working on his website *Altiaqui* in Altinópolis, near Ribeirão Preto, São Paulo, on 2 October 2010. He was taken to hospital for medical treatment. Police was reportedly investigating.

\***Afonso LOCKS:** editor of the newspaper *Correio de Notícias*, Rondônia state, was chased and assaulted on 8 August 2010 in front of the Cidade FM radio station in Cerejeiras, Rondônia. The assailants allegedly included the son and daughter of former mayor; the daughter is a city councillor in Cerejeiras. According to Locks, the assault was motivated by an item published in his column that criticised the support given by the former mayor to a certain candidate to become state representative. On the night of the attack, Locks says he was followed by two cars to the radio building, where he stopped to leave an issue of the newspaper. The former mayor's son got out of one of the vehicles and warned Locks to stop publishing things against his candidate and about his family, threatened Locks' children and attacked him. The police were investigating the assault and threats.

#### ***Harassed***

\***Mario PINTO:** journalist working for the weekly newspaper *Impacto Campo Grande*, was taken to a local police station on 12 September

2010 following the publication of a report criticising the governor of Mato Grosso do Sul. About 850 copies of the newspaper were seized. According to the journalist, a temporary order prohibited the publication of terms with negative connotations involving the governor. He said that the newspaper had only reprinted articles already published in the local press.

## **CHILE**

#### ***Released***

**Asel LUZARRAGA:** Basque novelist, blogger, translator and musician, was found guilty of illegal possession of explosives on 7 September 2010 and sentenced to 220 days in prison. Since he had already served more than this in pre-trial detention and under house arrest, he was not re-imprisoned. He was due to be deported from Chile within two weeks.

**Details of arrest:** On 31 December 2009, around 20 police officers from an antiterrorist unit raided Luzarraga's home in Temuco, Araucanía region. The operation took place after an undetonated homemade bomb was found outside the Araucanía Justice Secretariat in Temuco earlier that day. A search of Luzarraga's house reportedly located materials similar to those used in the bomb, including an empty fire extinguisher, a small amount of gun powder and fuses. Luzarraga, who says he was prevented from witnessing the raid, denied ever having these items in his home. He was detained without charge for six days under antiterrorism legislation and appeared in court on 6 January 2010. The magistrate ordered that he should be held in preventative detention for three months in order to allow the state prosecutor to continue the investigation. Luzarraga's appeal was rejected on 9 January 2010. **Charges:** Luzarraga was charged with "illegal possession of weapons and explosives", charges which carry a maximum penalty of 15 years' imprisonment. He was accused of being involved in two bomb attacks carried out in Chile in the previous year. He was originally accused of involvement in another two attacks as well but these charges were dropped when it was proven that he had been out of the country at the time. Luzarraga denied involvement in any of the attacks. **Bail/ house arrest:** On 10 February 2010, Luzarraga was released on bail and placed under house arrest in Temuco pending trial.

**PEN's concerns:** PEN is disturbed by a number of apparent irregularities and failures in due process in the case against Luzarraga. It is also concerned that the case against Luzarraga may have been linked to his writing on and advocacy for the rights of the Mapuche, Chile's largest indigenous group, who have long been in conflict with the Chilean government over their right to land and other natural resources. Luzarraga has written about the Mapuche conflict on his blog, and at the time of his arrest had recently participated in protests demanding the release of a female Mapuche activist. **Background:** A member of Basque PEN since 2004 and a member of its board since September 2008, Luzarraga had been living in Chile since March 2009. He is the author of four Basque-language novels: *Abaraska* (Editorial Txalaparta, 2008), *Mozorroaren xarma* (Editorial Erein, 2007), *Karonte* (Editorial Elkar, 2005 – winner of the 2003 VI. Igartza Prize) and *Hamaika ispilu ganbil* (Editorial Labayru, 2003), and writes two blogs (<http://gorribeltzean.wordpress.com> and <http://goiena.net/blogak/asel>). Until his detention, he worked as a Spanish-Basque translator in Chile.

# COLOMBIA

## *Killed: official investigation ongoing*

**Clodomiro CASTILLA OSPINA:** editor and publisher of local news-magazine *El Pulso del Tiempo* and radio journalist, was shot dead in Montería, Córdoba department, on 19 March 2010. Castilla (50) was reportedly reading a book outside his home in Montería when an unidentified gunman shot him at least eight times before fleeing on a motorbike. He died at the scene. Castilla was known as a controversial journalist and said to have been the target of regular threats since 2006 due to his coverage of the links between local politicians, landowners and illegal paramilitary groups. He received protection under a programme run by the Interior and Justice Ministry between 2006 and 2009 and asked for the security measures to be reinstated in November 2009 due to increasing threats; however his request was reportedly turned down on the basis of a national intelligence agency report that indicated he was no longer under threat. The Ministry had reportedly ordered a new risk analysis but at the time of Castilla's death this had yet to be carried out. According to one source, Castilla had recently reported on a local landowner's alleged part in the murder of a Montería-based lawyer, corruption in local government bodies and alleged links between paramilitary groups and local politicians. He had also recently been a witness for a Supreme Court investigation into the latter. President Álvaro Uribe Vélez reportedly condemned Castilla's murder and offered a 50 million peso (US\$26,000) reward for information on the crime. **Investigation:** An investigation into the murder was begun by the national police and taken by the attorney general on 26 March 2010. Two months later, it was reported that the authorities had still not identified any suspect or disclosed any possible motives. Castilla's daughter, who is a witness in the case, was reportedly forced to flee Montería in late April after being followed and harassed. Other family members had also been followed. In an interview in late March, the director of the local radio station that Castilla had worked for stated his belief that the editor was killed because of his journalistic work. **Update:** Investigation reportedly still ongoing as of 31 December 2010. [RAN 26/10]

## *Imprisoned: investigation*

**Miguel Ángel BELTRÁN VILLEGAS:** Colombian academic. **Year of birth:** c. 1965. **Date of arrest:** 22 May 2009. **Place of detention:** La Picota prison, Bogotá. **Details of arrest:** Beltrán was arrested at the headquarters of the immigration authorities (INM) in Mexico City, Mexico, on 22 May 2009, after being informed that the visa for which he had applied in August 2008 had been denied. A few hours later he was flown to Colombia in an aeroplane belonging to the Mexican state. On arrival in Bogotá, Colombia, Beltrán was detained on the orders of the Colombian Public Prosecutor (Fiscalía General) and taken into the custody of the judicial and intelligence police (Dirección General de la Policía Judicial e Inteligencia, DIJIN). **Charges:** Beltrán was charged with being a member of the Colombian Revolutionary Armed Forces (FARC), which the Colombian government considers to be an international terrorist group. He denied the charges at an initial hearing on 23 May 2009, which ruled that he should be jailed pending trial. **Prosecution evidence:** The Colombian authorities say there is substantial evidence that Beltrán is a key member of the FARC known as 'Jaime Cienfuegos' supposedly responsible for writing 'ideological material and articles' for the FARC and other publications that allegedly support

Colombian guerrilla groups. Beltrán is reportedly also accused of using his research at UNAM as a façade to recruit students and fundraise for the FARC. According to press reports, much of the evidence against Beltrán comes from documents and emails found on a laptop computer which allegedly belonged to the deceased FARC leader Raúl Reyes, who was killed in March 2008. **Defence:** Beltrán has admitted meeting Raúl Reyes and other known members of the FARC during peace talks hosted in Mexico and later interviewing Reyes as part of his research into the Colombian conflict. However, he has denied that he is 'Jaime Cienfuegos' or having any connection with the alleged emails between 'Jaime Cienfuegos' and Reyes, and maintains that he was in Mexico to undertake legitimate academic research. Beltrán has said that he believes that he is being persecuted as part of a wider strategy employed by the Colombian government to criminalise dissent, including individuals associated with public universities. His colleagues in Colombia and Mexico have been vocal in their support, insisting that Beltrán is an established academic, not a terrorist, and suggesting that he is being persecuted for his leftwing political views. **Statement by President:** Despite Beltrán's denial of the charges against him, President Álvaro Uribe has publicly stated, including on the Colombian Presidency's official website, that Beltrán is the FARC member known as 'Jaime Cienfuegos' and therefore a terrorist. The same assumption has been consistently repeated in the Colombian and international media. This runs contrary to Beltrán's right to be presumed innocent until proven guilty, as established by international human rights law. **Trial:** On 23 December 2009, Beltrán was reportedly transferred from Modelo Prison in Bogotá to an undisclosed location. On 28 December, it was reported that Beltrán was being held at La Picota prison in Bogotá. His trial began on 29 December 2009; Beltrán had reportedly not been able to consult with his lawyer. The hearing was postponed until 17 February 2010 after Beltrán decided to change defence lawyers. On 16 June 2010, it was reported that the latest hearing had been postponed due to an appeal submitted by the defence. **New information:** As of 31 December 2010, Beltrán was still detained and the trial was ongoing. **PEN Position:** PEN holds no position on Beltrán's guilt or innocence. It has raised concerns with the Colombian authorities about irregularities that may affect the fairness of the trial, including President Uribe's statement. It has also called for assurances that Beltrán is not detained solely for his political views. **Background:** Beltrán has taught in several public universities in Colombia, including the Universidad de Antioquia and the Universidad Nacional in Bogotá, as well as in Mexico. He has won a number of awards for his teaching and has published widely in national and international journals. His academic interests include the analysis of social conflict and the political history of Colombia and Latin America. From August 2008 to May 2009, Beltrán was granted a sabbatical from the Universidad Nacional, where he has been an associate professor since 2005, to undertake postdoctoral research at the Universidad Autónoma de México (UNAM) in Mexico City.

## *On trial*

\***Claudia LÓPEZ (f):** journalist and columnist, was charged with libel and slander by the Prosecutors' Office on 23 August 2010, on the basis of a complaint by former president Ernesto Samper Pizano made four years before. The case stems from an 11 July 2006 opinion piece in the daily national newspaper *El Tiempo* in which López criticised Samper's appointment as ambassador to France. She reportedly also accused him of homicide and influence trafficking. The initial hearing was set for 24 September 2010. In October López was fired by *El Tiempo*, for which

she wrote a popular regular column, after she questioned the newspaper's impartiality; its owners are linked to President Juan Manuel Santos, then a presidential candidate.

**dinson LUCIO TORRES:** internet journalist (author of the blog "Lucio y sus notas") based in Cartagena, Bolívar, is on trial for allegedly defaming a senator. The senator sued Lucio Torres for criminal defamation in October 2006 after the journalist reported on his blog and radio programme that the congressman was one of eight people shown to have links with paramilitary groups. Lucio Torres, who is also the Bolívar head of the opposition Polo Democrático political party, reportedly based his comments on reports from national newspaper *El Tiempo*, the regional Ombudsman's Office and a non governmental organisation. The charges against him were admitted on 14 February 2008 and the Prosecutor's Office subsequently ruled that Lucio Torres did not have sufficient proof for his allegations and had slandered the plaintiff. The initial hearing was due to commence on 19 February 2010, having reportedly been postponed six times. No further information as of 31 December 2010; PEN is seeking an update.

### **Death threat**

\***Claudia AYOLA ESCALO N (f):** columnist for the daily *El Universal* in Cartagena and for the national magazine *Semana*, reportedly received an email death threat on 15 October 2010. The message stated that "the time has come for you to pay for your writings" and also extended to the journalist's daughter. The origin of the threat is unknown. Ayola noted that in the previous weeks she had received several strange phone calls and at one point a man approached her on the street, asked her name and then ran away. The local police were investigating the threats.

\***Ramón SANDOVAL RODRIGUEZ:** editor of the newspaper *El Sabanero* in Sabana de Torres, Santander department, reportedly received several threatening phone calls on 2 December 2010 in which an unidentified caller threatened him with death. The caller told him to "keep quiet and get out of Sabana de Torres" or he would be killed. Sandoval believes the threats are related to a series of articles on corruption in the municipal government. The police reportedly said that they were not aware of the threat but said that they were willing to provide Sandoval with protection.

\***Carol Viviana USQUIANO (f)** and **Daniel RESTREPO:** journalists, respectively for the daily newspapers *Q' Hubo* and *La Tarde*, were reportedly threatened with death in Pereira, Risaralda department, on 13 December 2010. The incident took place in the city's Justice Department headquarters after the journalists attended a hearing in the case of an alleged criminal who is being investigated for homicide, theft and illegal possession of weapons. While the journalists were coving the hearing and taking photographs Gómez's relatives began harassing them. One of the detainee's relatives told the journalists they did not want them to publish anything about the case. Usquiano told him that the hearing was a public event and they had a right to attend it, to which the man reportedly replied: "We can easily have your brains blown out."

### **Attacked**

\***Jose Rosario Olan HERNANDEZ:** editor of the Cardenas-based political magazine *Verdicto popular*. Hernández' car and house were shot at on 18 December 2010. Although nobody was hurt, both the house and the car were damaged: the house was hit at least fifteen times while the car was hit eight times. Hernández said he had recently criticized several of the town's civil servants and elected officials in his column. He filed a complaint at the local police station.

\***Norbey QUEVEDO:** investigations editor for the newspaper *El Espectador*, was abducted at gunpoint after leaving the newspaper premises in the capital Bogotá in the early hours of 13 November 2010 and was subsequently robbed. Quevedo's car was intercepted by two armed men who made him get into their car and held him at gunpoint for two hours, questioning him about some money they thought he had taken out of the newspaper building. Quevedo denied having any money and was eventually abandoned in the industrial zone of Bogotá. He was not injured but his car, mobile phone, laptop computer, debit card and a briefcase containing documents relating to his current investigations had been stolen and money was later withdrawn from his account using his card. *El Espectador* reportedly believed that the thieves' mention of the newspaper meant that a link to Quevedo's journalistic work could not be ruled out. At the time the journalist was carrying out a sensitive investigation into a national scandal around irregularities in the contracting of public works by the Bogotá Mayor's office. Quevedo is a well known investigative journalist whose work has meant that he has frequently come under pressure by different groups in the past. The abduction and robbery were reported to the authorities and the police was said to be investigating.

\***Marco Tulio VALENCIA:** journalist and editor of *El Notre* newspaper in Mariquita, was the target of an assassination attempt when an unidentified individual shot at him five times on 30 August 2010. Valencia managed to escape unharmed. The incident took place as the journalist was returning home at night. His assailant approached on a motorcycle and fired two shots from a distance. The motorbike then stalled, allowing Valencia to open his front door as the assailant tried to restart the vehicle. The attacker then started shooting again at Valencia, who managed to enter his home. The assailant fled before the police had arrived. Valencia had received threats prior to the attack. On 22 June he received several threatening calls and messages and in the first week of August he was approached in the street by two individuals who fired several shots into the air in an attempt to intimidate him. Valencia believed the assassination attempt and threats could be linked to reports in *El Notre* on small-scale drug trafficking networks in Mariquita.

## **CUBA**

### **Imprisoned - main cases**

**March 2003 Crackdown Trials:** *The following four writers, journalists and librarians were among 35 sentenced during one-day trials held on 3/4 April 2003 under laws governing the protection of the Cuban state. They were arrested as part of a crackdown on alleged dissidents that began on 18 March 2003 and in which 75 people in total were detained and tried. The one-day court hearings were held behind closed doors and there was insufficient time for the accused to put together a cogent defence. The accusations focused on the alleged conspiratorial dealings between the defendants and James Cason, the chief of the US Special Interests Section in Havana. Shortly before the crackdown Cason had considerably stepped up his contacts with Cubans who had voiced opposition to Fidel Castro. Charges:* All of the detained were tried under Article 91 of the Penal Code and Law 88. Article 91 deals with charges of acting against "the independence of the territorial integrity of the state", the maximum penalty for which is death. Law 88 is a catch-all piece of legislation that has been used in the past as a means for sending writers and journalists to prison. It allows for prison sentences of up to 20 years for those found guilty of committing "acts that, in line with imperialist interests, are aimed at subverting the internal order of the Nation and



destroying its political, economic, and social system.” **Health concerns:** The majority of the writers, journalists and librarians have suffered from health complaints caused or exacerbated by the harsh conditions and treatment they have been exposed to in prison. Despite their deteriorating health status, access to adequate medical treatment has often been limited. (See below for individual updates). **Release deal 2010:** Under a deal brokered by the Catholic Church and the Spanish government in early July 2010, the Cuban government reportedly agreed to release the remaining 52 dissidents arrested in March 2003. The then Spanish Minister of Foreign Affairs, Miguel Angel Moratinos, went further, reportedly telling a congressional committee in Madrid on 12 July that all of Cuba’s political prisoners would be freed. According to a 20 July report by the BBC, the president of Cuba’s parliament, Ricardo Alarcon, has confirmed that the Cuban government is ready to release more political prisoners beyond the 52 it has already promised. The government has not explained why it has agreed to the releases. However, the regime had come under increasing pressure from the international community following the 23 February 2010 death of imprisoned dissident Orlando Zapata Tamayo after an 85-day hunger strike for better prison conditions, harassment of the dissident group ‘Ladies in White’ during protests in March and April, and reports in early July that the journalist Guillermo Fariñas who went on hunger strike following Zapata’s death was himself in danger of dying. **Releases to date:** As of 31 December 2010, a total of 18 of the writers, journalists and librarians arrested in March 2003 and still detained by July 2010 had been released and sent to Spain (see ‘Released – exiled’ below). A precondition of their release was that they agree to be exiled to Spain, although they are reportedly free to move elsewhere later. It has been reported that both the USA and Chile have offered to take in the dissidents. The remaining detainees were due to be released before the end of 2010. However, as of year-end, four were still detained, reportedly because they have refused to leave Cuba; it is not yet clear what will happen in these cases.

**Pedro ARGÜELLES MORÁN:** director of the Cooperative of Independent Avileña Journalists (Cooperativa Avileña de Periodistas Independientes, CAPI), Ciego de Ávila. Also said to be a cartographer. **Year of birth:** 24 February 1948. **Sentence:** 20 years. **Expires:** April 2023. **Charge:** Law 88. **Prison** Canaleta, Ciego de Ávila. **Concerns:** Since his imprisonment, Argüelles has reportedly suffered from a number of health complaints including cataracts which have left him almost blind, arthritis, respiratory ailments and weight loss. He reportedly went on hunger strike on at least two occasions in 2007 and 2008 to gain access to medicines and periodicals with religious content. Reportedly went on hunger strike again for three days in February 2010 following the death in custody of dissident Orlando Zapata Tamayo, who died on 23 February after a prolonged hunger strike protesting prison conditions. **Update:** As of late July 2010, unconfirmed reports indicated that Argüelles was one of a number of prisoners refusing to travel to Spain under the release deal brokered by the Catholic Church and the Spanish government. As of 31 December 2010, Argüelles was still detained, reportedly because he refuses to go into exile. **Honorary Member:** English PEN.

**Iván HERNÁNDEZ CARRILLO:** journalist (Agencia Patria news agency) and librarian (Juan Gualberto Gómez Library). **Date of birth:** 24 May 1971. **Sentence:** 25 years. **Expires:** April 2028. **Prison:** Guamajal Prison, Villa Clara. **Charge:** Law 88. **Concerns:** Hernández reportedly suffers from hypertension and gastritis and has frequently complained about prison conditions. He has often gone on hunger strike; demanding

decent food and medicine for seriously ill prisoners in 2003; protesting mistreatment by guards in 2007; demanding to be housed in a cell on his own in April 2009 and protesting the confiscation of a book in October 2009. He has often complained of being attacked by prison guards and fellow prisoners. In April 2009, Hernández said that the prison authorities were encouraging his cell mates to isolate and threaten him, to the point that he feared for his life, while in November he complained of constant harassment by prison guards. Hernández reportedly went on hunger strike again in March 2010, in protest at abuse by prison guards and at the death in custody of dissident Orlando Zapata Tamayo, who died on 23 February 2010 after a prolonged hunger strike in protest at prison conditions. **Update:** In mid July, unconfirmed reports indicated that Hernández is one of a number of prisoners refusing to travel to Spain under the release deal brokered with the Catholic Church and the Spanish government. As of 31 December 2010, Hernández was still detained, reportedly because he refuses to go into exile. **Honorary Member:** Catalán and Scottish PEN Centres.

**Héctor Fernando MASEDA GUTIÉRREZ:** independent journalist, author and president of the Cuban Liberal Party (Partido Liberal Cubano). **Date of birth:** 8 January 1943. **Sentence:** 20 years. **Expires:** April 2023. **Prison:** Agüica maximum security prison, Colón, Matanzas. **Charge:** Law 88 and Article 91. **Health concerns:** Maseda is said to suffer from hypertension and skin complaints. In 2007 he reportedly had numerous skin growths, feared to be malignant, surgically removed. **Prison conditions:** For the first two years and 10 months of his sentence, Maseda was reportedly held in solitary confinement in a maximum security prison and was not allowed any visits; during this time he reportedly lost a great deal of weight (18 kilos). After his wife delivered a copy of Maseda’s book *Enterrados Vivos* to the Cuban President’s office in March 2008, it was reported that there had been surveillance of their calls, with Maseda being told his calls would cut off if he read out anything over the phone. The prison authorities reportedly confiscated a series of articles and a number of pages from his new book in October 2008. As of December 2009, still detained at Agüica maximum security prison, where he was allowed visits every six weeks. His skin complaints reportedly worsened in 2009 but despite this he did not receive medical treatment. He reportedly continues to write about prison conditions and human rights violations. **Update:** On 9 October 2010 Maseda reported that he had received a second phone call from the cardinal in charge of negotiating the release and exile of political prisoners. The cardinal offered him the possibility to travel to the USA via Mexico since he was not prepared to go to Spain. Maseda said he refused the latest offer as he believed that he would be denied political asylum in the USA if he travelled there via a third country, and called on the Cuban authorities to release him unconditionally. He also reported that the authorities were strongly pressurising the remaining prisoners of conscience to accept conditional release and exile but that he had no intention of giving in. He said he was in good health. Still detained as of 31 December 2010. **Biographical details:** Maseda is said to be the oldest of the imprisoned writers and journalists in Cuba. An engineer with a degree in nuclear physics, he began working as an independent journalist in 1995 after losing his government job as a result of his political views. He later co-founded the independent news agency Grupo de Trabajo Decoró, which published reports critical of Cuba in the foreign media. He also wrote for the Miami-based news website CubaNet. Maseda reportedly focused on social, economic and historical topics not covered in the official press and wrote investigative pieces, including a series on human right abuses in Cuban prisons published shortly before

his arrest in 2003. Once jailed, Maseda continued to write about prison conditions first hand. **Publications:** The first part of his memoir, *Enterrados Vivos* (*Buried Alive*) was published in the United States in 2007, after the manuscript was smuggled out of prison one page at a time. The book, which Maseda intends to have three parts, has also reportedly been published in the Caribbean and Western Europe. **Honorary Member:** Italian PEN.

**Blas Giraldo REYES RODRÍGUEZ:** librarian (20 de Mayo Library, Sancti Spiritus) and member of the steering committee of the pro-democracy Varela Project, Sancti Spiritus. **Date of birth:** 7 August 1955. **Sentence:** 25 years. **Expires:** April 2028. **Prison:** Nieves Morejón, Sancti Spiritus. **Charge:** Law 88. **Concerns:** Reyes is said to suffer from a number of health complaints including arterial hypertension, arthrosis (a degenerative disease of the joints), diabetic neuropathy (a complication of diabetes causing damage to the nerves) and gastritis and was reportedly hospitalized in August 2008. Reyes has denounced prison conditions on several occasions, including flooding and sanitary problems, severe overcrowding and lack of beds. **Update:** As of mid July 2010, Reyes was reported to be one of the dissidents awaiting release and exile to Spain. However he was still detained as of 31 December 2010, reportedly because he has refused to go into exile. **Honorary Member:** Sydney PEN Centre.

#### ***Imprisoned: other main case***

**Albert Santiago DU BOUCHET HERNÁNDEZ:** director and reporter of the Havana-based independent news agency Habana Press. **Date of arrest:** 18 April 2009. **Sentence:** three years. **Expires:** 17 April 2012. **Prison:** Melena 2, south of Havana. **Charge:** “disrespect for authority”. **Details of arrest and trial:** Du Bouchet was arrested on 18 April 2009 while visiting relatives in Artemisa, near Havana. The circumstances of the arrest are unclear but it understood that he was taken to the local police station after a verbal exchange with a police officer. The police have claimed he was shouting anti-government slogans in the street. He was transferred to Melena 2 prison to the south of Havana on 10 May 2009. On 12 May he was sentenced to three years in prison on charges of “disrespect for authority”. There were unconfirmed reports that he was also reportedly charged with “distributing enemy propaganda”, but it is not known whether he was convicted of this charge. The trial was said to have been summary and Du Bouchet was reportedly denied access to a lawyer. He has appealed his sentence but it is thought unlikely that the appeal will be successful. His family had reportedly not been allowed to visit him since his arrest. One source indicated that Du Bouchet was jailed in reprisal for his work, which includes reporting on social issues. **Previous imprisonment:** This is the second time Du Bouchet has been imprisoned on “disrespect” charges. In August 2005 he was arrested after attending the congress of the pro-democracy Assembly to Promote Civil Society, summarily tried without access to a lawyer and sentenced to one year in prison. Du Bouchet was released in August 2006, having served the sentence in full. **Recent information:** On 14 June 2010, it was reported that Du Bouchet had restricted telephone privileges due to alleged ill conduct but was in good spirits. He was reportedly due to be transferred to another prison. No further news as of 31 December 2010.

#### ***Brief detention***

\***Julio BELTRÁN IGLESIAS:** independent journalist and spokesperson for the Cuban Republican Party, was reportedly arrested and briefly detained on 30 September 2010. He was taken to a police station where

he was questioned for six hours, during which time he was reportedly threatened in connection with his writing and political activities.

\***Luis Felipe ROJAS ROSABAL:** poet, internet writer and dissident, was reportedly arrested by state security agents while on his way to a baptism in Guantánamo with his family on 27 November 2010. On 29 November it was reported that he had been released by a police patrol some 12 km from his village. He had previously been arrested at home on 23 August along with another man and briefly detained; no reason was given for the arrest.

#### ***Released – exiled***

*The following seven writers were released between August and September 2010 and sent to Spain following a deal brokered by the Catholic Church and the Spanish government. (Eleven others were previously released under the same deal in July 2010 – see previous case list for details; see above for details of release deal):*

**Víctor Rolando ARROYO CARMONA:** author, journalist (Independent Union of Independent Cuban Journalists and Writers - Unión de Periodistas y Escritores de Cuba Independiente, UPECI, and Cubanet) and independent librarian (Reyes Magos Library). **Date of birth:** 23 December 1951. **Release:** Released and arrived in Spain with his family on 8 September 2010. Arroyo was sentenced to 26 years in prison under Law 88 and Article 91. **Honorary member:** Finnish PEN.

**Juan Adolfo FERNÁNDEZ SAÍNZ:** journalist (correspondent for independent news agency Patria). **Date of birth:** 30 November 1948. **Release:** Released and arrived in Spain with his family on 20 August 2010. Fernández was sentenced to 15 years in prison under Law 88 in 2003. **Honorary Member:** Catalán PEN, English PEN.

**Miguel GALVÁN GUTIÉRREZ:** journalist (Havana Press agency) and coordinator of the pro-democracy Varela Project; also said to be a mechanical engineer. **Year of birth:** 12 January 1965. **Release:** Released and arrived in Spain on 25 September 2010. Galván said he had wanted to stay in Cuba but decided to leave for the sake of his family. He also said he was still suffering from some health problems stemming from his time in prison. The journalist was sentenced to 26 years in prison under Article 91 and Law 88 in 2003. **Honorary Member:** Sydney PEN Centre.

**José Miguel MARTÍNEZ HERNÁNDEZ:** librarian (General Juan Bruno Zayas Library), area representative for the unofficial political group Movimiento 24 de Febrero, and involved in the pro-democracy Varela project. **Date of birth:** 4 August 1963. **Release:** Released and arrived in Spain with his family on 24 September 2010. Martínez reportedly told the media on arrival that “exile was our only alternative.” He was sentenced to 13 years in prison under Law 88 in 2003.

**Juan Carlos HERRERA ACOSTA:** journalist (Eastern Free Press Agency - Agencia de Prensa Libre Oriental or APLO). **Release:** Released and arrived in Spain with his family on 19 August 2010. He was sentenced to 20 years in prison under Law 88 in 2003. **Honorary Member:** German PEN.

**Régis IGLESIAS RAMÍREZ:** poet, writer and member of the pro-democracy Movimiento Cristiano Liberación (Christian Liberation Movement) and Varela Project. **Date of birth:** 18 September 1969. **Release:** Reportedly released on 17 August 2010, arrived in Madrid the next day. He was sentenced to 18 years in prison under Article 91 in 2003. **Honorary Member:** New Zealand PEN.

**Fabio PRIETO LLORENTE:** freelance journalist and member of the Asamblea para la Sociedad Civil (Civil Society Assembly). **Year of**

**birth:** 11 March 1963. **Release:** Released and arrived in Spain with his family on 19 August 2010. He was sentenced to 20 years in prison under Article 91 and Law 88 in 2003. **Honorary Member:** English PEN Centre.

#### *Released – on expiry of sentence*

**Raymundo PERDIGÓN BRITO:** d.o.b. 24 November 1965, founder of independent news agency Yayabo Press, Sancti Spíritus. Article 72 (“social dangerousness”). Perdigón was arrested on charges on being a “pre-criminal danger to society” on 29 November 2006 after defying a State Security order to cease his journalistic activities, and was sentenced to four years in prison on 5 December 2006. He was released on 25 November 2010 on expiry of his sentence.

**Ramón VELÁZQUEZ TORANSO:** journalist for the independent news agency Libertad. Velásquez was arrested on 23 January 2007 together with his wife and daughter, both of whom were freed later that day. He was sentenced to three years of supervised parole under Article 72 (“social dangerousness”). Velásquez was released on 29 April 2010, more than three months after his sentence had expired.

## DOMINICAN REPUBLIC

### *Threatened*

\***Fausto Rosario ADAMES:** editor of weekly newspaper *Clave*, reportedly received threats on 4 August 2010 following the publication of articles on drug trafficking activities in the country. Adames was warned that he was at risk of being murdered due to his investigation into local corruption linked to drug trafficking. The same day, he told his co-workers at *Clave* that he was shutting down both the print and electronic versions of the newspaper. Adames and his colleagues have reportedly met the President to discuss the matter and to request protection measures.

## ECUADOR

### *On trial*

\***Juan ALCÍVAR RÍOS:** correspondent of the newspaper *Diario La Hora*, was subject to multiple legal and physical attacks in the second half of 2010. On 8 July he received a threat from unidentified persons who damaged his car and left him a note warning not to “screw with the mayor”. Alcívar, who was covering the regional police command’s rendering of accounts at the time, had not been threatened before. He reported the threat to the police. On 20 August he was sentenced to a preventative prison sentence after a public prosecutor initiated legal proceedings against him for “terrorist aggression against public officials”. Alcívar was in hiding for nearly a month because of these proceedings and because he feared for his life. On 13 September, the judge substituted the prison sentence for a precautionary measure, ordering Alcívar to appear before the court every 15 days while the prosecutor investigates the case. On 17 September two public officials, the mayor of La Concordia and a municipal trustee, filed a private lawsuit against Alcívar accusing him of “terrorist aggression against public officials” in which they requested he should be “sanctioned with the maximum jail sentence” and payment of heavy damages. In this new lawsuit, the journalist is accused of being one of the people responsible for having thrown a teargas bomb that affected President Rafael Correa when he was visiting the district on 19 July. Alcívar was also accused of causing personal and material damages and of “hatred” against the mayor and using the newspaper he works for

to insult him. On 30 September, Alcívar was assaulted while carrying out his work by the trustee of the Municipality of La Concordia and another man. On 26 November he was assaulted again and threatened with death, allegedly by the cousin of the mayor and three other men in La Concordia. He was with his children at the time. Alcívar did not know that his assailant was related to the mayor of La Concordia until he heard him say he would “kill [him] if [he] continued to speak ill of his cousin.” The assailant and the others fled after local residents intervened to stop the attack. Alcívar reported the incident to the local police but believes their report was influenced by the fact that the mayor’s cousin was involved. He thinks that the attack may have been provoked by his interviews earlier that day with people who were complaining about the mayor’s absence during the celebration of the town’s anniversary.

**Peter TAVRA FRANCO:** journalist for the newspaper *Diario Universo*, was sentenced to six months in prison on 15 January 2010 on defamation charges and was also ordered to pay US\$3,000 in damages. The lawsuit stemmed from a February 2009 article in which Tavra described a woman’s escape from a clinic after she was arrested for human trafficking. The woman in question claimed that the article had caused serious damage to her “good name and reputation” and sued. According to Tavra, the article was based on police documents that supported the information. A court of first instance originally dismissed the case. However, a court of second instance declared the journalist guilty on appeal. Tavra filed an appeal against the verdict on 22 January. No further news as of 31 December 2010.

### *Death threat/ Attacked*

\***Guido Manolo CAMPAÑA:** sports writer for the newspaper *El Universo*, was kidnapped, assaulted and threatened with death on 2 December 2010 while he was investigating an alleged identity theft involving a Liga de Quito footballer in the coastal region of Esmeraldas. Campaña was on his way to the town of Muisne when two gunmen stopped the bus in which he was travelling, warned the passengers not to intervene and, at gunpoint ordered Campaña to get off the bus at gunpoint and into a car with two accomplices. The abductors took him to a house where they tied him up, beat him and threatened him, demanding that he reveal who gave him the information that led to his investigation. They destroyed Campaña’s camera, voice recorder, mobile phone and a notebook with all his notes about the investigation and warned him that they would kill him and attack his family if the investigation was made public. They let him go six hours later, after reaching an agreement over the phone with *El Universo* staff.

### *Death threat*

\***Holger GUERRERO:** regular contributor to the online newspaper <http://ecuadorinmediato.com/> and TV journalist, was reportedly threatened with death by unknown individuals who blocked his way while he was in his car on 29 October 2010. In his programmes Guerrero had criticised the former police director during a police uprising on 30 September. He said that he had also received death threats by telephone.

### *Harassed*

\***Juan Carlos CALDERON and Christian ZURITA:** writers and journalists, respectively former editor and current investigations editor of the newspaper *Diario Expreso*. Both were reportedly subjected to a series of discrediting comments and insults following the publication of their book *El Gran Hermano* (Big Brother), which included an in-

depth investigation into an official's brother's contracts with the state. On 1 September 2010, the authors and their publisher, Editorial Paradiso, received a letter from the Minister of Transport and Public Works. In the letter, the minister questioned the caption of a photograph included in the book, which mentions her part in the concession of a contract to the president's brother, which in minister's opinion is "erroneous" and "unsubstantiated". The Minister demanded that the caption be changed and requested that "the book be withdrawn from circulation or she would take legal action. On 6 and 13 September officials attacked the authors on state television and threatened to prosecute them. Calderón and Zurita maintain that everything included in the book is true and that their investigation is backed up by evidence.

\***Miguel CASTILLO:** regional coordinator of the newspaper *Diario El Comercio de Ambato*, and his photographer were reportedly struck by policemen on 30 September 2010. The police also sprayed pepper spray at them and took their camera. The incident took place during a police protest against the alleged withdrawal of police work benefits, during which several media workers were attacked.

\***Gran TAURO:** publisher of the magazine *Vanguardia*, and other employees were harassed by armed members of the special police force on 17 December 2010. The police raided *Vanguardia's* editorial offices in Quito, searched employees and seized equipment, including 35 hard drives. Authorities said the action was taken as part of eviction proceedings involving the state-owned offices. Tauro was told that he had three days to pay US\$14,560 that the magazine allegedly owed in rent. But he said the eviction was carried out immediately. The magazine paid in full the amount it was said to owe, but officials had not acknowledged receiving payment.

## GUATEMALA

*Killed: motive unknown*

\***Victor Hugo JUÁREZ:** journalist and businessman who owned online newspapers *Wanima News* and *Guatemala Empresarial*, was found murdered on 27 September 2010 at the home of a friend who had also been killed. Both men appeared to have been tortured and strangled. The motive was not known. Juárez had worked for the daily newspapers *Siglo XXI* and *Nuestro Diario* in the past. The assumption seems to be that his murder was not linked to his work as a journalist.

### *Death threats*

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

a witness in a trial against local police over its actions in a violent 2003 demonstration organized by supporters of former dictator Efraín Ríos Montt, during which the journalist Héctor Ramírez was killed. **Update:** On 28 September 2010, several unknown assailants entered Del Cid's apartment and asked for him. A laptop computer that held his work and teaching documents was stolen. He complained of a lack of support from media organisations and official channels responsible for investigating his case, such as the Office of the Special Prosecutor for Crimes against Journalists and Labour Union Members. He said that he feared for his safety and was staying at a friend's house.

\***Luis Ángel SAS:** journalist for the daily *el Periódico*, has reportedly been receiving death threats that make reference to an article he wrote about weapons stolen from the army that ended up in the hands of the Los Zetas criminal group in Guatemala. The threats began on 16 November 2010, when the newspaper received a telephone call in which an unidentified caller asked to speak to Sas. The caller referred to Sas' article and said that he had information and evidence about a drug-trafficking group. He insisted on meeting with Sas and then hung up. Later that same day, another person called and threatened to kill Sas if he carried on talking to "Mr. Galindo." Sas and his newspaper contacted the Prosecutor's Office about the threats. On 17 November Sas flew to Panama for a conference on drug-trafficking and journalism. While he was out of the country, a person claiming to be from the army contacted *el Periódico* and said that Sas had charged 8,000 quetzales (approx. US\$1,000) for every meeting he had with "Mr. Galindo". According to Sas, Moisés Galindo is the military lawyer who provided information on the theft of weapons, explosives and munitions belonging to the army that ended up in the hands of the Los Zetas group.

### *Attacked*

\***Nery MORALES (f):** journalist for the news website La Noticia.com, was reportedly attacked by agents of the Narcotics Analysis and Information Secretariat (SAIA) in Mazatenango Suchitepéquez on 3 August 2010 when she was covering a raid on a luxury mansion. Two television journalists were also assaulted. When the agents, who numbered at least 18, saw the journalists, they fired gas at them, apparently pepper spray. One of the journalists required medical attention afterwards. The authorities had reportedly not been notified of SAIA's intention to carry out the raid.

### *Harassed*

\***Francisco REVOLORIO, Ángel REVOLORIO and Mario CUMIN:** respectively from the newspapers *Nuestro Diario*, *Prensa Libre* and *Hoy*, were detained by villagers of El Rosario village in Champerico, Retalhuleu, on 28 July 2010, when they arrived to cover a road block in protest at poor road conditions. The journalists were taken hostage because protestors did not want them to publicize information that would be damaging to them. At the same time, they also asked that their message be broadcast live, but the journalists did not have satellite equipment to do so. The journalists were concerned for their safety because protestors threatened to beat and lynch them. They were freed about eight hours later after assuring protest leaders that they did not take any unfavourable photographs of the protest. The incident was reported to the police.

# MEXICO

*Killed: motive unknown*

**\*Carlos Alberto GUAJARDO ROMERO:** reporter with *Expreso* newspaper was shot dead on 5 November 2010 in Matamoros, Tamaulipas. He was killed near the beginning of an eight-hour shootout involving the army, the navy and gunmen working for the Gulf drug cartel. Guajardo was on his way to the area to report on the shooting and to gather information on blockades that some of the criminals had reportedly set up in the area. It was not known whether he was caught in the crossfire or was directly targeted. *Expreso* reported that a number of bullets shells were found around Guajardo's car while other media reported that at least 20 shots were fired at the vehicle.

**\*Hugo Alfredo OLIVERA CARTAS:** owner and editor of the Apatzingán-based local daily newspaper *El Día de Michoacán*, went missing on the evening of 5 July 2010 after receiving a phone call and setting off from the newspaper office to cover a story. He reportedly called his wife shortly after leaving and told her to "take care of the children." His body was found in the early hours of the next morning in his vehicle in a rural area near Apatzingán; he had been shot three times in the head. The same morning, unidentified individuals reportedly entered the offices of *El Día de Michoacán* and stole computer hard disks and memory storage devices. The motive for the murder is as yet unknown. However, Michoacán governor Leonel Godoy Rangel has been quoted in local press reports as saying that it bore the hallmarks of an organised crime killing. Olivera (27), who was also the owner and editor of the regional news agency ADN as well as correspondent for the daily regional newspaper *La Voz de Michoacán* and the news agency Quadratín, had covered crime in the Apatzingán area for the past two years. He is not known to have reported receiving any threats prior to his death. However, in February 2010, he reportedly filed a complaint with the National Commission for Human Rights (CNDH) accusing members of the federal police of assaulting him while he was covering a murder on 18 February. Olivera left behind a widow and two small children. [RAN 41/10]

*Killed: official investigation ongoing*

**José Bladimir ANTUNA GARCÍA:** crime and security affairs reporter for the newspaper *El Tiempo de Durango*, was found dead in Durango, capital of Durango State, on the evening of 2 November 2009, after being abducted while on his way to work earlier that day. He was found to have died of "asphyxia from strangulation", but according to some reports his body also bore bullet wounds to the head and abdomen. A note was found next to his body which reportedly stated: "*This happened to me for giving information to soldiers and for writing too much.*" In the week before his death, Antuna (39) had reportedly broken a story about police corruption in Durango and had also been investigating the unsolved murder of another *El Tiempo de Durango* journalist, **Carlos Ortega Samper**, who was similarly abducted and killed in May 2009 (see entry below).

**Previous threats:** Antuna had reportedly been receiving repeated death threats since late 2008 and was the target of an apparent assassination attempt on 28 April 2009. Despite reporting the latter to the Durango State Public Prosecutor's Office (Procuraduría General de Justicia del Estado de Durango), Antuna was not provided with any protection and continued to receive threats. On 26 May - the same day that another Durango-based journalist, **Eliseo Barrón Hernández**, was found dead

after having been kidnapped from his home (see entry below) - an anonymous call was reportedly made to the *El Tiempo* offices saying that Antuna would be next. Antuna had reportedly exchanged information about police corruption and organised crime with Barrón on several occasions. He had previously received numerous threats on his mobile phone and on his work telephone warning him not to publish "delicate" information. The caller sometimes identified himself as a member of Los Zetas, a paramilitary group reportedly linked to the Gulf drug cartel. One of the calls was apparently made from inside the Gómez Palacio penitentiary in Durango. On 1 October, Antuna said that he had received a summons at the *El Tiempo* office, ordering him to provide a statement to the Durango State Public Prosecutor's Office on 6 October. No reason was given for the summons. *El Tiempo* published an article about it in an effort to protect Antuna. **Investigation:** No further news on the investigation as of 31 December 2010. [RAN 54/09]

**Eliseo BARRÓN HERNÁNDEZ:** crime reporter for the Torreón-based daily newspaper *La Opinión* and other local newspapers, in Gómez Palacio, Durango state, was abducted on 25 May 2009 and subsequently murdered. That night, around eight hooded and armed men reportedly entered Barrón's house in Gómez Palacio, beat him in front of his wife and two children, and forced him into a vehicle parked outside. His body was found the next morning in a ditch in the municipality of Tlahualilco, Durango, next to Coahuila state. He had a gunshot wound to his head and according to some reports his body also bore signs of torture. Barrón (35) had covered police and crime for *La Opinión*, based in Torreón in the neighbouring state of Coahuila, for the last 10 years. It is understood that he had recently reported on a corruption scandal in the Torreón police as a result of which 302 police officers were fired and at least 20 others were investigated. **Investigation:** The journalist's family filed a complaint with the Attorney General's Office (Procuraduría General de la República, PGR). The investigation was reportedly taken over by federal authorities for reasons that were unclear. On 28 May 2009 it was reported that the PGR had offered an award of five million pesos (approx. US\$380,000) for information leading to the arrest of Barrón's killers. On 6 June 2009, five men presumed to be members of the Zetas, a paramilitary group involved in drug trafficking and extortion, were reportedly arrested in connection with Barrón's murder. One of them, Israel Sánchez Jaimes, has allegedly confessed to firing the shot that killed Barrón on the orders of Zetas leader Lucio Fernández, who was reportedly angered by the media's coverage of his activities. On 31 August 2009, a district judge in Saltillo, Coahuila state, ordered the five suspects - Israel Sánchez Jaimes, José Pedro Jáuregui Jiménez, Raúl Francisco Rodríguez Valderrama, Víctor Alfredo López Ramírez and Óscar Cárdenas Castillo - to be put on trial for crimes including kidnapping and premeditated murder. Three of them had reportedly given statements admitting their part in kidnapping Barrón. As of the first anniversary of Barrón's death in late May 2010, the investigation into Barrón's murder had reportedly ground to a halt. No further news as of 31 December 2010 [RAN 24/09]

**Gerardo Israel GARCÍA PIMENTEL:** journalist for the daily newspaper *La Opinión*, based in Michoacán, was shot dead while driving his motorcycle in Uruapan, Michoacán state, on 8 December 2007. Realising that he was being followed, García Pimentel pulled up at the hotel where he was living with his family, but on arrival in the car park he was shot approximately 20 times by unidentified men wearing hoods. The journalist had reported on agricultural issues for several years. The General Prosecutor's Office was in charge of the investigation of the case. On 5 March 2008, the Mexican Senate agreed to ask federal authorities to

investigate García Pimentel's murder. On 25 August 2009, the Mexican National Human Rights Commission (Comisión Nacional de los Derechos Humanos, Mexico - CNDH) cited García's case as an example of an investigation into a journalist's murder where the authorities had not followed up on all leads. On 16 July 2010, the state authorities reportedly said that García's murder remained unsolved but that the investigation was ongoing. According to the Public Ministry, García's family had refused to cooperate in the last review of the case. No further news as of 31 December 2010. **Background:** Another *La Opinión* reporter, **Mauricio Estrada Zamora** went missing on 14 February 2008 (see below).

**Miguel Ángel GUTIÉRREZ ÁVILA:** anthropologist, linguist, author of a number of books on the indigenous people of Guerrero state and activist for the rights of the Amuzgo people, was killed late on 25 July 2008 or the early hours of 26 July while driving towards the capital of Guerrero. **Circumstances of death:** Gutiérrez's body was found by the side of the Acapulco-Pinotepa highway near La Caridad community in the municipality of San Marcos on the morning of 26 July 2008. He had been driving towards the capital of Guerrero, Chilpancingo de los Bravo. Although initial police reports suggested that Gutiérrez (53) died as the result of a car accident, it is thought that he was beaten to death. He had been working on a documentary on indigenous cultures and traditions but had reportedly also been documenting human rights violations by the authorities. According to his family, the vehicle in which Gutiérrez was travelling was untouched and only his filming equipment had been stolen. A few days before his death, between 23 and 25 July, Gutiérrez had visited the Suljaa' and Cozoyoapan communities in Costa Chica, Guerrero, for a documentary film he was making on indigenous cultures and traditions, entitled 'La Danza del Tigre' (The Dance of the Tiger). During his visit, Gutiérrez had also documented alleged human rights violations by the authorities against the staff of the community radio station Radio Ñomndaa/ La Palabra del Agua (The Word of the Water), including an interview with Ñomndaa founder David Valtierra Arnago, which Gutiérrez reportedly intended to include in his documentary. **Investigation:** According to local press reports, one lead pointed to the involvement of Aceadeth Rocha Ramírez, mayor of Xochistlahuaca municipality in Costa Chica. Rocha is allegedly one of a number of local political leaders opposed to indigenous movements and Radio Ñomndaa. Another lead suggested that Gutiérrez may have angered the authorities by filming members of the Federal Investigations Agency (Agencia Federal de Investigación, AFI) as they raided the radio station. As of 31 December 2009, the crime reportedly remained unsolved. No further news as of 31 December 2010; PEN is seeking further information and confirmation that the investigation is ongoing. **Background:** Gutiérrez had researched the indigenous people of southern Guerrero for more than 20 years, particularly in Costa Chica. He had been involved in various cultural projects there, including Radio Ñomndaa and the establishment of the first Amuzgo community library. **Publications:** His publications include: *La tradición oral afromestiza en México* (1985), *Nabor Ojeda Caballero, el batallador del sur* (1991), *La conjura de los negros – cuentos de la tradición oral afromestiza de la costa chica de Guerrero y Oaxaca* (1993), *Danzas y música de origen africano en la Costa Chica de Guerrero* (1993), *Déspotas y caciques – una antropología política de los amuzgos de Guerrero* (2001) and *La historia del estado de Guerrero a través de su cultura – una perspectiva antropológica* (2008). [RAN 42/08; PEN International Day of the Imprisoned Writer 2009 action]

**Martín Javier MIRANDA AVILÉS:** reporter for the daily newspaper *Panorama* and correspondent for the news agency *Quadratin*, was found

stabbed to death at his home in Zitacuaro, Michoacán state, on 12 July 2009. The motive for the killing is not clear. Miranda Avilés only covered crime very occasionally. His colleagues reportedly stated that he had recently received threats, but also thought it likely that the killing was a 'crime of passion'. However, according to the management of *Panorama*, the murder could have been intended as a reprisal against the newspaper. Two weeks earlier, some news vendors were reportedly attacked while selling an edition of *Panorama* that contained a report on the arrest of a police officer in possession of weapons and drugs. On 16 July 2010, the state authorities said that it had identified suspects for Miranda's murder but they had yet to be located. The motive for the crime remained unknown. No further news as of 31 December 2010. [RAN 29/09]

**Norberto MIRANDA MADRID:** editor and columnist for the website of the online radio station Radio Visión and presenter for the same, as well as journalist for a number of newspapers, was shot dead at Radio Visión's offices in Nuevo Casas Grandes, Chihuahua State, on 23 September 2009. According to reports, a number of men forced their way into the premises late that night and shot Miranda repeatedly after he identified himself. The journalist reportedly died at the scene. Miranda (44), who had 15 years' experience as a journalist, was known for his column 'Cotorreando con El Gallito' (Chatting with the Little Rooster, or the Tough Guy), which often covered social issues including criminal groups and the lack of public safety. His last column, published the day before he was killed, mentioned the murders of 25 people in Nuevo Casas Grandes since the beginning of September, attributed to the Juárez drug trafficking cartel. Miranda's 5 September piece referred to the capture in Nuevo Casas Grandes of some members of the 'La Línea' (The Line), the armed wing of the Juárez cartel, including Rodolfo Escajada, who is on the US Drug Enforcement Administration list. Following this article Miranda was reportedly subject to harassment. The authorities were said to be reviewing Miranda's recent articles (see <http://www.radiovision-casasgrandes.com/CotorreandoConElGallito.htm>) in search of a possible motive for the killing. No further news as of 31 December 2010. [RAN 51/09]

**Ernesto MONTAÑEZ VALDIVIA:** editor for local newspaper *Enfoque del Sol de Chihuahua*, was shot dead on 14 July 2009 while driving his car in Ciudad Juárez, Chihuahua state. His 17-year-old son, who was him at the time, was badly wounded and was taken to hospital. The car bore a sticker saying "Press 2007" as well as his newspaper's name. No further news on the investigation as of 31 December 2010. [RAN 29/09]

**Jorge Alberto OCHOA MARTÍNEZ:** editor and publisher of local newspapers, *El Oportuno* based in Chilpancingo and *El Sol de la Costa* based in Ayutla de los Libres, Guerrero state, was shot dead on 29 January 2010. Ochoa (55) was reportedly shot several times in the face after leaving a birthday party for a local politician at a restaurant in Ayutla de los Libres. Ochoa had not reported receiving any threats. According to a colleague, his newspapers did not tend to cover sensitive stories such as drug trafficking or corruption in any depth due to the poor security situation in Guerrero for journalists and in general. However, his family reportedly believe that his murder may be connected to his work. Guerrero has become one of the most dangerous states for journalists as a result of a turf war between two drug cartels and the state and federal forces' attempts to remain in control. On 11 March, the Guerrero state Justice Ministry arrested two suspects, Honorario Herrera Villanueva and David Bravo Jerónimo. According to the Ministry, the two men paid a taxi driver to kill Ochoa after he drove the wrong way down a one-way street and refused to reverse in order to let their vehicle pass. On 24 March, it

was reported that the Guerrero state attorney general's office had identified Bravo Jerónimo as the mastermind behind the murder; he had reportedly confessed to murdering Ochoa following previous tensions between the two men. Ochoa's widow, María del Carmen Castro, questioned the result of the investigation and said she believed that her husband had been killed for his work after receiving threats, which the state attorney general was aware of but had chosen to ignore, and that Bravo Jerónimo was being used as a scapegoat. No further news as of 31 December 2010. [RAN 08/10]

**Carlos ORTEGA SAMPER:** columnist for the daily Durango City-based newspaper *El Tiempo de Durango*, was shot dead in Santa María El Oro, Durango State, on 3 May 2009. The journalist was known for his criticism of local government corruption and had reportedly been threatened by local officials only days before. Ortega (52) was driving home when he was intercepted by four unidentified men who pulled him from his car and, after a heated argument, shot him three times in the head. He died at the scene. The previous day, Ortega had written an article alleging that town mayor Martín Silvestre Herrera and local official Juan Manuel Calderón Guzmán had threatened him in connection with a 28 April article criticising hygiene conditions in a local abattoir. Ortega also indicated that he was investigating allegations of corruption by local policeman Salvador Flores Triana, and that these three men should be held responsible if anything happened to him. This article was awaiting publication at the time of Ortega's death. The editor of *El Tiempo de Durango* reportedly believes that Ortega was killed in retaliation for his reporting local government corruption. **Investigation:** The state attorney's office is in charge of the investigation. As of November 2009, the murder reportedly remained unsolved. No further news on the investigation as of 31 December 2010. **Previous attacks:** Ortega previously came under attack in early 2009, when his house was shot at and his car set on fire. He reported the incident to the authorities but no action was taken. He had reportedly had previous clashes with the local authorities. In July 2005, following a formal complaint by Ortega, the State Commission of Human Rights for Durango investigated high ranking members of the local public security forces and concluded that some elements had violated the journalist's human rights. **Background:** Ortega, who was also a lawyer, had worked for *El Tiempo de Durango* for a year and for the five previous years for another regional daily, *El Siglo de Durango*. [RAN 21-09]

**Evaristo PACHECO SOLÍS:** reporter for the weekly newspaper *Visión Informativa*, was found dead in Guerrero state on 12 March 2010. Pacheco (33) had been shot several times and his body left by the side of a road near the state capital Chilpancingo. It is not yet known whether his murder was related to his journalism. **Update:** On 13 August 2010 the Mexican federal authorities informed PEN that Pacheco's case was being investigated by the Guerrero state attorney general. No further news as of 31 December 2010. [RAN 27/10]

**Jorge RÁBAGO VALDEZ:** journalist for the daily newspaper *La Prensa* and two radio stations, died in Reynosa, Tamaulipas state, on 2 March 2010. The state prosecutor's office said that Rábago (49) had died of natural causes after suffering an embolism (obstruction of a blood vessel) and falling into a diabetic coma. However, according to some local reporters, Rábago had reportedly been stopped by police and badly beaten prior to being admitted to hospital. The state prosecutor has reportedly denied that the reporter was assaulted. It is not yet known whether Rábago's death was related to his journalism. **Update:** On 13 August 2010 the Mexican federal authorities informed PEN that Rába-

go's case was being investigated by the Tamaulipas state attorney general. No further news as of 31 December 2010. [RAN 27/10]

**José Armando RODRÍGUEZ CARREÓN:** crime reporter for local daily *El Diario*, based in Ciudad Juárez, Chihuahua state, was shot at least eight times by an unidentified person as he was about to drive his daughter to school on the morning of 13 November 2008. He died at the scene. His daughter, who was also in the car at the time, was uninjured. An investigation was begun, with Rodríguez' journalism as a possible motive. **Previous threats:** Rodríguez (40), who had more than 10 years of experience of reporting on crime, in particular murders, had in the year prior to his killing been the target of several death threats warning him to curb his reporting. At that time he was reportedly covering drug-related violence and organized crime in Ciudad Juárez and Chihuahua state. Following these threats, Rodríguez temporarily left Mexico for the United States but refused to stop covering crime stories and received further death threats. According to local press reports, the journalist was offered security measures by the state authorities but refused them, however another version suggests that he had asked for protection from the attorney general's office but his request had been turned down. It has also been reported that a few days before his death, Rodríguez had published an article linking the attorney general's nephew to drug traffickers. **Related attacks:** In the weeks following Rodríguez' murder, death threats were received by other journalists for *El Diario* and other media in Ciudad Juárez and Chihuahua state. On 6 November 2008, a decapitated head had reportedly been left at Journalists' Square in Ciudad Juárez. Rodríguez' wife, also a journalist, reportedly feared for her safety and that of her children. **Investigation:** Both the state prosecutor and the Federal Special Prosecutor on Crimes against Journalists (Fiscalía Especial de Delitos Cometidos contra Periodistas, FEADP) are reportedly in charge of the investigation. On 23 June 2009, it was reported that the state attorney general's office had sent the findings of its investigation to the federal attorney general's office (PGR) in February so that the alleged mastermind and his accomplices, reportedly drug cartel members, could be arrested. Despite this, no arrests had taken place. Two prosecutors in charge of investigating the case have reportedly been assassinated. The Mexican Social Security Institute has apparently refused to pay a widow's and orphan's pension to Rodríguez' wife and daughter because it claimed that his murder was not related to his work as a journalist. According to a 21 July 2010 local news report, following a protest by journalists, the Chihuahua state governor promised that there had been "substantial" progress in the investigation into Rodríguez' killing and that the crime would soon be solved. **Update:** On 22 September 2010 the Attorney General announced the arrest of Juan Soto Arias, who was said to have confessed to the murder, motivated by Rodríguez' coverage of drug trafficking. However on 27 September *El Diario* reported allegations that Soto had been tortured into making the confession and that he denied killing the journalist. In another development, a video posted on the website of *El Diario* on 25 October 2010 reportedly showed lawyer Mario Angel Gonzalez, the kidnapped brother of former Chihuahua state attorney general Patricia Gonzalez, accusing his sister of ordering the killing of Rodríguez and another journalist, **Enrique Perea Quintanilla**, founder and editor of the monthly *Dos Caras, Una Verdad*. The lawyer was seen handcuffed and surrounded by five heavily armed masked men. He said that his sister had ordered the killings after articles the journalists wrote linked her to the Juárez drug-trafficking cartel. The claims were treated with scepticism. On 22 November 2010 it was reported that although President Calderón had announced at multiple forums and

meetings that an arrest has been made in the case of Rodríguez' murder, *El Diario* had confirmed with the authorities that the two legal bodies have not even issued arrest warrants, much less brought federal and state investigations before the authorities. [RAN 62/08]

**Juan Francisco RODRÍGUEZ RÍOS and María Elvira HERNÁNDEZ GALENA (f):** husband-and-wife journalists, were shot dead in the internet café they owned near their home in Coyuca de Benítez, Guerrero state, on 28 June 2010. Rodríguez (49) and Hernández (36) were reportedly shot at close range by two unidentified gunmen. The couple are survived by their two children, aged 17 and eight; the younger child witnessed the shooting but was not injured. Rodríguez was the local correspondent for two daily newspapers, *El Sol de Acapulco* and *Diario Objetivo*, while Hernández edited the weekly paper *Semanario Nueva Línea*. Rodríguez had been a journalist in the Costa Grande region, north of Acapulco, for 20 years, and had provided general coverage of the region for *El Sol de Acapulco* for the past five years. He was also secretary general of the local branch of the National Union of Press Reporters (SNRP) in Coyuca de Benítez as well as a member of the technical committee of the Guerrero state Support Fund for Journalists. A few days before the shooting, Rodríguez reportedly took part in an annual convention for Guerrero state journalists in Coyuca de Benítez, during which concern was voiced about growing violence against journalists in Mexico. The Guerrero state prosecutor's office began an investigation on 29 June. The motive for the crime was not known. No further news as of 31 December 2010. [RAN 39/10]

**Valentín VALDÉS ESPINOSA:** co-founder of and journalist for the daily newspaper *Zócalo de Saltillo*, was abducted on 7 January 2010 and found dead in Saltillo, Coahuila state, the following day. Valdés, who covered local news including crime, reportedly left the newspaper offices with two colleagues late on the night of 7 January. In the centre of Saltillo, their car was intercepted by a group of men who forced Valdés and another, unnamed reporter into a vehicle and drove away. According to the Coahuila state attorney general's office, Valdés was found dead in front of a hotel in Saltillo early on the morning of 8 January. He had reportedly been tortured and shot several times. On his corpse a message was found that read: "*This is going to happen to those who don't understand. The message is for everyone.*" The attorney general's office has stated that the murder was carried out by organized crime. The national news magazine *Proceso* reported that the other journalist who was abducted was later released, but this had not been confirmed by either *Zócalo de Saltillo* or the attorney general's office. According to the newspaper, the third reporter who was with Valdés was not abducted. No further news on the investigation as of 31 December 2010. **Background:** In July 2006, another journalist from the same newspaper chain, **Rafael Ortiz Martínez**, disappeared in Monclova, Coahuila, and has not been seen since. [RAN 03/10]

**José Alberto VELÁZQUEZ LÓPEZ:** editor and owner of the daily newspaper *Expresiones de Tulum*, based in Tulum, Quintana Roo state, and a contributor to a local television station, was shot dead in Cancún on 22 December 2009. Velázquez was driving home after a Christmas party for the newspaper staff when he was followed by two men on a motorbike who shot him in the chest. He was taken to hospital but died late that night. The newspaper staff had reportedly received several anonymous telephone death threats in the previous few months and its printing press was also firebombed in November 2009. Velázquez, who was also a lawyer, had reportedly written a number of articles accusing the mayor of Tulum of corruption, poor administration and a lack of regard for the

public but had stopped reporting on local politics after receiving the death threats, which allegedly included a threatening phone call from the mayor. The mayor and Velázquez had reportedly been enemies since April 2009, the month that the newspaper was set up and the mayor came into power. State prosecutors in Quintana Roo have opened an inquiry into the murder. They were reportedly looking at Velázquez' work as a lawyer as a possible motive for the murder, or that it was a crime of passion. His colleagues at *Expresiones de Tulum* have reportedly dismissed the latter, suggesting that the murder is instead likely to have been related to the editor's criticism of the mayor. Police investigations into the November 2009 firebombing of the newspaper premises have yet to yield any results. Velázquez reportedly left behind a heavily pregnant wife and a five-year-old son. According to a 5 January 2010 report by the Committee to Protect Journalists (CPJ), Velázquez was interviewed by journalists before he died from his gunshot wounds and clearly stated that he had been killed on the orders of the mayor of Tulum. However, the report also said that Velázquez has been accused of extorting money from local businesses in return for not publishing damaging articles, an allegation CPJ was able to substantiate, thus making it more difficult to be sure of the motive behind his killing. As 31 December 2010 the case was still under investigation. **Update:** [RAN 01/10]

**Miguel Angel VILLAGÓMEZ VALLE:** editor and publisher of a daily regional tabloid newspaper *Noticias de Michoacán*, based in Lázaro Cárdenas, Michoacán state, was abducted and shot dead on 9 October 2008. Villagomez (29) was kidnapped after leaving his newspaper's office in Lázaro Cárdenas, Michoacán state, after 10pm on 9 October. His body was found in a rubbish tip near La Unión, just inside in the neighbouring state of Guerrero, during a routine police patrol in the early hours of 10 October. The editor had been repeatedly shot in the back and neck at around midnight the previous night. Villagómez had reportedly received a threatening phone call from a member of "Los Zetas" (the Zeds), paramilitary criminal gangs linked to drugs traffickers, particularly El Golfo (the Gulf) cartel, about a month before his murder, and had warned his family to be alert. *Noticias de Michoacán* often reports on organised crime, corruption and drug trafficking. **Investigation:** On 13 November 2008, it was reported that the authorities were working on the assumption that an organised crime group was responsible for the murder. The Guerrero state attorney general's office was in charge of the investigation but had not reported any progress. A local press report dated 8 June 2009 indicated that the case had been transferred to the Public Ministry (Ministerio Público) in La Unión municipality in Guerrero, but that there had been no progress in the investigation. Investigation reportedly ongoing as of July 2010; no further news as of 31 December 2010. [RAN 54/08]

**Enrique VILICAÑA PALOMARES:** columnist for the daily newspaper *La Voz de Michoacán*, as well as a teacher, was kidnapped on 5 April 2010 and found dead in Morelia, Michoacán state, five days later, on 10 April. His throat had been slit. The motive for the killing is not known. His employers are not sure if the murder was linked to Villicaña's work as a journalist. However they have reportedly said that Villicaña had received threats which he had reported to the Michoacán state justice department in late March but that the authorities had failed to take any action. His death occurred the same week as the disappearance of another Michoacán journalist, **Ramón Ángeles Zalpa** of the newspaper *Cambio de Michoacán* (see below). No further news as of 31 December 2010. [RAN 31/10]



### ***Disappeared: presumed killed***

**Alfredo JIMÉNEZ MOTA:** crime reporter for the Hermosillo daily *El Imparcial* in Sonora state, has not been seen since 2 April 2005. That evening he was due to meet a source whom he had earlier described to a colleague as “very nervous”. The journalist had recently published articles on local drug traffickers. He had also broken major stories about the alleged links between drug traffickers, police, prosecutors and state officials in Hermosillo, which had reportedly made him a number of enemies. **Details of disappearance:** In the days before his disappearance, Jiménez reportedly appeared upset and said that he thought he was being followed. On the evening of 2 April 2005, he went to a local restaurant to meet a source, reportedly the deputy director of the local prison, Andres Montoya Garcia. Montoya says that he drove Jimenez to a local convenience store, dropping him off around 10.30pm. According to *El Imparcial*, Jimenez’ mobile phone records showed three phone calls: one to Montoya, another to local deputy prosecutor Raul Fernando Galvan Rojas, and a third person that the newspaper could not trace. Montoya and Galvan were later cleared by federal authorities. Both resigned shortly after Jimenez’ disappearance and have disappeared from the public eye. **Investigation:** On 25 April 2005, the Sub Procurator’s Office Investigation Unit Specialising in Organised Crime (SIEDO) opened an investigation into the disappearance. As of April 2006, Jiménez was presumed to have been killed; SIEDO’s two lines of investigation involved Jiménez’ coverage of the families running the drug trade in Sonora, and possible unlawful activities by government officials. In January 2007, it was reported that a municipal police officer from Navojoa, Sonora state, had given statements to the National Commission for Human Rights (CNDH) and the federal Attorney General (PGR) implicating local authorities in Jiménez’ disappearance. The officer named a former Navojoa police chief, two criminal investigation police officers, two local prosecutors and a brother of the governor of Sonora. He then reportedly went into hiding after receiving repeated threats. None of the named suspects had been questioned about the case as of April 2007. On the third anniversary of Jiménez’ disappearance in April 2008, the PGR issued a report on the measures that had been taken to investigate the case, all of which had proved inconclusive, and pledged to continue the investigation until the facts have been established. No advances were reported regarding the implication of local authorities. In June 2008, Sonora governor Eduardo Bours made public a letter that sought to link his government to the Jimenez case. Allegedly written by one of Jimenez’ abductors, the letter details the reporter’s supposed kidnapping, torture and murder, and implicates several local officials as well as the governor’s brother. Bours denied any involvement and called for a new investigation. On 19 March 2009, the Inter American Press Association announced that it had submitted Jimenez’s case to the Inter-American Commission on Human Rights (IACHR). On 2 April 2009, the fourth anniversary of Jimenez’ disappearance, Jiménez’ family said they had not received any information about SIEDO’s investigation since 2008. As of December 2009, the murder remained unsolved but there was reportedly the possibility of a new lead, according to a local media report. No further news as of 31 December 2010.

### ***Disappeared: motive unknown***

**Ramón ÁNGELES ZALPA:** correspondent for the newspaper *Cambio de Michoacán* based in the municipality of Paracho, Michoacán state, reportedly went missing on 6 April 2010. Ángeles was last seen leaving his home in Paracho to drive to the National University of Pedagogy,

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

**Update:** By July 2010, the federal attorney general’s office had reportedly initiated 18 proceedings in connections with Ángeles’ case. None of the initiatives has produced results and as of November 2010 it apparently seemed less certain that his disappearance was linked to his journalistic work. [RAN 31/10]

**María Esther AGUILAR CANSIMBE (f):** reporter for the Zamora-based daily newspaper *El Diario de Zamora* and local correspondent for the regional daily *El Cambio de Michoacán*, was last seen leaving her home in Zamora, Michoacán state, on 11 November 2009 after she received a call on her mobile phone. No one has seen her since; her family has reported her missing to the Michoacán State Attorney. **Reporting that could have led to disappearance:** Aguilar (32) had not received any threats prior to her disappearance but it is feared that it may be related to a series of articles she had recently written on local corruption and organised crime for *El Cambio de Michoacán*. On 22 October, she covered a military operation near Zamora where at least three individuals, including the son of a local politician, were arrested on suspicion of collaborating with organized crime groups. On 27 October, she reported on local police abuse, after which a high-ranking official was forced to resign. Three days later, she published a story on the arrest of an alleged leader of the drug cartel La Familia Michoacana. It is understood that Aguilar’s name did not appear on any of the stories for fear of reprisals.

**Investigation:** The Special Federal Attorney’s Office for Combating Violence against the Media (FEADP) reportedly took over the investigation from the Michoacán state authorities on 18 November 2009. On 11 December, one month after Aguilar’s disappearance, it was reported that no ransom had been demanded and that there had been no progress in the official investigation. Aguilar’s family reportedly said that no one had contacted them. FEADP was reportedly due to send a team to Michoacán to look into the case. A letter to PEN from the Michoacán state attorney general dated 21 April 2010 indicated that there had been no substantial advances in the investigation. **Update:** As of 19 November 2010, Cansimbe was still missing and her relatives feared that the investigation was going nowhere. Her sister reportedly believed that the authorities know more than they have revealed. [RAN 58/09]

**Miguel Ángel DOMÍNGUEZ ZAMORA:** reporter for the daily newspaper *El Mañana*, in Reynosa, Tamaulipas state, has been missing since

1 March 2010. His family has reported the disappearance to the state prosecutor's office. Domínguez' disappearance coincided with the death in disputed circumstances of Reynosa-based journalist **Jorge Rábago Valdez** (see above) and the alleged abduction of seven other journalists in the area. Two broadcast journalists from the Milenio media group assigned to cover a wave of drug-related violence in Reynosa were abducted by gunmen on 3 March and released the next day after being told to leave the area. As of 11 March there were unconfirmed reports that at least four other journalists had been abducted: they have not been named but work, respectively, for the newspapers *El Mañana*, *La Tarde* and *La Prensa* and the news website *MetroNoticias*. *MetroNoticias* has reportedly stated that its reporter is safe but would not provide further details or make the reporter available for comment. No further news as of 31 December 2010. [RAN 27/10]

**Mauricio ESTRADA ZAMORA:** reporter for newspapers *La Opinión de Apatzingán* and *La Opinión de Michoacán*, based in Michoacán state, southern México, was reported missing on 14 February 2008. On that day, *La Opinión de Michoacán* stated that the reporter had last been seen on 12 February, when he left the newspaper's premises for home, and that he had not answered calls to his mobile phone. According to the newspaper, on the morning of 13 February the journalist's vehicle was found by a local public safety official, parked with its doors open and the engine running. Estrada's laptop and camera, along with the car's stereo, were missing. **Investigation:** *La Opinión de Michoacán* requested the intervention of the Michoacán state Attorney General's Office, which reportedly sent its anti-kidnapping team to the region in order to search for the reporter. The newspaper believed that Estrada's disappearance may have been linked to a problem he had in January 2008 with a Federal Investigations Agency (Agencia Federal de Investigación, AFI) agent in the area. The investigation was being conducted by the local office of the federal attorney general that stated that it could not identify the AFI agent, or make any connection between Estrada's disappearance and a federal agent. They dismissed any links to a criminal group. In December 2008, it was reported that the Special Prosecutor for Crimes against Journalists was of the opinion that Estrada's disappearance has only tenuous links to his work as a journalist. As of January 2009, the authorities had reportedly not made public any results of the investigation. **Update:** On 16 July 2010, the state authorities stated that they were still investigating Estrada's disappearance. As of 19 November 2010, little progress had reportedly been made in the investigation. **Background:** Another journalist for *La Opinión de Michoacán*, **Gerardo Israel García Pimentel**, was murdered in December 2007 (see above).

**José Antonio GARCÍA APAC:** editor of the newspaper *Ecos de la Costa*, from Lázaro Cárdenas, Michoacán state, was last seen on 20 November 2006. That evening he was on his way from Tepalcatepec to Morelia, when he was reportedly intercepted by three people in a pick-up truck, who took him with them. His car was not found. According to his family, García had reported being followed earlier that year. He was covering cases related to drug trafficking in Michoacán at the time. He was also widely known to have compiled a list of allegedly corrupt officials before he disappeared. **Investigation:** On 20 November 2007, García's wife, Rosa Isela Caballero, reported that she had sent a letter to the General Prosecutor's Office in July 2007 enquiring about the results of the investigation into her husband's disappearance, but had not yet received a clear response. According to Caballero, three representatives of the prosecutor's office had been called to the investigation, and the federal justice ministry had also intervened, but without any results. As of December

2008, Caballero was continuing to publish *Ecos de la Cuenca* in memory of her husband. On 20 November 2009, it was reported that the investigation had stalled. According to a report by Article 19 and CENCOS, the Michoacán Prosecutor General's Office launched an investigation into García's disappearance in December 2006. In April 2007, the case was transferred to the federal authorities, under the jurisdiction of the National Attorney General's Office (PGR). Three months later, the PGR decided that there was insufficient evidence to investigate the disappearance and closed the case. The Federal Public Prosecutor's Office subsequently re-launched an investigation on 24 January 2008 and then again on 13 March 2008, but eventually also closed the case due to a lack of leads. In November 2009, García's family appealed to the authorities to take up the investigation again. **Update:** As of 20 November 2010, four years after his disappearance, García was still missing and there was no news about his whereabouts. As Michoacán state criminal code reportedly does not recognise "disappearance" as a crime, the disappearance is being investigated as "illegal privation of freedom". As a result of the legal vagueness, the case keeps being passed between the various local and federal departments involved and the investigation is virtually at a standstill.

**Evaristo ORTEGA ZÁRATE:** editor of the local weekly newspaper *Espacio* in Colipa, Veracruz state, has reportedly been missing since 20 April 2010. According to Ortega's sister, she received several SMS messages from him that day saying that he had been arrested by police in the state capital of Xalapa. She called him and he asked her to inform the authorities and media before they got cut off. Nothing has been heard from him since. Ortega, who reportedly intended to run for mayor of Colipa as a candidate of the National Action Party (PAN), was last seen in a PAN branch office 10 minutes before he sent the first of the SMS messages to his sister. Another PAN member who wanted to be the party's mayoral candidate in Colipa, Francisco Mota Uribe, reportedly disappeared around the same time. The local police have reportedly denied any involvement in Ortega's disappearance. According to the Veracruz Commission for the Defence of Journalists, the state attorney general's office took more than 24 hours to open an investigation into his disappearance even though the local authorities were notified immediately. The head of the State Commission for Human Rights has reportedly ruled out any possibility that Ortega's disappearance is linked to his work as a journalist. **Update:** According to the Special Prosecutor for Crimes against Freedom of Expression, the investigation into Ortega's disappearance was ongoing as of 15 July 2010, led by the Veracruz state attorney general, with the collaboration of the federal attorney general. No progress had been reported. No further news as of 31 December 2010. [RAN 34/10]

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

by drug traffickers. As of August 2009, the investigation had reportedly not advanced and no suspects had been arrested or brought to trial. **Update:** Reportedly still missing as of late May 2010. No further news as of 31 December 2010.

**Rodolfo RINCÓN TARACENA:** journalist for the regional daily *Tabasco Hoy*. Rincón (54) was last seen leaving his newspaper's office in Villahermosa, south-eastern Mexico, on the night of 20 January 2007. He had reportedly told his colleagues that he would return shortly. It seems highly likely that his disappearance is linked to his reporting on organised crime. The journalist had reportedly just completed an article on a criminal gang preying on cash-machine customers in Villahermosa which specified the locations of the criminals' safe houses. The previous day, *Tabasco Hoy* had run a major story on illicit 'drugstores' (*narco-tiendas*) run by traffickers, which named several suspects and showed the location of the stores. Rincón had reportedly received regular threats since 2006. In May 2007, the severed head of a local councillor was left outside *Tabasco Hoy's* offices in Villahermosa. The paper has also received threats from "Los Zetas" (the Zeds), paramilitary criminal gangs linked to drugs traffickers, particularly El Golfo (the Gulf) cartel. Rincón's long term girlfriend, also a journalist, has reportedly stated that she believes that that corrupt officials as well as drug traffickers are behind his disappearance. **Investigation:** As of 20 January 2009, two years after Rincón's disappearance, neither the PGJE nor the federal attorney general's office (Procuraduría General de la República, PGR) had reported any progress in the investigation. **Investigation closed:** On 28 February 2010, the PGJE stated that it had closed the investigation into Rincón's disappearance and murder on the grounds that he is now believed to have been kidnapped and killed by members of the Los Zetas criminal gang in reprisal for his reporting on where drugs were being sold. According to the PGJE, five men held in custody on drug charges since 2007 had confessed in April that year to being involved in Rincón's murder and had told the authorities where his remains could be found. A police search of a Tabasco property revealed the charred remains of at least five people, however it was impossible to identify them. *Tabasco Hoy* reacted angrily to the decision to close the investigation, questioning why the authorities waited three years before disclosing the alleged confessions. No further news as of 31 December 2010.

### **Imprisoned: investigation**

**Jesús LEMUS BARAJAS:** editor/publisher of *El Tiempo* daily newspaper, based in La Piedad, Michoacán state. **Date of arrest:** 7 May 2008. **Place of arrest:** Cuerámaro, Guanajuato state. **Alleged offence:** involvement in drug trafficking. It is feared that his arrest and imprisonment are related to his legitimate activities as a journalist. **Prison:** Puente Grande high-security federal prison, Jalisco state. **Details of arrest and detention:** Lemus was reportedly investigating drug trafficking in Cuerámaro, Guanajuato state on 7 May 2008 when he was arrested along with two of his sources, and accused of involvement in trade for 'The Family', an offshoot of the powerful El Golfo (Gulf) drug cartel. Lemus was detained incommunicado for 48 hours by Guanajuato state ministerial police, who reportedly beat him. On 9 May the three men were transferred to Puentecilla prison in Guanajuato, where the federal public ministry took over the case. Lemus' preventive custody was confirmed on 15 May, and on 27 May, he was transferred to a high-security federal prison in Puente Grande, in the neighbouring state of Jalisco. **Reporting that may have led to arrest:** In addition to Lemus' reporting on drug trafficking, in March 2008 he had exposed harassment of the media by the mayor of La

Piedad, which led to the detention of two *El Tiempo* reporters on charges of 'incitement to rebellion'. He had also been critical of unfair allocation of official advertising in the municipality and of police intimidation of *El Tiempo* news vendors. **Concerns:** For the first 48 hours after his arrest Lemus was reportedly held incommunicado and beaten by Guanajuato state ministerial police. There are fears that the drug trafficking charges against the journalist are fabricated; it is understood that no physical evidence has been produced. It is thought that his arrest may in fact have been linked to his critical reporting on drug trafficking routes and on local authorities, including harassment of the media by the police and alleged unfair allocation of official advertising in the municipality. There has been high level concern about the case in Mexico, including from the National Human Rights Commission (CNDH) which has reportedly opened an investigation into the detention. Lemus' wife has reportedly suffered harassment since his arrest. **Murder of lawyers:** On 31 August 2009, Lemus' lawyers, Vladimir Camacho Guzmán y Rubén Castro López, who both been representing Lemus since the beginning of his case, were reportedly shot dead. The motive for their murder was not known. **Update:** As of 8 November 2010, Lemus was reportedly still detained at the maximum security prison in Puente Grande in Jalisco and had not yet been brought to trial. RAN 36-08J.

### **Judicial concern**

\***Enrique ARANDA OCHOA:** university teacher and writer, has been imprisoned along with his brother, Adrián Aranda Ochoa, since 1996 for allegedly kidnapping the daughter of a politician. **Details of arrest and detention:** Arrested on 25 June 1996, the Aranda brothers were accused of several crimes, including kidnapping and carrying weapons. They were later charged with kidnapping Lorena Pérez-Jácome F., a television presenter and the daughter of an Institutional Revolutionary Party (PRI) politician who has been a senator and presidential spokesman. They were also charged with robbery. The brothers were allegedly tortured while in the custody of the police and Public Ministry and forced to sign confessions. **Sentence:** In August 1997, both brothers were sentenced to 57 years in prison, confirmed in December that year. The allegations of torture were not taken into account. **Torture allegations:** The brothers filed a complaint against the state for torture and abuse of authority. In May 1999, a medical certificate was issued showing that they had been tortured. In 2002, the Human Rights Commission of the Federal District (CDHDF) issued a recommendation calling for those responsible for torturing the Aranda brothers to be brought to justice and that the brothers should be awarded reparations. The recommendation was accepted by the Attorney General however has yet to be implemented. **Retrial:** Following a retrial, the brothers' sentence was reduced to 40 years in January 2005. This was further reduced to 32 years in March 2007 after the robbery charge was dropped, and in December 2008 to 24 years and six months. As of July 2010, the brothers were hoping to be released on parole (*beneficios de preliberación*). They were still detained in Reclusorio Sur prison in Mexico City as of October 2010. **Possible reasons for arrest:** The reasons for the brothers' arrest are not clear. However, Enrique Aranda believes his arrest and conviction were due to his political activism and open criticism of the former PRI administration. When he was initially detained he was questioned about his political activities. He claims that the legal process has been marred by political pressure throughout. **Background:** Enrique Aranda lectured for several years in political psychology at the Iberoamerican University in Mexico and is a former President of the Mexican Association of Psychologists.

Since his imprisonment, he has been a prolific writer, having produced six books of poems, short stories, plays, novels and non fiction, all unpublished to date. His work has reportedly earned him some 11 national awards. Adrián Aranda is an accountant.

### Death threats

\***Jorge Alejandro MEDELLIN:** journalist with the weekly magazine *Milenio* reportedly received death threats on 31 October 2010 after publishing an article that described possible links between organised crime and military and justice department authorities responsible for combating drug trafficking in the state of Chihuahua. At the bottom of the online version of the article, a person identified as “Isacc” posted two comments in which he threatened to kill the reporter. The comments have since been removed from the website. The article made reference to the career trajectory of Felipe de Jesus Espitia Hernandez, a general in the Mexican army who was the coordinator of Joint Operation - Chihuahua, a programme aimed at fighting drug trafficking. Medellín said he was concerned about his and his family’s safety and that he had lodged a formal complaint with the Attorney General’s Office, which was passed on to the office for the investigation of organised crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO).

### Attacked

\***Martha CHAN DZUL (f):** reporter for the daily newspaper *Diario de Yucatán*, was assaulted by a group of people including a local official on 25 October 2010 when she was collecting statements denouncing alleged irregularities in the administration of communal land in San Diego Tixcacal, outside Mérida in Yucatán state. The journalist was interviewing local residents who complained that a local official was taking over plots of land and buying others worth a great deal at very low prices when at least four brothers of the official in question attacked Chan with sticks. She ran away and tried to hide but they and other family members followed her. Chan recorded the events on a video camera. She then tried to leave the village but was prevented from doing so on three occasions by 15 members of the official’s family. She eventually managed to take refuge in nearby house where she called the newspaper and the police to ask for help. In her last attempt to leave the village she was confronted by the official, who pushed her around, knocking her camera and mobile phone to the ground. The police then arrived and managed to arrest the official and two of his sisters; the other assailants fled. All three were later released on bail. Chan reported the incident to the Public Ministry. She was not seriously injured but feared for her safety.

\***Jaime FARRERA:** reporter for the daily newspaper *El Mexicano*, was reportedly attacked and threatened by federal police officers in Villa Ahumada, Chihuahua state, on 14 September 2010. According to Farrera, that morning he noticed around 50 policemen in a restaurant, some with their faces covered. He approached them to ask about the apparent operation but was intercepted and asked to move away as the police were there to “look after the boss”. After an exchange, Farrera was insulted and thrown out of the restaurant but was then followed by one of the policemen who tried to take Farrera’s bag containing his camera, alleging that he had taken photos of the police. During the tussle two of Farrera’s notebooks fell out of the bag and were confiscated by the policemen who said they would only give him them back if he gave them the camera, threatening him with kicks and slaps. Farrera refused and managed to get away from them and to take a photo of the policemen concerned, who threatened to “investigate”

him on the basis of his notebooks, which the journalist said contained details of professional contacts and family members.

\***Edgar Irán LÓPEZ HERNANDEZ:** reporter for the newspaper *Órale* was reportedly kidnapped on 17 July 2010 by officers from Oluta municipal police force, who allegedly also attempted to kill him. The incident took place after López witnessed police officers and the municipality’s mayor harassing another journalist. López and a reporter from another newspaper went to Oluta to cover a political event. When they arrived, residents were complaining that there were armed officers in the police station in a state of inebriation. The local mayor arrived at the scene and was photographed by *Notisur* reporter **Enrique Quiroz García** as he was reprimanding one of the officers, who had been arrested for being drunk. López watched as the mayor took Quiroz’ camera and officers unsuccessfully tried to detain him. López then left but was apparently followed by the police, who subsequently beat and threatened him, warning him not to publish anything about what had taken place that night. They also stole his money and equipment and threatened to kill him, only leaving when they thought they had succeeded in shooting him. López and Quiroz filed a complaint with the Public Prosecutor’s Investigations Office in Acayuca for several crimes, including attempted murder. The mayor said that he would cooperate in the investigation however at the time the incident was reported no one had been arrested in connection with the case.

### Threatened

\***Adriana LUNA (f):** correspondent for the daily newspaper *Excelsior*, was threatened by the Jalisco secretary of public security, it was reported on 30 October 2010. Following a ceremony paying homage to nine police officers allegedly killed during an ambush by criminals, Luna approached the official to ask about allegations that on the day of the ambush the police officers had been serving as bodyguards to a drug trafficker. The official was enraged, accused Luna of being in cohorts with the criminals and made veiled threats against her husband. Luna reported the threats to the State Human Rights Commission, which issued precautionary measures guaranteeing the safety of the journalist and her family on 1 November.

\***Isaín MANDUJANO and Ángeles MARISCAL (f):** correspondents in Chiapas state of, respectively, the magazine *Proceso* and the newspaper *La Jornada*. In late July 2010, the two journalists denounced a smear campaign against them which they said aimed to discredit their work and in which various Chiapas state media outlets had actively participated. The reporters attributed the attacks to officials’ anger at their coverage of the activities of various groups and organizations critical of the state authorities. In a series of unsigned notes published in various media outlets, the journalists were accused of taking part in a strategy to destabilize the state government by creating the impression that it was repressing social movements and of manipulating information. Emails sent from an account supposedly belonging to Mariscal were also circulated, promising “support” in exchange for helping to mobilize protests; Mariscal denies writing or sending these messages. The accusations against the reporters had also been broadcast on the Chiapas radio and television network. Mandujano said that he and Mariscal had requested a meeting with the state governor to discuss the matter and that they planned to file a complaint to the state and federal human rights commissions as well as to sue for slander.

\***Elías MEDINA PINEDO:** journalist and columnist for the newspaper *El Sudcaliforniano*, was reportedly threatened by a Democratic Revolution Party (PRD) activist outside the premises of the Municipal Committee

of the State Electoral Institute in La Paz, Baja California Sur state, on 10 November 2010. He was reportedly told to stop attacking the PRD's electoral candidate. Medina, who recorded the threats, reported the incident to the Special Prosecutor for Crimes against Freedom of Expression via the state delegation of the Federal Attorney General (PGR) and to the State Human Rights Commission (CEDH).

**\*Sergio REGUERO:** director of the daily newspaper *Puebla sin Fronteras*, based in Puebla, capital of Puebla state, was reportedly threatened on 31 August 2010 by an anonymous caller who claimed to be a member of the organized crime group Los Zetas. The caller, who had an American accent, said he was the new head of the *plaza* (marketplace in drug traffickers' parlance) and offered to provide him with protection in exchange for a monthly payment of 10,000 pesos (approx. US\$775). When Reguero refused the caller threatened him with reprisals before hanging up. The newspaper director reported the incident to the state attorney general's office. The state authorities have reportedly since assigned police officers to protect the newspaper.

#### **Harassed**

**\*Ricardo RAVELO:** reporter for the weekly news magazine *Proceso*. Ravelo's safety was reportedly endangered on 1 December 2010 when the TV station Televisa broadcast clips of a statement by one of the supposed leaders of the Beltrán Leyva cartel, in which the leader alleged that Ravelo had taken money from drug traffickers in exchange for suppressing certain information. The comments were made public nine days after *Proceso* published a testimony by the same cartel leader in which he said that he had met President Calderon in September 2006 at a party held by a senator, who had introduced the two men. According to Televisa, the statement by the cartel leader, now said to be a witness protected by the federal government, was recorded by the Public Ministry on 24 November, scarcely three days after *Proceso* had published information on the cartel leader's contacts with politicians and police chiefs. In the statement the cartel leader said that he had paid US\$50,000 dollars so that the magazine would stop mentioning him and that Ravelo had demanded a monthly payment. The director of *Proceso*, **Rafael Rodríguez Castañeda**, said the broadcast of the statement constituted an attack by the federal government and claimed it was a set-up to discredit the magazine. He added that in the most recent edition, Ravelo had reported that all previous investigations into the cartel leader were being dropped in exchange for his provision of information on officials and agents with links to criminal organizations.

#### **Kidnapped - released**

**\*Ulises GONZÁLEZ GARCIA:** editor of the regional weekly *La Opinión*, who was kidnapped from his home in Jérez, in the state of Zacatecas, on 29 July 2010, was released in the early hours of 9 August and was rushed to hospital for treatment for the injuries received during his abduction, some of which appeared to have been caused by torture.

**\*Oscar SOLIS GURROLA:** reporter with *El Vespertino*, was kidnapped on 26 July 2010 together with four cameramen, a few hours after covering a demonstration in the state of Durango against the dismissal of a prison governor. The journalist and cameramen were freed on 2 August after intervention by the federal police. On 4 August the police announced the arrest of three men in connection with the abduction, reportedly members of the Sinaloa Cartel.

## **PANAMA**

#### **Harassed**

**\*Paco GÓMEZ NADAL:** Spanish reporter with the newspaper *La Prensa* and editorial advisor for the Brazilian newspapers *Diário do Amazonas* and *Diário do Para*, resident in Panama for six years. Since 4 July 2010 Gómez has reportedly been threatened with being stripped of his residency and deported because of his defence of Panama's indigenous people. Gómez said that he was about to fly from Panama to Colombia when immigration officers told him that he would not be allowed to return to the country if he left. His passport and documents were confiscated and he was detained for four hours. He was released later and allowed to leave the country following media pressure.

#### **Case closed**

**Jean Marcel CHÉRY:** director of the Panama City-based daily newspaper *El Siglo*, was sentenced to two years in prison and a US\$1,000 fine on trespassing charges on 4 February 2009. The sentence reportedly stems from a series of lawsuits filed by a Supreme Court judge since 2001. In a March 2001 article, Chéry claimed that the judge - then minister of government and justice - had misused public funds. As a result, the judge sued Chéry for trespassing, criminal defamation and civil insult. According to Chéry, he and two other journalists were given permission to enter the judge's property. In 2004, Chéry and a colleague were each sentenced to a year in prison on defamation charges but were pardoned two months later. The civil lawsuit was still pending. Chéry was freed pending appeal. In May 2010 he reportedly received threats from the President's public information office. Case closed due to lack of further information.

## **PARAGUAY**

#### **Death threat**

**\*Gabriel BUSTAMANTE:** journalist with the newspapers *La Nación* and *Crónica* and for a radio station was reportedly subjected to a series of threats and murder attempts from 22 to 24 July 2010. On 22 July the brother of a senior executive for the power company Yacyretá went to Bustamante's home and told him he had come to kill him, but neighbours managed to intervene. The next day the same man went to the radio station where Bustamante works, saying he had come to "finish the job"; Bustamante managed to escape. The threats were apparently prompted by Bustamante's criticism of the Yacyretá employee during his radio programme, in which he had linked him to alleged corruption. Bustamante reported the threats to the police, who arrested the brothers but released them due to "lack of evidence". On 24 July the Yacyretá employee's brother, this time armed, forced his way into the home of one of Bustamante's neighbours, apparently believing it was the journalist's home. He was arrested and placed under judicial custody. As a result of the armed intrusion, the brother was finally charged by prosecutor with "attempted grievous bodily harm" but has since gone into hiding.

#### **Threatened**

**\*Rosendo DUARTE:** correspondent for the newspaper *ABC Color* and radio host in Salto del Guairá, reportedly received a threatening telephone call on 26 August 2010, after announcing on radio the details of a demonstration to protest against a lack of public safety. The caller warned Duarte to "watch his mouth, and his daughter and family."

# PERU

## On trial

**Melissa Rocío PATIÑO HINOSTROZA (f):** poet and university student, is a member of the 'Círculo del sur' (Southern Circle) poetry group in Lima and runs a poetry programme on radio and cultural activities with young people. Patiño (21) is on trial for terrorism, based on her alleged involvement with a leftwing political organization, Bolivarian Continental Coordinator (Coordinadora Continental Bolivariana – CCB), which the Peruvian authorities claim is linked to terrorist groups. She denies any political affiliations and to date no concrete evidence has been produced to back up the charges. Patiño was detained from 29 February to 8 May 2008, when she was released pending trial. She potentially faces 20 years in prison if convicted. **Arrest and detention:** Patiño was arrested along with six others in Tumbes, on the border with Ecuador, on 29 February 2008. The seven were returning by bus from Quito, where they had attended the second congress of the CCB from 24 to 28 February 2008, which was reportedly held with the knowledge and consent of the Ecuadorian authorities. They were subsequently charged with 'Affiliation and Collaboration with Terrorism', apparently on the basis of their attendance at the CCB meeting. Initially detained in Tumbes and the Counterterrorism Division (División Contra el Terrorismo – DINCOTE), on 15 March 2008 Patiño was transferred to Santa Monica maximum security prison in Chorrillos, Lima, where she was held until 8 May 2008. **Background:** The government alleges that the Peruvian chapter of CCB has links with Peruvian Marxist rebel group Movimiento Revolucionario Túpac Amaru (MRTA) and the FARC guerrilla group in Colombia. It also reportedly accused CCB members of planning to sabotage the 2008 Asia-Pacific Economic Cooperation (APEC) meetings in Peru. Two of the six individuals who were detained along with Patiño are said to be former MRTA members; one has served a prison sentence for belonging to the MRTA and since his release has reportedly been organizing workshops and events at the university where Patiño studies (Universidad Mayor de San Marcos, Lima). However, Patiño's presence in the bus carrying former MRTA members appears to have been circumstantial. She denies that she belongs to or has ever had any involvement in any political groups. She reportedly attended the CCB congress after a colleague at the radio station where she works passed the invitation on to her as he could not himself attend, and her main motivation for attending was the opportunity to travel to Ecuador. **Charges:** According to Patiño's lawyer, the accusations of terrorism against Patiño have been made on the basis of her alleged membership of the Peruvian chapter of the CCB, her attendance of the CCB congress in Ecuador and her participation in a march at the end of conference. During the march, she is said to have partially covered her face and shouted anti-imperialist and pro-socialism slogans, and to have been linked to graffiti criticizing Alan García, the Peruvian president, according to a 13 March 2008 document issued by the Public Prosecutor. None of these activities can be said to amount to terrorist activities. **Conditional release:** On 8 May 2008, after almost two and a half months' incarceration, Patiño was released on bail of 1,000 Soles (approx. \$240) and allowed to return home. Her release is conditional and she remains on trial. Peru's antiterrorist prosecutor, Julio Galindo, appealed against the decision to release Patiño, but this was rejected on 12 September 2008, meaning that Patiño will remain free on bail for the duration of her trial. **Legal process:** According to Patiño's lawyer, in December 2009 her file was forwarded to the chief Prosecutor

(Fiscal Superior) who would decide whether or not to go ahead with the prosecution. In early May 2010, it was confirmed that the Prosecutor had decided not to pursue the case. As of July, Patiño's lawyer was waiting for a final decision from the Criminal Court (Sala Penal) and thought that it was "highly likely" that the case would be dropped. **New information:** As of January 2011, Patiño's case was pending before the Supreme Court of Justice, where it had been unexpectedly referred by the Criminal Court in order to validate the latter's decision not to proceed. According to Patiño's lawyer, this turn of events is due to the fact that although Patiño is not being prosecuted, another person arrested at the same time as her, Roque Gonzalez, is due to go on trial. Patiño's lawyer says the delay in Patiño's case is entirely irregular and she has requested that the Criminal Court's decision be implemented as soon as possible. [RAN 20/08 and updates].

\***Susana VILLARÁN (f):** mayor of Lima, is being sued for allegedly defaming a former minister under Alberto Fujimori in a 2009 opinion piece she published on the internet. In the article in question Villarán recalled the 2004 criminal complaint she and several other individuals had filed against the minister, accusing him of acts of corruption committed in his capacity as minister. The minister filed a criminal complaint against Villarán in August 2009. He had previously filed complaints against her. One of them was dismissed in 2006 but on the basis of the same facts the same judge opened an aggravated defamation case against Villarán on 8 September 2009. On 22 October 2010 Villarán was summonsed to the pronouncement of judgment proceedings on 17 November. The judge warned that if she failed to appear before the court, he would order her arrest.

## Attacked

\***Jose GUAGUACONDORI:** journalist with the newspaper *Los Andes*, was reportedly assaulted by the mayor of Coasa, Puno region, and his supporters as the journalist was covering a protest outside the village's electoral office along with other media workers. Guaguacondori and his colleagues were also attacked by the protesters and had to leave the area immediately.

## Non custodial sentence

\***Jose Alejandro GODOY:** journalist and editor of the political blog <http://www.desdeeltercerpiso.com>, was sentenced on 29 October 2010 to a suspended three-year prison term, a fine of 300,000 soles (approx. US\$107,000) and 120 days' community service. The sentence stemmed from a complaint filed on 13 August 2009 by a former minister during the government of the former president following the publication of an article on Godoy's blog in which the journalist referred, through links to stories published by other media outlets, to certain accusations of crimes that the minister had had to deal with in the past. The former minister sent a letter demanding that Godoy delete any references to the crimes but Godoy refused, arguing that the allegations should be published because it is in the public interest and that the articles had already been published anyway. The minister subsequently launched a defamation case.

## Case closed

**Raúl WIENER:** head of the investigative section of the left-wing daily newspaper *La Primera*, was reportedly charged with "crimes against public peace" and "terrorism" in January 2009. The charges followed Wiener's revelation that the same charges had been brought against 13 Peruvian leading leftwing politicians with alleged links to the Revolu-

tionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia - FARC) guerrilla group. On 11 January 2009, Wiener reportedly received a formal notification that summoned him for questioning on 14 January "as a defendant" in a case in which the charges were a "crime against public peace and terrorism." The notification offered no further details. Wiener reportedly feared that the authorities wanted him to reveal his sources. As of 31 December 2009, he was reportedly facing another lawsuit for defamation. As of 26 May 2010, Wiener was reportedly awaiting trial in connection with his coverage of Lima Airport Partners. No further news on either case as of 31 December 2010; case closed due to lack of information.

## UNITED STATES

### *Judicial concern*

**Sami Amin AL-ARIAN:** Kuwaiti-born Palestinian academic, formerly a computer science professor at the University of South Florida. In addition to his academic publications, Al-Arian has written and lectured extensively about the plight of Palestinian people in Israel and the Occupied Palestinian Territories (OPT) and has also written poetry while in detention. Al-Arian was imprisoned from February 2003 to September 2008 on international terrorism-related and contempt of court charges. His last prison sentence ended in April 2008, at which point he should have been deported from the USA, according to the conditions of his plea agreement. However he continued to be detained for refusing to testify against other individuals whom the US government alleges have been involved in terrorism. He was finally released on bail in September 2008. He is now under house arrest in the USA and faces a further prison sentence for contempt of court. **Details of arrest and trial:** Al-Arian was arrested by the Federal Bureau of Investigations (FBI) on 20 February 2003 on charges of channelling funds to terrorist groups. He was not brought to trial until June 2005, on the grounds of the complexity of the case. In December 2005, the jury acquitted him on eight charges of 17 charges and remained deadlocked 10-2 in favour of acquittal on the other nine. The prosecution reportedly acknowledged during the trial that there was no evidence linking Al-Arian to any acts of violence in Israel or Palestine. **Plea bargain:** Despite not having been found guilty of any of the many terrorism-related charges against him, in April 2004 Al-Arian pled guilty to a single count of conspiracy to provide non violent services to Palestinian Islamic Jihad, reportedly in order to avoid a lengthy re-trial. He was sentenced to 57 months in prison, 38 of which he had already served. As a part of his plea agreement, Al-Arian agreed to be deported on expiry of his sentence and was promised that he would not be charged with any other crimes. He maintains that there was also a verbal understanding that he would not be called on to testify against any others, apparently evidenced by the US government's omission of the standard cooperation provisions from the plea agreement. **Further charges:** Despite the alleged assurances contained in his plea bargain, Al-Arian was given a further prison sentence for civil contempt of court after refusing to testify against former associates. He was expected to be released on 11 April 2008, and that day was taken into the custody of Immigration and Customs Enforcement (ICE) in preparation for his deportation. However, Al-Arian was then subpoenaed to testify before another grand jury. As a result of his refusal to comply, he was charged with criminal contempt of court on 30 June 2008. In spite of a 10 July 2008 Federal court ruling that he should be released on bail, Al-Arian remained detained, reportedly on the grounds of his imminent deportation. On 8 August 2008,

Al-Arian's trial for criminal contempt was postponed until the Supreme Court addressed the appeal submitted by his defence on the lawfulness of the federal subpoena which led to the contempt charges. **Release:** At the end of August 2008, Al-Arian's lawyer filed a petition for habeas corpus on the grounds of ICE's continued unlawful detention. As a result, on 2 September 2008, Al-Arian was released on bail after five and a half years in detention and placed under house arrest. **Ongoing trial:** On 6 October 2008, the Supreme Court ruled that it would not address Al-Arian's appeal regarding his plea agreement. It was reported that his defence lawyers would then pursue a second avenue to avert the trial, by arguing that the immunity order for the federal grand jury in which Al-Arian did not testify was invalid and the criminal contempt charges should therefore be dropped. Al-Arian will remain under house arrest until his trial for contempt begins, or alternatively until the case is dismissed. In late March 2009, Al Arian's lawyers again applied to have the criminal contempt charges against him dismissed. A hearing scheduled for 24 April 2009 was cancelled. The judge said that she would issue a written opinion on the motion to dismiss the charges "soon". As of February 2010, the motion to dismiss the case based on the violation of the 2006 plea agreement was still pending. **Update:** A hearing in Al-Arian's case due to take place on 29 October 2010 was cancelled at short notice. In September the government had filed a motion requesting the judge to deny the pending defence motion, filed 18 months previously, to dismiss the criminal contempt charges against Dr. Al-Arian. **PEN position:** PEN has no position on the reasons for Al-Arian's arrest and detention. However it is disturbed that Al-Arian was detained beyond his prison sentence, remains under house arrest and is facing further charges and imprisonment, despite the fact that he has agreed to be deported and that he is clearly unwilling to provide further testimony, and indeed according to his understanding has been exempted from doing so. The continuing prosecution and imprisonment of Al-Arian is giving rise to fears that he is being targeted for his opinions about the Palestinian cause.

## URUGUAY

### *On trial*

\***Alvaro ALFONSO:** journalist and writer, is facing prosecution for alleged libel of a former congressman in relation to his July 2008 book *Secretos del Partido Comunista* (Secrets of the Communist Party). The case was brought by a former Montevideo provincial congressman for the Communist Party of Uruguay. On 2 August 2010 a public prosecutor called for all copies of the book to be seized and for Alfonso to be imprisoned for 24 months. The prosecutor ordered the seizure of the book on the basis of a paragraph stating that the former congressman, arrested in 1977 by agents of the military dictatorship, had "collaborated" with his jailors. The prosecutor's action provoked surprise as it is apparently inconsistent with legislation approved in Uruguay in 2009 that decriminalized defamation and libel.

## VENEZUELA

### *Killed: official investigation ongoing*

**Orel ZAMBRANO:** editor of the political weekly *ABC de la Semana* and columnist for the regional daily *Notitarde*, in Valencia, Carabobo state, was shot dead on 16 January 2009. The motive of the crime was not known, although it was thought that Zambrano may have been targeted for a recent article on drugs trafficking. Zambrano (62), who was also

vice-president of a radio station as well as a university professor and lawyer, was walking from his car to a film rental store in Valencia when he was approached by two men on a motorbike, one of whom shot him three times at close range. The assailants then fled. Zambrano died at the scene of a bullet wound to the head. He had reportedly covered several drug trafficking cases in recent weeks. One story in particular was on an influential business family in the region, the Makleds, three members of which were arrested in possession of 400 kilos of cocaine on 14 November 2008 and are now the subject of an investigation by the national prosecutor's office. The circumstances of Zambrano's death have given rise to speculation that a paid assassin was responsible. **Investigation:** On 16 February 2009, former policeman Rafael Segundo Pérez Martínez was detained in Carabobo on suspicion of having ordered Zambrano's murder. On 21 February 2009, an arrest warrant was issued for two men who were accused of carrying out the crime, serving policeman David Yáñez Inciarte and another man, Arístides José Carvajal Salgado. The suspects reportedly belonged to a gang known as "Los Piloneros", who were responsible for killing witnesses and others who assisted the ongoing investigation into the Makled family's connection to drug trafficking. Zambrano had criticised both the Makleds and the gang in his reports prior to his death. On 12 March 2009, the Public Prosecutor's Office asked INTERPOL to capture Walid Makled, whom the Department of Scientific, Penal and Criminal Investigations has accused of being the mastermind behind Zambrano's murder, along with Pérez. Another suspect, José Manuel Duque Daboín, was reportedly detained on 18 July 2009. On 19 May 2010, Pérez was found guilty of conspiracy charges related to Zambrano's murder and sentenced to 25 years in prison. The court found that Pérez had monitored Zambrano's daily routine and provided the information to the killers. The authorities allege that Walid Makled planned the crime, while Yáñez, Arístides, Carvajal and another member of Los Piloneros, Víctor Reales Hoyo, carried out the killing. Yáñez was reportedly arrested during a police drug raid in Morón, Carabobo state, on 21 February 2010; Reales and Makled remain at large. Carvajal reportedly died in a shooting involving the Venezuelan investigative police, it was reported in March 2010. **Update:** On 19 August 2010 Walid Makled was arrested by Colombian authorities in Cucuta, Colombia, near the border with Venezuela on the basis of an arrest warrant issued against Makled in 2008 for drug trafficking. On 20 August 2010 Venezuelan prosecutors requested the extradition of Walid on the drug trafficking charges and for planning to kill Zambrano.

#### On trial

**Leocenis GARCÍA:** editor of *Sexto Poder* magazine and journalist for the daily newspaper *Reporte Diario de la Economía*, is on trial for allegedly causing damage to property, carrying a gun without a permit and resisting arrest. He was imprisoned for more than two years, from 3 May 2008 to 6 July 2010. It is feared that the case may be linked to his legitimate activities as a journalist. **Details of arrest:** On 3 May 2008, García was arrested along with his assistant and his driver after being accused of causing damage to property at the offices of another newspaper, *El Periódico*, carrying a gun without a permit and resisting arrest. According to his lawyer, García had gone to *El Periódico*'s offices in order to collect payment for an advertisement for an airline (reportedly linked to one of *El Periódico*'s shareholders) that had been published in *Sexto Poder*, and to interview the vice-president of *El Periódico* about one of the newspaper's owner's alleged links to drug trafficking. Initially held at the Intelligence and Prevention Services headquarters (Dirección General

de los Servicios de Inteligencia y Prevención, DISIP) in Valencia, Carabobo, García was transferred to Tocuyito prison in Carabobo at the end of May 2008. **Concerns:** García was reportedly beaten and given electric shocks while in the custody of the Carabobo police. There are fears that the case against him may in fact stem from his critical reporting. It is understood that over the year prior to his arrest, García had been investigating alleged corruption at the state-owned petroleum company *Petróleos de Venezuela (PDVSA)*, and was being sued for defamation by an influential businessman who is close to PDVSA and whom García had denounced as having links to drugs trafficking. García denies ever possessing a gun and has stated that he believes his case is political and is being used to send a warning to Venezuelan journalists. His lawyer has alleged a series of irregularities in the legal case against García, including inconsistencies in police statements on how his arrest came about. On 20 May 2010, García's detention was extended by one year, following a request by the Public Prosecutor's Office. His preliminary hearing had been suspended more than 70 times. García began a hunger strike on 30 June to call for the presiding judge to withdraw from his case. **Release:** On 6 July 2010, the court ordered García's release after 26 months' detention without trial. According to García's lawyer, the release came as a result of an injunction. The tribunal set 19 July as the date when García's preliminary hearing was to commence, however his lawyer said he would present appeals to try to move the case to a different court. García was reportedly transferred to a health centre on his release from prison as he had spent seven days on hunger strike, during which time he had reportedly not received any medical attention. No further information as of 31 December 2010; PEN monitoring.

#### Attacked

**\*Nohanna MORILLO (f), Raul GALINDO, Katherine LEDO (f) and Dhamelys DÍAS:** Morillo is a journalist for the newspaper *El Siglo*, Galindo and Ledo work for *Notitarde* while Díaz is a reporter for *El Carabobeño*. All four, along with a TV journalist, were assaulted and insulted on 17 October 2010 by supporters of the mayor of Valencia, Carabobo state, who is a member of the ruling United Socialist Party (PSUV) party. The attack took place while the journalists were reporting on a campaign to collect signatures with the aim of preventing the transfer of some of Valencia Aquarium's animals to South Korea. The PSUV supporters, who were trying to stop the campaign using violence, turned on the journalists when they realized they were being filmed. The journalists left the scene in order to avoid further attacks.

#### Acquitted

**Francisco "Pancho" PÉREZ:** columnist with the daily newspaper *El Carabobeño*, was on 9 July 2010 found guilty of defaming the mayor of Valencia, Carabobo state, and was sentenced to three years and nine months in prison. The case stemmed from two columns published in October and November 2009 in which Pérez accused the mayor of appointing members of his family to key positions in Valencia. Pérez was reportedly allowed to serve his sentence at home since the jail term is shorter than five years. However, he was also banned from working in journalism for the length of the sentence, and fined 94,000 Venezuelan Bolívars (US\$21,000). Pérez intended to appeal the decision. **Update:** On 30 November 2010, the sentence was overturned on appeal; the ruling is final. Pérez began writing for *El Carabobeño* again on 6 December.



# ASIA and Pacific

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## AFGHANISTAN

### *Death threats*

**\*Mohammad Arif AFZALZADA:** Freelance journalist. Currently working for the *Wall Street Journal*, has previously worked for many other international media outlets including *The New York Times*, *The Guardian* and *The Los Angeles Times*. Has reportedly been receiving death threats via SMS since 2008 from an unknown Pakistani number. Said to be also subject to harassment by the Afghan Intelligence (National Directorate of Security), most recently in May 2010 when he was briefly detained whilst on assignment in Laghman Province with *Sky News*.

## BANGLADESH

### *Imprisoned – investigation*

**Mahmudur RAHMAN:** Acting director of the Bengali-language and opposition newspaper *Amar Desh*, was reportedly arrested at the newspaper's office on 2 June 2010. The newspaper's publication licence was also suspended. He was initially arrested after the former publisher of the newspaper filed a complaint against Rahman stating that *Amar Desh* was being wrongly published under his name as publisher, even though he no longer worked for the newspaper. Rahman was reportedly granted bail in the case, but was kept in custody for allegedly 'obstructing the police's work' while in detention. A week after his arrest, there were reports that Rahman had been accused of 'sedition' and 'terrorism' offences, which allows for indefinite detention without charge. The prosecutor allegedly accused Rahman of publishing material supplied by a banned Islamists group. The newspaper *Amar Desh* is said to have been critical of the government, and is known for its reporting on extra-judicial killings, corruption, and suppression of freedom of expression. Rahman alleges that he has been ill-treated in police custody. Sentenced by the Bangladeshi Supreme Court on 19 August 2010 to six months in jail and fined Tk 100,000 (US\$1,436), in default of which he will have to serve one more month in jail. Still detained as of 31 December 2010.

### *On trial, free on bail*

**Salah Uddin Shoaib CHOUDHURY:** Editor of the tabloid weekly *Blitz*. Arrested on 29 November 2003 by security personnel at Zia International Airport in Dhaka. He was reportedly on his way to Israel to participate in a conference with the Hebrew Writers Association when he was arrested. Choudhury is believed to have been going to address a writers' symposium in Tel Aviv entitled *Bridges Through Culture*, and was scheduled to speak about the role of the media in establishing peace. Choudhury is known for his attempts to improve relations between Muslim countries and Israel, and has written articles against anti-Israeli attitudes in Muslim countries and about the rise of al-Qaeda in Bangladesh, which had reportedly sparked debate in the Bangladeshi press and government prior to his arrest. Choudhury was accused of spying for Israel, and was repeatedly denied a bail hearing. He was released on bail on 2 May 2005 following appeals by PEN USA. His trial started on 5 April 2006, and is

ongoing as of 31 December 2010. Choudhury continues as editor of *Blitz* and remains under pressure from the government and extremist groups for his critical writings. In October 2009 *Blitz* published a book written by Choudhury, on the rise of Jihadists in Islamic education schools. **Honorary member of:** USA PEN and English PEN. (Update #4 to RAN 23/04 - 26 March 07).

## CHINA

### *Killed*

#### **\*SUN Hongjie:**

Senior reporter with the *Northern Xinjiang Morning Post*, died on 28 December 2010 in hospital in Kuitun, ten days after being beaten up by several men at a construction site. The men attacked Sun at the site where he had gone to investigate a story. Authorities claim the attack stemmed from a personal dispute although it is widely believed he was targeted for his reporting. According to his colleagues Sun was known for his articles critical of the local government including his recent reporting on the demolition of a factory to make way for housing for local party leaders.

### *Imprisoned: Main cases*

#### **Mehbube ABLESH (f):**

D.o.b.: 1979. Profession: Uighur journalist and poet. Also worked for the Xinjiang People's Radio Station, a government-run station based in the provincial capital Urumqi, until she was dismissed from her post in early August 2008. Date of arrest: August 2008. Sentence: Three years in prison. Expires: August 2011 Details of arrest: Reportedly arrested after posting online two articles critical of Chinese government Mandarin language policies and the provincial leadership in Xinjiang Autonomous Region. She was initially reported to have been released after a two-month detention, although it was confirmed in October 2010 that she is serving a three-year sentence for "inciting splittism" (separatism). The date she was sentenced is not known. Place of detention: Xinjiang Women's Prison in Urumqi (Xinjiang Number 2 Prison). Honorary member of: Independent Chinese PEN.

#### **CHEN Daojun**

D.o.b.: 22 December 1968 **Profession:** Dissident writer and journalist. **Date of arrest:** 9 May 2008 **Sentence:** Three-year prison sentence. **Expiry:** 8 May 2011. **Details of arrest:** Arrested near Chengdu City, Sichuan province for suspicion of inciting subversion of State power. Among a number of people detained whilst protesting the building of a chemical plant in the town of Pengzhou, 39 km outside Chengdu. He was initially charged in 13 June 2008 with 'inciting splittism', apparently for an article he published following the Tibetan democracy protests in March 2008 which condemned the Chinese government's violent crack-down on protesters that month. He has also written articles critical of the government and the politics of the Beijing Olympics. **Details of the trial:** Chen was handed down a three-year imprisonment sentence and three years' deprivation of political rights on 11 November 2008 by the Intermediate People's Court of Chengdu. At his trial, which took place on 5 November 2008 and lasted two and a half hours, no verdict was reached. However, on 11 November 2008 it was announced that he had been convicted of 'inciting subversion' in three of his articles published in overseas Chinese websites and a Hong Kong-based magazine. **Place of detention:** Detention Centre of the Public Security Bureau of Jintang County. **Honorary member:** Independent Chinese PEN. (RAN 27/08

– 21 May 2008; Update #1 to RAN 27/08 - 17 June 2008; Update #2 – 25 November 2008)

### **GUO Quan**

**D.O.B:** 8 May 1968. **Profession:** Internet writer and activist. **Date of arrest:** 13 November 2008. **Sentence:** 10 years in prison. **Expires:** 12 November 2018 **Details of arrest:** Reportedly arrested at his home in Nanjing, capital of Jiangsu province for 'suspicion of subversion of state power'. At the time of his arrest, the police confiscated Guo Quan's articles and his computer. He was held incommunicado at Nanjing City Public Security Bureau. **Details of the trial:** Guo Quan was formally charged with 'subverting the State power' on 19 December 2008. On 16 October 2009 a court in Jiangsu province sentenced Guo Quan to ten years in prison and three years of deprivation of political rights for his pro-democracy activities and critical writings. Guo was charged for a series of articles entitled 'Herald of Democracy' posted online between mid-2007 and November 2008, and for founding the opposition China New Democracy Party (CNDP). **Previous political imprisonment/problems:** Guo is a former criminal-court judge and literature professor at Nanjing Normal University, however, due to his political activities he has been banned from teaching. He wrote several open letters to Chinese leaders and was frequently briefly detained by police, most recently in May 2008 when he spent ten days in prison after criticising the government's response to the 12 May 2008 Sichuan earthquake. (RAN 63/08 – 2 December 2008; Update #1 – 2 November 2009).

### **HU Jia**

**D.O.B:** 25 July 1973. **Profession:** Leading activist and dissident writer **Date of arrest:** 27 December 2007. **Sentence:** Three and a half years in prison. **Expires:** 26 June 2011 **Details of arrest:** Reportedly arrested from his home by the Beijing Municipal Public Security Bureau on 27 December 2007 on "suspicion of incitement to subvert state power" for his critical writings and activism. **Place of detention:** Beijing Prison, Huangcun Town, Daxing District, Beijing, P.R China. **Details of trial:** On 3 April 2008, Hu Jia was convicted of 'inciting subversion of state power' for his critical online writings and dissident activities, after being tried on 18 March 2008 at the Beijing Municipal No. 1 Intermediate People's Court. According to his lawyer, evidence presented against him in court included five articles published on banned overseas Chinese websites and two interviews given to the foreign media. He is also believed to be targeted for an open letter he signed, "The Real China Before the Olympics," which demanded an end to human rights abuses in the run-up to the Olympic Games to be held in Beijing in August 2008. **Health concerns:** Hu Jia suffers from long-term health problems including cirrhosis of the liver, and there are serious concerns that his health is deteriorating in prison due to lack of adequate medical treatment. On 30 March 2010 Hu Jia was admitted to the Beijing Municipal Prison Hospital for tests for suspected liver cancer following a sharp deterioration in his health. An application for medical parole by Hu's wife, Zeng Jinyan, was refused when the tests proved to be negative. Hu was returned to prison in mid-April, and was reported by his wife who visited him on 19 April to be 'very thin' but 'in fairly good spirits'. **Other information:** Hu Jia's family have also been subjected to harassment and severe restrictions of movement since his arrest, and there are serious concerns for his wife **Zeng Jinyan**, who had a one-month-old baby at the time of Hu's arrest and is herself under effective house arrest. Hu's arrest appears to have been part of a crackdown on dissidents in the run-up to the Beijing Olym-

pics. On 10 October 2008 it was announced that Hu Jia had won the Sakharov Prize for Freedom of Thought awarded by the European Parliament. **Previous political imprisonment/problems:** Hu and his wife Zeng Jinyan were placed under residential surveillance on 18 May 2007, as they were about to set off on a tour of Europe to promote their documentary film "Prisoners of Freedom City". Hu is known for his activities on environmental and AIDS issues, and had been briefly detained in February 2006. **Honorary member:** Independent Chinese PEN. (RAN 1/08 – 9 January 2008; Update #1 – 7 April 2008; Updated #2 – 15 May 2008; Updated #3 – 6 May 2010)

### **HE Depu**

**D.o.b:** 28 October 1956 **Profession:** Dissident activist/writer. **Date of arrest:** 4 November 2002 **Sentence:** Eight years in prison. **Expires:** 24 January 2011 **Details of arrest:** Taken from his home by the police for questioning and held incommunicado in a form of 'residence under surveillance' until formally detained on 27 January 2003. He was a signatory of an open letter of 20 November 2002 calling for political reform. **Details of trial:** Tried on 14 October 2003 in a two-hour trial on charges of "inciting subversion" for collaborating with the banned Chinese Democratic Party (CDP) and publishing essays on the Internet. Sentenced on 6 November 2003 to eight years in prison and two-year deprivation of political rights. On 20 December 2003 Beijing's Court No.1 dismissed He Depu's application for an appeal. **Health concerns:** Said to be in very poor health, to have lost a great deal of weight, a number of teeth, and to be suffering from a liver complaint. In need of vitamins and medication. **Treatment in prison:** Ill-treated in prison and denied access to family visits. In a letter to the President of the International Olympic Committee (IOC) dated 26 April 2008 and smuggled out of prison, he reports that prison conditions were worsening, particularly for political prisoners. **Professional details:** Took part in the Democracy Wall Movement in 1979 and founded the magazine *Beijing Youth* which was subsequently banned. Helped launch the now-banned China Democracy Party (CDP). **Previous political imprisonment/problems:** Lost his job with the Social Sciences Academy after standing as a candidate in the local election in 1990. Briefly detained several times for his political activities. **Honorary member of:** Suisse Romande, Independent Chinese PEN.[Released on expiry of sentence on 23 January 2011].

### **HUANG Jinqu (aka Qingshui Jun)**

**D.o.b.:** 3 September 1974 **Profession:** Internet essayist, writer and journalist. **Date of arrest:** 13 September 2003 **Sentence:** 12 years in prison, reduced by one year and ten months in November 2007, and again by 23 months in November 2009. **Expires:** 12 December 2011 **Details of arrest:** Arrested on 13 September 2003 after returning to China in August 2003 following three years overseas on a scholarship studying journalism at the Central Academy of Art in Malaysia. Well known in the overseas Chinese internet community for his essays published on the Chinese-language news website 'Boxun.com' under the pen-name Qing Shuijun (Mr Clear Water). In early September 2003, Huang Jinqu visited his parents in Shandong Province; his last article was published on 10 September 2003, entitled 'Me and My Public Security Friends'. **Details of trial:** Huang's trial began on 22 June 2004 at the Changzhou Intermediate People's Court. It is reported that the court was unable to reach a verdict initially because of lack of evidence, but after the case was referred back to the prosecution further evidence was submitted and he was convicted on 27 September 2004 of 'organising, planning

and performing subversion of state power by publishing a large number of reactionary articles on the Internet in his capacity as member of the preparatory committee of the China Patriotic Democratic Party'. He was sentenced to twelve years in prison and four-year deprivation of political rights. His sentence was upheld on appeal on 9 December 2004. **Professional details:** Huang Jinqiu trained at the Lu Xun Literature Institute, a leading writing school. His writings have been well-recognised from an early age, and at the age of twenty he published his first book. He has worked as a journalist and editor of several newspapers and magazines since the age of eighteen, including the Guanzhou daily *Yangcheng Wanbao*. His essays have been collected into two publications, one that is non-political and published under his real name, and one collection of political commentaries published for security reasons under his pen-name Qing Shuijun. According to his articles, which he continued to post on Boxun.com throughout his journey across China, he began to be followed by the secret police on 15 August 2003, first in Yunan Province, then in Sichuan and through to Shanghai. **Place of detention:** Pukou Prison, Nanjing City, Jiangsu Province. **Treatment in prison:** It is reported that his health is good. **Previous political imprisonment/problems:** In early 2001, whilst he was overseas, his articles began to attract the attention of the Chinese authorities, which reportedly visited his parents and warned them of their concerns about him. He attracted further attention in January 2003 by announcing on Boxun.com his intention to found a political party, the China Patriot Democracy Party (CPDP). Although his announcement is said to have attracted a lot of interest, it is not thought that the CPDP was ever organised in practice. **Honorary member:** German, American, English and Independent Chinese PEN. (RAN 46/04, 6 October 2004).

#### HUANG QI

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

for setting up a web site that investigated corruption, advocated democracy, and called for the release of those imprisoned in the wake of the Tiananmen protests. (RAN 32/08 – 16 June 2008).

#### KONG Youping and Ning Xianhua

**D.o.b.:** 1952 (Kong Youping) **Profession:** Internet writers and factory workers. **Date of arrest:** 13 December 2003 **Sentence:** 10 and 8 years in prison respectively. **Expires:** 12 December 2013 and 13 December 2011 respectively. **Details of arrest:** Kong Youping was reportedly arrested after posting five articles and seven poems on an overseas website challenging the official version of the "Beijing Spring" and alleging official corruption. The pair was also accused of posting online essays supporting the establishment of trade unions and the China Democratic Party (CDP). It is thought that the heavy sentences against the pair are related to growing workers' unrest in Northeast China where many factory workers for failing state enterprises are being laid off and an organised labour movement is struggling to emerge. **Details of trial:** On 16 September 2004 the Shenyang Intermediate People's Court, Liaoning province, north-eastern China, sentenced both on charges of 'subverting state power' to 15 and 12 years in prison respectively. On appeal, their sentences were reduced to 10 and 8 years, respectively. **Place of detention:** Kong Youping is held at Lingyuan City prison, west Liaoning Province. Ning Xianhua is held at Shenyang prison, the capital city of Liaoning Province. **Health concerns:** Kong Youping is said to be suffering from high blood pressure and deteriorating eyesight. **Other information:** Kong Youping is said to be detained far from his home, and his wife is unable to afford to visit him. **Honorary member:** Independent Chinese PEN.

#### LU Gengsong

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

his reporting on human rights violations and his political commentaries published on the Internet. He is also an active member of the banned China Democracy Party (CDP). **Honorary Member:** Independent Chinese PEN Centre. [RAN 37/07 - 3 October 2007; Update #1 to RAN 37/07 - 6 February 2008].

#### **LU Jianhua**

**D.o.b:** 03/07/1960. **Profession:** Research Professor at the Chinese Academy of Social Sciences, Deputy Director of Public Policy Research and Executive Director of the China Development Strategy. **Date of arrest:** April 2005. **Sentence:** 20 years in prison. **Expires:** April 2025. **Details of trial:** First arrested in April 2005 on charges of 'leaking state secrets'. Convicted on 18 December 2006 to 20 years in prison for leaking state secrets to a Hong Kong reporter (Ching Cheong, see above) who was sentenced to five years for spying. Human rights groups have questioned the evidence in the reporter's case, but Lu's trial was held in secret and reportedly only lasted for 90 minutes. **Place of detention:** Beijing City jail. **Treatment in prison:** Reportedly held incommunicado. His wife is not allowed access to him. **Honorary member:** Independent Chinese PEN Centre (ICPC).

#### **LIU Xiaobo**

**D.o.b:** 28 December 1955. **Profession:** Prominent dissident writer, former President and current Board member of the Independent Chinese PEN Centre. **Date of arrest:** 8 December 2008 **Sentence:** Eleven years in prison. **Expires:** 21 June 2020. **Details of arrest:** Arrested for signing Charter 08, a declaration calling for political reforms and human rights. Held under Residential Surveillance, a form of pre-trial detention, at an undisclosed location in Beijing, until he was formally charged with 'spreading rumours and defaming the government, aimed at subversion of the state and overthrowing the socialism system in recent years' on 23 June 2009. The charge is said to be based on his endorsement of *Charter 08* and over twenty articles published between 2001-2008. **Details of the trial:** On 25 December 2009 Liu was sentenced to eleven years in prison and two years deprivation of political rights on charges of "incitement to subversion of state power. In early February 2010 a Beijing Court rejected his appeal. **Place of detention:** On 1 May 2010 Liu was transferred from a detention centre in Douge Zhuang, Beijing, to the remote Jinzhou Prison in Liaoning. **Other information:** Liu Xiaobo is among a large number of dissidents to have been detained or harassed after issuing an open letter calling on the National People's Congress Standing Committee to ratify the International Covenant of Civil and Political Rights (ICCPR), and launching Charter 08, a declaration calling for political reforms and human rights. These activities formed part of campaigns across China to commemorate the 60th Anniversary of the Universal Declaration of Human Rights (10 December), and the Charter has now been signed by more than 8000 scholars, journalists, freelance writers and activists. Recipient of American PEN 2009 Freedom to Write award and the 2010 Nobel Peace Prize. His wife was unable to travel to Norway to receive the Nobel Prize on his behalf and has been placed under house arrest. Many of his supporters have been arrested or harassed since the prize was announced. **Previous political imprisonment/problems:** Liu Xiaobo first received support from PEN in 1989, when he was one of a group of writers and intellectuals given the label the "Black Hands of Beijing" by the government, and arrested for their part in the Tiananmen Square protests. Liu has since spent a total of five years in prison, including a three year sentence passed in 1996, and has

suffered frequent short arrests, harassment and censorship. **Honorary member:** Honorary President of Independent Chinese PEN Centre (ICPC), and Honorary Member of Scottish, German, American, Czech, Sydney, Iceland, English and Portuguese PEN Centres.

#### **LU Zengqi and YAN Qiuyan**

**Profession:** Falun Gong members and Internet writers/publishers. **Date of arrest:** Not known. **Sentence:** 10 years in prison respectively. **Expires:** 2014 **Details of trial:** Sentenced by Court No.1 in Chongqing, western China, on 19 February 2004 to ten years in prison each for writing and publishing respectively an online publication which according to the court verdict "tarnished the image of the government by broadcasting fabricated stories of persecution suffered by cult members". The news-letter alleged the ill treatment in prison of a fellow Falun Gong member.

#### **Abdulghani MEMETEMIN**

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

#### **LUO YONGQUAN**

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

#### **Hailaite NIYAZI (aka Hairat or Gheyret Niyaz)**

**Profession:** Freelance journalist and former editor of the website Uighur Online ([www.uighurbiz.net](http://www.uighurbiz.net)). **Date of arrest:** 1 October 2009 **Sentence:** 15

years in prison Expires: 30 September 2024 Details of arrest: According to PEN International's information, Hailaite Niyazi, was taken from his home in Tianshan District, Tacheng Prefecture, Xinjiang Uyghur Autonomous Region (XUAR), on 1 October 2009. It is believed that his arrest stems from critical interviews given to foreign media following the unrest which broke out in Urumqi, the capital of Xinjiang Uyghur Autonomous Region, on 5 July 2009. Details of trial: The prosecution reportedly used as evidence essays written by Niyazi highlighting mounting ethnic tension in the region prior to the riots, and interviews he gave to Hong Kong media after the violence. Niyazi was convicted by the Urumqi Intermediate People's Court on charges of 'endangering national security' on 23 July 2010. He is appealing the sentence. Place of detention: Tianshan Detention Centre, Urumqi, XUAR. Professional details: Hailaite Niyazi, aged 51, is a former reporter and columnist for *Xinjiang Economic Daily* and *Xinjiang Legal News*. Until June 2009 he edited and managed *uighurbiz.net*, the website owned by the academic, writer and Uyghur PEN member Ihram Tohti, himself arrested in July 2009 and held for six weeks for allegedly 'promoting separatism'. Honorary member of: Independent Chinese PEN. [Update #1 to RAN 56/09]

### **Dilishat PAERHAT (aka Dilixiati Paerhati):**

**Profession:** Editor of the Uighur-language website *Diyarim.com* **Date of arrest:** 7 August 2009 **Sentence:** 5 years in prison **Details of arrest:** Reportedly taken from his home in Urumqi, capital of the Xinjiang Uighur Autonomous Region (XUAR), by unidentified men on 7 August 2009. Paerhati had been previously arrested on 24 July 2009 and interrogated for eight days about the 5 July 2009 unrest in Urumqi before being released without charge. According to relatives, the website Paerhati edits is a social networking site, which includes information on local amenities, and has a message board. Some of the organisers of the Urumqi protests reportedly used this message board to publicise their demonstration. Paerhati's relatives said that when he saw these messages, he deleted them and reported the incident to the police. **Details of trial:** Reportedly tried by the Intermediate People's Court of Urumqi and sentenced to five years in prison for 'endangering state security' on 21 July 2010. Two other men who ran Uighur-language websites were tried and convicted in separate trials on the same day, also for 'endangering national security'. **Nureli**, who administered the website *Salkin*, was sentenced to five years in prison and **Nijat Azat** who ran the website *Shabnam* received an eight-year prison sentence. Little more is known about these two cases. **Treatment in prison:** Held at an unknown location without access to family visits since his arrest. Feared to be at risk of ill-treatment in prison.

### **Qi Chonghuai**

**D.o.b.:** 7 February 1965. **Profession:** Journalist. **Date of arrest:** 25 June 2007 **Sentence:** Four years in prison. **Expires:** 24 June 2011. **Details of arrest:** Reportedly arrested from his home in Jinan, the capital province of Shandong, eastern China, on 25 June 2007 following the publication of an article alleging corruption in the Tengzhou Communist Party, which was published in June 2007 on the *Xinhuanet* website. Qi was charged with blackmail and extortion on 2 August 2007 for allegedly accepting bribes from local officials whilst researching the article. Qi was held incommunicado for the first two months of his detention, and claims to have been repeatedly assaulted and threatened by security guards throughout his eleven-month pre-trial detention. The case was turned back to the police in mid-February 2008 for lack of evidence. **Details of trial:** The trial on 13 May 2008 at the People's Court of Tengzhou City, Shandong

Province, reportedly did not comply with international standards of fairness. The appeal was rejected without any hearing by the Intermediate People's Court of Zaozhuang City on 24 July 2008. **Place of detention:** Tengzhou Prison, Tengzhou City, Shandong Province. Reportedly transferred to Zaozhuang prison on 16 June 2009, unclear whether this was a temporary transfer. **Treatment in prison:** Qi has reportedly been subject to repeated severe beatings and ill-treatment by prison guards and fellow in-mates throughout his detention, including one attack in May 2009 which he claims left him unconscious for three days. This particularly harsh treatment at the hands of prison guards appears to be a response to Qi's attempts to report on the appalling prison conditions at Tengzhou. Letters smuggled out of prison document that he has been forced to work over ten hours a day in a coal mine, without adequate food, water or rest, and his health has seriously deteriorated. **Health concerns:** Qi reportedly suffers from a number of ailments resulting from forced labour and poor treatment in prison, including pneumoconiosis, a lung infection caused by inhaling coal dust. He also claims to have suffered permanent injuries to his left thumb, knees and waist, and has difficulties walking. For much of 2009 he has been denied access to his family, leading to heightened concerns for his well-being. Qi was allowed to call his wife on 19 October 2009, who reported that he feared for his life. **Professional details:** Qi Chonghuai has been a journalist for 13 years before his arrest. From 2004-6, he worked for various publications, including the *Shandong Zhoukan* (Shandong Weekly), the *Renmin Gong'an Bao* (People's Public Security News), and the *Zhongguo Anquan Shengchan Bao*. In June 2006, he started work as director of the newspaper *Fazhi Zaobao* (Legal System Morning News), which ceased publishing in December 2006 and was reformed with its existing staff as the *Fazhi Ribao* (Weekend edition of the Legal System Daily). He has also worked as special correspondent with the *Fazhi Zhoubao* (Legality Weekly) and the *Jizhe Guan* (Journalist Observer), and is known for his reporting on corruption and social injustice in Shandong province. He is said to have been repeatedly warned by the authorities to cease such reporting prior to his arrest. **Honorary member of:** Independent Chinese PEN Centre

### **Shi Tao**

**D.o.b:** 25 July 1968 **Profession:** Journalist and poet. Member of Independent Chinese PEN Centre (ICPC). **Date of Arrest:** 24 November 2004. **Sentence:** 10 years' imprisonment. **Expires:** 25 November 2014 **Details of Arrest:** Arrested at his home in Taiyuan, Shanxi Province, northwest China, by police from Changsha National Security Bureau, southern China. They also confiscated his writings, computer and other personal belongings. According to Xinhua, the government run news agency, he had been found guilty of posting online his notes based on a government document that was read out at an editorial meeting of *Dangdai Shang Bao* (Contemporary Trade News) in April 2004. **Details of Trial:** Shi Tao was sentenced on 30 April 2005 to ten years' imprisonment and two-year deprivation of political rights for "revealing state secrets". Information supplied by the Internet Service Provider Yahoo! Inc. was used to convict him. The sentence was upheld on appeal on 2 June 2005. He was not allowed to attend the appeal hearing, and his mother has applied for a review of the appeal on procedural grounds. **Professional Details:** Shi Tao has worked as a freelance journalist for several newspapers including the Changsha-based daily *Dangdai Shang Bao* (Contemporary Trade News), which he left in May 2004 in order to return to his home city of Taiyuan. He has also written a number of articles, including political commentaries, for online forums, in particular

the overseas Chinese web site *Min Zhu Lun Tan* (*Democracy Forum*). He has published several books of poetry. Recipient of the Committee to Protect Journalists (CPJ) International Press Freedom Award 2005. **Place of Detention:** Deshan Prison, Postbox: 56-4, 415001 Changde City, Hunan Province. **Health concerns:** Since his transfer to Deshan Prison in June 2007, his living conditions and health have reportedly improved, and he is no longer required to do hard physical labour. **Other information:** Recipient of CPJ's 2005 International Press Freedom Award, PEN America's 2006 Freedom to Write Award, WAN's 2007 Golden Pen of Freedom. **Honorary member of:** Sydney, German, Canada, New Zealand, Swiss Italian, Swiss German, American, English, San Miguel, Independent Chinese PEN Centre, Scottish and USA PEN.

### **TAN Zuoren**

**D.o.b.:** 15 May 1954 **Profession:** Literary editor, freelance writer and environmentalist. **Date of arrest:** 28 March 2009 **Sentence:** Five-year prison sentence **Expires:** 27 March 2014 **Details of arrest:** Reportedly detained by police in Chengdu City, province of Sichuan, on suspicion of subversion. On the day of his arrest, Tan's home was raided by the authorities and his books and writings were seized. He is believed to be held for his investigation into the deaths of school children when school buildings collapsed after the Sichuan earthquake in May 2008. **Details of Trial:** He was sentenced on 9 February 2010 for 'inciting subversion of state power'. The verdict was announced in a five-minute hearing at the Chengdu Intermediate Court. His wife and a number of Tan's supporters were not allowed to enter the court-room. The five-year conviction includes a further three-year suspension of Tan's political rights. An appeal against the conviction has been announced. **Place of detention:** Currently held at Wenjian District Detention Centre, in Chendu city. **Other information:** He had reportedly planned to publish his findings on the Sichuan earthquake investigation in an independent report on the first anniversary of the earthquake, 12 May 2009. Tan is chief editor of the cultural magazine *Wen Hua Ren* and the founder of an environmental organisation 'Green Rivers'. He has also published many articles and blogs online. (RAN 10/10 – 23 February 2010)

### **WANG Xiaoning**

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

### **XU Wei and JIN Haike:**

**Profession:** Reporter for *Xiaofei Ribao* (*Consumer Daily*), and geologist and writer respectively. **Date of arrest:** 13 March 2001 **Sentence:** Ten years in prison. **Expires:** 12 March 2011. **Details of arrest:** Arrested on 13 March 2001 and charged with 'subversion' for their participation in the 'Xin Qingnian Xuehui' (New Youth Study Group), an informal gathering of individuals concerned with political and economic inequalities who used the internet to circulate relevant articles. **Details of trial:** On 28 September 2001, the Beijing Intermediate Court initiated legal proceedings against Xu Wei, Jin Haike, and two others since released, focusing on two essays circulated on the internet entitled 'Be a new citizen, reform China' and 'What's to be done', which allegedly demonstrated the groups' intention to "overthrow the Chinese Communist Party's leadership and the socialist system and subvert the regime of the people's democratic dictatorship". No verdict was announced at the time, and proceedings against the four writers re-commenced on 21 April 2003. Lawyers for the four men argued that the failure to issue a verdict in the case violates China's Criminal Procedure Law, which stipulates that a court must pronounce judgement within six weeks of accepting a case. On 28 May 2003 Xu Wei and Jin Haike were sentenced to ten years in prison, and the other two to eight years. Their appeal was reportedly heard on 3 November 2003, and apparently turned down. **Health concerns:** It was reported in February 2008 that both men were suffering from acute medical problems, some of which do not appear to have been properly diagnosed, and for which they are not receiving appropriate medical attention. Jin Haike, who received abdominal surgery in November 2007, is reportedly in acute pain. Xu Wei was reportedly subjected to ill-treatment in prison. In March 2009 Xu Wei was reported to have been transferred to a penitentiary in Yanqing, northwest of Beijing, after developing a mental illness whilst imprisoned. **Other information:** Xu Wei was awarded the 2003 Canadian Journalists for Free Expression (CJFE) International Press Freedom Award. **Place of detention:** Jin Haike remains held in Beijing Prison No. 2. **Honorary member of:** Ghanaian and Independent Chinese PEN. (Update #1 to RAN 29/03 - 26 February 2008; Update #2 - 18 March 2009)

### **XU Zerong**

**D.o.b.:** 14 January 1954 **Profession:** Research professor at Zhongshan University, Guangzhou. **Date of arrest:** 24 June 2000 **Sentence:** 13 years' imprisonment, reduced twice by 19 months in total in 2006 and 2008. **Expires:** 23 November 2011 **Details of arrest:** Arrested in the city of Guangzhou, south China, and formally charged on 29 July 2000 in connection with "the illegal publication of books and periodicals...since 1993". According to official sources, Xu had confessed to his crimes. **Details of trial:** Sentenced on 20 December 2001 by Shenzhen Intermediate Court to ten years' imprisonment for leaking state secrets and five years' imprisonment for illegal business activities, combined as 13 years in prison. It appears that the first set of charges relate to his use of documents concerning Chinese military operations in the Korean War (1950-53), gathered in the course of his research; the second set of charges are thought to relate to the allegedly illegal publication of books and periodicals and the sale of book authorisation numbers since 1993. The Guangdong Province Higher People's Court upheld Xu's conviction on appeal in late December 2002. His sentence has been reduced twice in 2006 and 2008 by a total of 18 months. **Place of detention:** Moved to Rican Prison, Guangzhou City, Guangdong Province. Said to be held in the section of the prison reserved for elderly and sick prisoners. **Treat-**

**ment in prison:** International attention is said to have resulted in better treatment by prison authorities, including the transfer to a prison with more modern facilities. In October 2008 his daughter expressed thanks to PEN on behalf of Xu and his family for support to Xu in prison. **Health concerns:** Believed to suffer from high blood pressure and other serious health conditions although no further details have been disclosed. **Professional details:** Xu's research specialised in Chinese Communist Party history, military history and China's relations with Southeast Asia. He received his doctorate from St. Anthony's College, Oxford University, in 1999. His doctoral thesis covered Chinese military intervention into the Korean War. In the 1980's, Xu moved to Hong Kong where he gained permanent residency. Whilst there he reportedly set up a publishing house and was active in publishing the journal *Chinese Social Sciences Quarterly*. He was also reportedly an assistant researcher for the official Xinhua News Agency. At the time of his arrest, Xu held the positions of Associate Research Professor at the Institute of Southeast Asian Studies (Zhongshan University, Guangzhou) and Affiliated Professor of the Provincial Guangzhou Academy of Social Sciences. **Other information:** Recipient of Independent Chinese PEN's 2009 Writer in Prison award. **Honorary member of:** Ghanaian and Independent Chinese PEN Centre (ICPC).

#### **YANG Maodong (aka Guo Feixiong)**

**D.o.b.:** 2 August 1966. **Profession:** Dissident writer, independent publisher and civil rights activist. **Date of arrest:** 14 September 2006. **Sentence:** 5 years in prison. **Expires:** 13 September 2011 **Details of arrest:** Reportedly detained on 14 September 2006 when, according to his wife, police officers searched their home in Guangzhou City, Guangdong Province, Southern China, and took away Yang's computers, cell phone, books, manuscripts and other documents. The following day Yang was reportedly charged with illegal business practices for allegedly publishing and selling 20,000 books using false ISBNs (international standard book number). **Details of trial:** Convicted of 'illegal business activity' and sentenced to five years in prison by the Tianhe District Court in the southern city of Guangzhou on 14 November 2007. He has decided not to appeal his sentence. **Place of detention:** Meizhou Prison, Meizhou City, Guangdong Province, southern China. **Treatment in detention:** There are reports that he is being ill treated in detention. **Health concerns:** Said to be in poor health as a result of ill-treatment in prison. **Previous political imprisonment/problems:** Yang Maodong is known for his critical writings and civil rights activism. He was previously detained on 12 September 2005 and held without charge until December 2005 for his involvement in and reporting of an anti-corruption campaign by villagers in Taishi Village, Guangdong Province. Yang has since been subject to repeated harassment by the authorities. **Professional details:** Yang Maodong is a writer and independent publisher, and his writings include two novels and one collection of short stories. He has also published many essays, poems and articles. **Honorary member of:** Independent Chinese PEN Centre

#### **YANG Tongyan (aka Yang Tianshui)**

**D.o.b.:** 12 April 1961 **Profession:** Dissident writer and member of Independent Chinese PEN Centre (ICPC). **Date of arrest:** 23 December 2005 **Sentence:** 12 years in prison **Expires:** 22 December 2017 **Details of arrest:** Reportedly detained without a warrant on 23 December 2005 in Nanjing. Yang was held incommunicado at Dantu Detention Centre in Zhenjiang, Jiangsu Province, without access to his family until his trial.

**Details of trial:** Convicted of subversion for posting anti-government articles on the Internet, organizing branches of the (outlawed) China Democracy Party and accepting illegal funds from overseas. Sentenced by the Zhenjiang intermediate court in eastern China's Jiangsu province at a three-hour trial on 16 May 2006. Yang Tongyan is known for his critical writings published on dissident news websites such as Boxun.com and Epoch Times. **Health concerns:** Yang suffers from a number of illnesses including intestinal tuberculosis, diabetes, kidney inflammation and high blood pressure. His health is reportedly worsening in prison due to lack of medical care, and he has been reportedly hospitalised since mid-September 2009. His family are appealing for medical parole. **Place of detention:** Nanjing Prison, Ningshuang Road 9, Box 1215-12, Nanjing City, Jiangsu Province. **Previous political imprisonment/problems:** He spent a decade in prison from 1990 to 2000 on "counter-revolution" charges for his involvement in the 1989 pro-democracy protests. He was also previously held incommunicado from 24 December 2004 - 25 January 2005. **Other information:** Recipient of Independent Chinese PEN Centre's 2006 Writer in Prison Award, and the 2008 PEN/Barbara Goldsmith Freedom to Write Award. **Honorary Member of:** PEN Canada, Italian PEN.

#### **Nurehamet YASIN**

**D.o.b.:** 6 March 1974. **Profession:** Freelance Uighur writer. **Date of arrest:** 29 November 2004. **Sentence:** 10 years in prison. **Expires:** 30 November 2014. **Details of arrest:** Nurehamet Yasin was arrested in Kashgar on 29 November 2004 for the publication of his short story *Wild Pigeon (Yawa Kepter)*, which was first published in the bi-monthly Uighur-language Kashgar Literature Journal, issue No. 5, November 2004. Authorities also confiscated Yasin's personal computer containing an estimated 1,600 poems, commentaries, stories, and one unfinished novel. Yasin's story was widely circulated and recommended for one of the biggest Uighur literary websites in the Uighur Autonomous Region for outstanding literature award. It also attracted the attention of the Chinese authorities, who apparently consider the fable to be a tacit criticism of their government in the Xinjiang Uighur Autonomous Region. **Details of trial:** After a closed trial in February 2005 at which he was not permitted a lawyer, Yasin was sentenced by the Maralbesh Country court to 10 years in prison for "inciting Uighur separatism" in his book *Wild Pigeon (Yawa Kepter)*. The Kashgar Intermediate Court upheld his sentence on appeal, and Yasin was transferred on 19 May 2005 to Urumchi No. 1 Jail, where he remains detained. **Place of detention:** Urumchi No.1 Jail. **Treatment in prison:** Yasin has been permitted no visitors since his arrest and there are serious concerns for his well-being. **Professional details:** Nurmuhemmet Yasin is an award-winning and prolific freelance Uighur writer. He has published many highly acclaimed literary works and prose poems in recent years, including the poetry collections *First Love*, *Crying from the Heart*, and *Come on Children*. He is said to be a mature writer with an established literary credential among Uighur readers. He is married with two young sons. **Honorary member of:** American, English and Independent Chinese PEN Centre (ICPC).

#### **YUAN Xianchen**

**D.o.b.:** 2 November 1964 **Profession:** Human rights activist and dissident writer. **Date of arrest:** 29 May 2008 **Sentence:** Four years in prison. **Expires:** 28 May 2012 **Details of arrest:** Arrested by the Public Security Bureau of Jixi City, Heilongjiang Province, for writing and distributing dissident articles, and giving interviews with overseas media. **Details of**

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

## ZHANG QI

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

## ZHENG Yichun

**D.o.b.:** 27 January 1959 **Profession:** Poet, professor and freelance journalist **Date of arrest:** 3 December 2004 **Sentence:** 7 years in prison **Expires:** 19 December 2011 **Details of arrest:** Zheng Yichun was detained on 3 December 2004 and on 20 December 2004 arrested on a charge in connection with sixty-three articles he had written for foreign-based publications and websites. **Details of trial:** The Yingkou Intermediate People's Court, Liaoning Province, northeast China convicted Zheng Yichun, on 21 July 2005 of 'incitement to subversion of state power' for his critical writings, many of which were posted on-line on overseas websites. He was sentenced on 20 September 2005 to 7 years imprisonment and 3 years deprivation of political rights, and his appeal was rejected on 22 December 2005. **Place of detention:** Jinzhou Prison, Jinzhou City, Liaoning Province. **Health concerns:** Zheng Yichun is a diabetic. It was reported that on 26 May 2008 Yichun suffered cerebral thrombosis, which caused paralysis in part of his face and difficulty in moving his right arm. Zheng was sent to a hospital outside the prison, but was returned after doctors decided that his condition was not serious. Medical facilities in the prison are not able to treat his condition and his relatives are therefore said to be requesting his release on medical parole. **Professional details:** A member of the Korean minority. Has published eight collections of poetry and nearly 200 essays and political articles. Publications to have recently carried his articles include *Da Ji Yuan* (*Epoch*

*Times*) and websites such as *Boxun* and *Min Zhu Lun Tan* (*Democracy Forum*), all of them based abroad. Before his arrest, Zheng was also an English professor at the University of Liaoning. **Honorary member of:** PEN Canada, PEN Flanders and Independent Chinese PEN.

## Imprisoned: Investigation

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

\***LI Tie:** Activist and internet writer, aged 48. Reportedly arrested on 15 September 2010 by the Wuhan City Public Security Bureau on suspicion of 'inciting subversion of state power' for his critical articles. The charge was changed to the more serious 'subversion of state power' on 22 October 2010. Li is known for his articles about democracy and constitutional government published online on overseas Chinese language websites such as *Democratic China* and the news portal *Boxun*. He is also a signatory of Charter 08. Still detained pending trial as of 31 December 2010.

\***LIU Yonggen:** D.o.b.: 07/08/1963. Internet writer. Reportedly arrested by the Xinyang City Public Security Bureau (PSB), Henan Province, on the 10 September 2009 and formally arrested on 28 September 2009. Charged on suspicion of inciting subversion of state power for a number of critical articles published on overseas Chinese websites such as *Epoch Times*. Tried on 18 January 2010 by the Xinyang City Intermediate People's Court, no verdict has yet been announced. Held at the No.1 Detention Centre of Xinyang City, Henan Province, as of 31 December 2010. WiPC seeking an update.

## Brief detention

\***GUO Xianliang:** Internet writer, engineer and member of the Independent Chinese PEN Centre (ICPC). Arrested on 28 October 2010 by Guangzhou police whilst on a business trip to the city and held on suspicion of 'inciting subversion of state power' for distributing leaflets in support of Nobel Laureate and writer Liu Xiaobo. Released on bail on 26 November 2010 and returned to his home city of Kunming. Among at least forty ICPC members and activists to have been briefly detained or harassed since October 2010 following the award of the 2010 Nobel Peace Prize to writer Liu Xiaobo (see 'main case' above).

\***XIE Chaoping:** Journalist and writer. Former journalist for the *Procuratorial Daily*, a newspaper under direct control of the Procurator of the People's Republic of China. Detained at his home in Beijing on 19 August 2010 by security officers in Weinan, Shaanxi province, following the publication of his book *The Great Migration*, which is about forced relocations in the 1950's to make way for the construction of the Sanmen dam on the Yellow River. The book charts the struggles of hundreds of thousands of people relocated due to the project, and reportedly accuses authorities in Weinan, Shaanxi province, of embezzling money meant to compensate those affected. Xie was accused of 'illegal business activi-



ties' and was held at a detention centre in Shaanxi province for nearly four weeks before being released on 17 September 2010 because there was insufficient evidence to support the allegations. The book's printer Zhao Shun was also reportedly briefly detained on 15 September 2010.

### **Conditional release**

#### **WANG Rongqing:**

**D.o.b.:** 9 December 1943 **Profession:** Magazine editor and dissident. **Date of arrest:** 25 June 2008 **Sentence:** Six years in prison. **Expires:** 9 May 2014 **Details of arrest:** Reportedly taken from home in June 2008, but not formally charged until 31 July 2008. Thought to be charged for his membership of the banned China Democracy Party (CDP), for editing a publication called *Opposition Party* and posting articles on the Internet. **Details of trial:** Wang was sentenced to six years in prison on 8 January 2009 by the Hangzhou city Intermediate People's Court in the eastern province of Zhejiang, for 'subversion of state power'. **Place of detention:** Held at Jianggan District Detention Centre in Hangzhou city. **Treatment in prison:** Said to have been denied family visits since his arrest. **Health concerns:** Wang suffers from renal failure and requires haemodialysis three times a week. He has been hospitalised since 10 February 2009, and was diagnosed with kidney failure in March 2009. In November 2009 he was reported to be critically ill. He was released on six months' medical parole on 12 January 2010, which has now been extended indefinitely. His health has reportedly stabilized as the authorities have provided him with medical insurance as well as a minimum living allowance. **Previous political imprisonment/problems:** A veteran pro-democracy activist, Wang has suffered harassment and brief detentions by the authorities since the late 1970's when he joined the Democracy Wall movement. He later became a leader member of the banned CDP, and in 2005 he was detained for six months for organising the CDP in Zhejiang. In 2006 he was arrested for one month for his writings calling for religious freedom.

### **Released**

**CHEN Shuqing:** Dissident writer and leading member of Zhejiang Branch of the banned Chinese Democratic Party (CDP). Arrested on 14 September 2006 sentenced to four years in prison on charges of 'inciting subversion of state power' on 14 August 2007. The conviction was reportedly based on sentences quoted from various articles published and posted on the banned magazine of the Chinese Democratic Party, and overseas Chinese websites including *Boxun*, *Epoch Times*, *China Affairs Forum*, *China E Weekly* and *Duowei News*. CHEN was released from prison on 13 September 2010 on expiry of his sentence. He is reportedly in good health and reports that the prison authorities mostly "stayed away from him" due to international pressure on his case.

**DU Daobin:** Dissident writer and member of the Independent Chinese PEN Centre. Arrested on 21 July 2008 and required to serve the remaining two years and four months of a previous sentence. Du Daobin was on probation for "inciting subversion of state power" for his online critical writings, and was re-arrested for allegedly violating the terms of his probation. Police alleged that, while on probation, Du published more than a hundred essays on overseas websites, failed to report to the police regularly and did not notify the police when he travelled outside of his hometown and when he hosted guests at home. Presumed freed on expiry of his sentence in November 2010.

**FAN Yanqiong (F):** Human rights defender and internet writer Arrested on 26 June 2009 after posting articles online alleging official misconduct

and corruption. Sentenced on 11 November 2009 to two years in prison. Fan was released from Fuzhou City Number Two Detention Centre on 25 August 2010 on medical parole. She suffers from muscular dystrophy and is said to be seriously ill.

**HADA:** Owner of the Mongolian Academic bookstore and founder and editor-in-chief of *The Voice of Southern Mongolia*. Arrested on 10 December 1995 for founding the Southern Mongolian Democracy Alliance and publishing the underground journal, *The Voice of Southern Mongolia*. Sentenced to 15 years in prison and 4 years deprivation of political rights on charges of "inciting separatism and espionage" on 6 December 1996. Thought to have been released on expiry of sentence on 10 December 2010. [On 10 January 2011 it was reported that Hada may have been re-arrested.]

**WU Yilong:** Internet writer and China Democratic Party (CDP) activist. Arrested on June 1999 for circulating pro-democracy articles on the Internet and for his work with the magazine *Zai Yedang* (*Opposition Party*). The CDP, founded in 1998, is an underground opposition party. Sentenced to eleven years in prison on charges of subversion on 9 November 1999. Presumed released on expiry of sentence on 8 November 2010.

### **Died**

**ZHANG Jianhong (aka Li Hong):** Prominent writer and member of Independent Chinese PEN. Arrested on 6 September 2006 and formally charged with 'incitement to subversion of state power' for his critical articles published online on overseas websites. Sentenced on 19 March 2007 to six years in prison for writing articles criticising the government. The High People's Court of Zhejiang Province upheld the sentence on 21 May 2007. Zhang was diagnosed in May 2007 with a form of muscular dystrophy, a degenerative disease of the central nervous system, but did not receive any treatment until October 2007, when he was transferred from Qiaosi Prison to the Zhejiang Prison General Hospital, where his condition had rapidly deteriorated. On 5 June 2010, Zhang Jianhong was released on medical parole. He died in hospital on 31 December 2010. [RAN 35/06 – Update #5, 12 January 2011]

### **Case closed**

**GAO Zhisheng:** Human rights lawyer. Reportedly arrested by security forces on 19 January 2009, and held in an undisclosed location since then. Gao has been under surveillance since December 2006, when he was given a three-year prison sentence, suspended for five years, for 'inciting subversion' for his critical postings online. In late November 2009, Gao's family made a public plea to the Chinese authorities for information about his whereabouts. In late March 2010 there were reports that Gao had been released, after he told reporters over the phone that he was living in Wutai mountain, in northern Shanxi, and that he wanted to 'live a quiet life for a while'. He then saw a few colleagues and visited his father-in-law in Xinjiang region. However, since 20 April 2010 he has reportedly disappeared again, according to his sister-in-law and a fellow lawyer, both of whom have been trying to contact him. No further information as of 31 December 2010, case closed.

# TIBET AUTONOMOUS REGION (TAR)

## *Imprisoned: Main cases*

### \***Tashi DHONDUP**

**D.o.B.** 1980 **Profession:** Singer-song writer **Date of arrest:** 3 December 2009 **Sentence:** Fifteen months of re-education through labour (RTL) **Expires:** March 2011 **Details of arrest:** Arrested on charges of 'suspicion of incitement to split the nation'. There are reports that since October 2009, Dhondup had been under pressure by the authorities after releasing a CD with controversial political songs. He had been allegedly hiding in Xinin, Qinghai province, prior to his detention. Some reports say that Dhondup was badly beaten in detention. **Details of the trial:** In early January 2010, Dhondup was sentenced to 15 months RTL for writing 'subversive' songs, and was sent to a labour camp. The verdict reportedly refers to a number of his songs, one entitled '1958', which reportedly compares the 2008 conflicts in Tibet with the Chinese takeover of Amdo, eastern Tibet, in 1958. **Previous political imprisonment/problems:** Dhondup was reportedly previously detained in 2008 after the release of his previous CD. He is said to be a popular musician and his CDs were passed among many Tibetans and shared over the internet, after his music was banned.

### \***DHONKHO (aka Rongke, pen-name: Nyen), BHUDHA (pen-name: Buddha the Destitute) and KHELSANG Jinpa (pen-name: Garmi**

**Profession:** Writers. **Date of arrest:** 21 June, 26 June and 19 July 2010 respectively. **Sentence:** Four years, four years and three years in prison respectively. **Expires:** 20 June 2014, 25 June 2014 and 18 July 2013 respectively. **Details of arrest:** Reportedly detained in June and July 2010 after they published essays about the 2008 crackdown in Tibet in the Tibetan-language journal *Shar Dugri (Eastern Snow Mountain)*. This collection of writings was the first known material in Tibetan on the 2008 protests to have been published in the People's Republic of China. The magazine was quickly banned, but not before copies had circulated in areas of Qinghai and Gansu provinces and beyond. **Details of trial:** The 'Eastern Snow Mountain' writers were put on trial by the Ngaba Intermediate People's Court, Sichuan Province, on 21 October 2010 on charges of 'splittism'. The families were informed that they could not have lawyers of their choice, although the writers did have some legal representation. On 30 December 2010 Dhonkho and Bhudha were sentenced to four years in prison, and Kelsang Jinpa to three years, for "incitement to split the nation". **Professional details:** Bhudha, aged 34, is a medical doctor by profession who works as an editor and writer in his spare time. He has published poems and short stories in the journal *Panggyen Metok (Pasture Adorning Flowers)* and edited the Tibetan-language journal *Duerab Kyi Nga (Modern Self)*. Believed to be charged for the essay 'Hindsight and reflection' published in *Shar Dugri* in 2008. **Dhonkho** is a prize-winning poet and writer, born in 1978. He is a member of the Sichuan Writers Guild and has published several collections of poetry including *Lharson (Revitalisation)* and *Thablam (Means)*. Believed to be charged for the essay 'What human rights do we have over our bodies?' published in *Shar Dugri* under the pen name 'Nyen' (the 'Wild One') in 2008. **Kelsang Jinpa**, a poet and writer originally from Sangchu county, Amdo, Gansu province. Has reportedly published poetry and stories in

the journal *Panggyen Metok Pasture Adorning Flowers*) and co-edited the *Modern Self* periodical. Believed to be charged for his article written under the pen name 'Garmi' ('the Blacksmith'), 'The case for lifeblood and life-force', published in *Shar Dugri* in 2008.

### **Kunchok Tsephel GOPEY TSANG**

**D.o.b.:** 1970 **Profession:** Internet writer and editor of the Tibetan language website *Chomei* <http://www.tibetcm.com> **Date of arrest:** 26 February 2009 **Sentence:** Fifteen years in prison **Expires:** 25 February 2024 **Details of arrest:** Arrested by Chinese security officials at his home in the town of Nyul-ra, Gannan Tibetan Autonomous Prefecture, Gansu Province. At the time of his arrest, Gopey Tsang's house was searched and his computer confiscated. **Details of trial:** On 12 November 2009 he was sentenced for 'disclosing state secrets'. His family was not told of his whereabouts until he was summoned to court to hear the verdict. The trial was held at the Intermediate People's Court of Kanlho, in a closed hearing. **Professional details:** *Chomei* website, which promotes Tibetan culture and literature, was created by Gopey Tsang and Tibetan poet Kyab-chen De-drol in 2005 and since then has been closely monitored by the authorities. It is said that the site was shut down several times during 2007 and 2008. Gopey Tsang also worked as an environmental officer for the Chinese government. **Health concerns:** There are fears for his health. **Previous political imprisonment/problems:** In 1995 Kunchok Tsephel Gopey Tsang was held for two months by Public Security Bureau officials on unknown charges, and was reportedly ill-treated in detention. (RAN 16/09 – 17 March 2009; Update #1 – 23 November 2009).

### **Dawa GYALTSEN**

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

### **Dolma KYAB**

**Profession:** Writer and teacher. **Date of arrest:** 9 March 2005. **Sentence:** Ten and a half years in prison. **Expires:** 8 October 2015. **Details of arrest:** Dolma Kyab was reportedly arrested in the city of Lhasa for allegedly endangering state security in his book. The charges against Dolma Kyab appear to be based on his unpublished book *Sao dong de Kimala-yasha (The Restless Himalayas)*. In another book, Dolma Kyab reportedly gives sensitive information on issues such as the location and number of Chinese military camps in Tibet. Following his pre-trial detention at the Tibetan Autonomous Region Public Security Bureau Detention Centre, also known as the 'Seitru', Dolma Kyab reportedly contracted

tuberculosis and was transferred to Chushul Prison in March 2006 after receiving medical treatment for his condition. **Details of trial:** Dolma Kyab was charged with 'espionage' and 'illegal border crossing'. His trial was conducted in secrecy. **Place of Detention:** Reportedly transferred to Xi'ning Prison, Qinghai Province, north-western China on 19 July 2007. **Health concerns:** Said to be in very poor health and has to do hard labour. **Honorary member of:** English, American and German PEN.

**Paljor NORBU (aka Panjue Ruobu)**

**D.o.b.:** 1927 **Profession:** Printer. **Date of arrest:** 31 October 2008 **Sentence:** 7 years in prison **Expires:** 30 October 2015 **Details of arrest:** Reportedly arrested from his home in Lhasa for allegedly printing 'prohibited material', including the banned Tibetan flag. His family were not informed of his arrest. **Details of trial:** Reportedly tried in secret in November 2008, possibly on charges of 'inciting separatism', and sentenced to seven years in prison. His family were informed of the sentence in writing but have not been allowed to visit him. His whereabouts are unknown. **Other information:** According to Human Rights Watch, Norbu comes from a family with a long history of printing and publishing Buddhist texts for monasteries. He is said to be an internationally renowned master printer. He used both modern and traditional woodblock printing techniques in his workshop, which employed several dozen workers. In addition to religious texts, the shop also printed prayer flags, folk reproductions, books, leaflets and traditional literature. After his arrest the shop was closed down and books and woodblocks confiscated.

**Kunga TSEYANG (aka Gangnyi 'Snow Sun')**

**D.o.b.:** c.1989 **Profession:** Tibetan writer and environmentalist. **Date of arrest:** 17 March 2009 **Sentence:** Five years in prison **Expires:** 16 March 2014 **Details of the trial:** On 17 November 2009 a court in the Prefecture of Golok, Qinghai Province, sentenced Tseyang on various charges including posting articles online. **Professional details:** Tseyang studied at Labdrang Tashi Kyil monastery and the Institute for Higher Buddhist Studies. He has written many articles about Buddhism and Tibetan art and culture, including the widely-read, "China must apologize to His Holiness the Dalai Lama" Tseyang is also an environmental activist and a regular contributor to the Yutse Environment Department as a photographer. Tseyang lives in the Lungkar monastery in Golok county (eastern Tibet).

**Imprisoned: investigation**

**Kirti KYAB:** Teacher and deputy-editor of the literary magazine *Shar Dugri* (Eastern Snow), was reportedly detained in March 2010 at the Nationalities Teachers Training College in Barkham County, where he teaches. His arrest is thought to be linked to his participation in the demonstrations of solidarity for the victims of the 2008 protests in Tibet, and because the publication he edits is reportedly critical of the policies of the Chinese government. No further information as of 31 December 2010.

**Tashi RABTEN (pen-name Te'u rang):** Writer and university student. Co-editor of the banned literary magazine *Shar Dugri* (Eastern Snow Mountain). Reportedly arrested on 6 April 2010 with fellow student editor **DRUKLO (pen-name Shokjang)** because of their critical writings and activism. Reports say that about sixteen policemen approached the students' residence at the Northwest National Minorities University,

where they seized Rabten and Druklo's books, mobile phones, laptops and course material. Druklo was reportedly released on 8 May 2010, but in November 2010 it was confirmed that Tashi Rabten was still detained pending trial at a detention centre in Chendu, Sichuan province. Said to be held without access to family visits since his arrest, although a delivery of food and clothes were allowed in the autumn. Feared to be at risk of torture in detention. Sources say that the trial is expected soon, although it is not known what charges he faces. **Professional details:** Tashi Rabten edited the banned literary magazine *Shar Dugri* (Eastern Snow Mountain) on the 2008 protests in Tibet, and co-authored a collection of writings on democracy, freedom and equality called *Written in Blood*.

**Drokru TSULTRIM:** Tibetan writer from Ngaba county, was reportedly arrested on 24 May 2010 after police searched his room at the Gomang Monastery, eastern Tibet, took documents and his laptop. There was allegedly no warrant for the raid or Tsultrim's arrest. It is said that he is being held at the detention centre in Barkham, in Ngaba, and that his family has not been allowed to visit him. A relative in exile reported that Tsultrim was planning to publish a compilation of writings by young Tibetan writers prior to his arrest. There are no details of any charges he may be facing. **Previous detention:** Previously detained in early April 2009 while working as the magazine editor of *Khawai Tsesok* (Soul of the Snow). Held for a month for his alleged anti-government articles in support of 'separatist forces' of the Dalai Lama before being released. The authorities have suspended the publication of the magazine. No further information as of 31 December 2010.

**On trial**

**SONAM Rinchen, SONAM Dhondup, YARGAY and DAKDEN:** Students and editors of the Tibetan student magazine *Namchak*. Reportedly arrested on 17 March 2010 and charged with separatism and inciting separatism in their writing. All four were registered as students at the University of Barkham (Sichuan province). According to an exiled Tibetan monk, they had published comments about China's policies towards minorities, including Tibetans. Sonam Richen and Sonam Dhondup were reportedly sentenced to two years in jail on 30 August 2010. Yargay and Dakden are reportedly still awaiting trial.

**Conditional release**

**TAGYAL (pen-name Shogdung)**

**D.o.b.:** c.1964 **Profession:** Writer and staff member at the Qinghai Nationalities Publishing House. **Date of arrest:** 23 April 2010 **Details of arrest:** Arrested following the publication of an open letter, signed by Tagyal and seven other intellectuals, criticizing the government's response to the 14 April 2010 earthquake in the western province of Qinghai. It is believed that he had previously written books aligned to the Chinese's governments policies; however, his most recent book *Namsa Ko Jed (The Separation between Sky and Land)*, which deals with the crackdown in Tibet of March 2008, is said to be more critical. On 28 May 2010, Tagyal's mother and daughter were summoned to a police station where they were given notice of his formal arrest and the charge against him of 'instigating to split the motherland'. Tagyal was held at Xining Metropolitan Detention Centre No. 1 until he was released on bail on 14 October 2010. His lawyer said that he is in good health. His release was under a form of parole pending trial, which carries restrictions on his movements and activities and does not protect him from being re-arrested. It is not clear whether he still faces charges or trial. [RAN 33/10 – 10 May 2010]

### Case closed

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

## INDIA

### Killed

\***Hem Chandra PANDEY:** Freelance journalist. Reportedly killed in an armed encounter in which police in the southern Indian state of Andhra Pradesh shot dead the leader of the banned Communist Party of India (Maoist) Maoist leader Cherukuri Rajkumar, alias 'Azad'. The incident reportedly took place on the night of 2 July 2010. The police identified Pandey's body as a Maoist cadre until his picture was published in the newspapers on 4 July 2010 and his wife identified the photo to be her husband's. His wife reported that her husband had travelled to Nagpur in Maharashtra state on 30 June 2010 to interview the Azad.

### Imprisoned: investigation

**A. S. MANY (MANI):** Editor of the Tamil weekly *Naveena Netrikkan*, is on trial on charges of criminal defamation, filed by a businessman in October 2009. Many was detained on 25 October 2009 without an arrest order and held at Chennai prison before being released on 27 November 2009. The charges allegedly respond to a piece published in the weekly, two days before Many's arrest, alleging that the businessman was involved with political corruption. Many was reportedly re-arrested on the orders of the police Commissioner S.R Jangid on 19 July 2010 after publishing an article about police corruption. The court rejected a petition for his release on bail on 10 August 2010. Said to be held on trumped-up charges, including one of attempted murder, and to have been physically and psychologically tortured. Still thought to be detained as of 31 December 2010, WiPC seeking further details.

### On trial

**Laxman CHOUDHURY:** Journalist for the newspaper *Sambad* and correspondent for the *Oriya* daily, based in Gajapaty, western state of Orissa, was arrested on 20 September 2009. Reportedly charged with 'sedition' for alleged possession of Maoist leaflets. However, it is believed that Choudhury's arrest might be linked to his reports on alleged police corruption. On 3 December 2009 Choudhury was released on bail. The trial continues.

\***K.K.SHAHINA (f):** reporter with the weekly news magazine *Tehelka*, reportedly had criminal proceedings launched against her after she published a story in the magazine on 4 December 2010 in which she cast doubt on the prosecution of a prominent Islamic cleric and political figure on terrorism charges relating to the 2008 Bengaluru blast case. The report raised questions over the police investigation.

### Brief detention

\***T.P. NANDAKUMAR:** An editor of the weekly magazine *Crime*. Reportedly arrested on 3 July 2010 on charges of defamation following a complaint lodged by an Indian businessman who is a resident of Abu Dhabi. Nandakumar was under court instruction not to publish any materials on the complainant. His arrest followed the posting of an article pertaining to the same individual on the magazine's website <http://www.crimenewsonline.com>. He was released on bail on 4 July 2010.

\***Ahongsangbam MOBI SINGH:** Editor of the local daily *Sanaleibak* and the spokesperson of All Manipur Working Journalists' Union (AMWJU), a state-wide union which works to defend freedom of the press and journalistic independence in the context of the ongoing conflict between various State and non-State armed groups in Manipur. Reportedly arrested on 29 December 2010 and charged under India's Unlawful Activities (Prevention) Act for alleged contact with a banned insurgent group, the Kangleipak Communist Party. According to reports, in the context of the ongoing armed conflict, journalists and publications in Manipur are often subjected to pressure, including threats and acts of violence, by proscribed organisations seeking publication of their propaganda. AMWJU had adopted a policy of engagement with such organisations in order to emphasise the importance of freedom of the press in a democratic society, and in this context, A. Mobi Singh had been selected, in his role as spokesperson for the Union, to negotiate an end to the group's harassment of journalists. [Reportedly released on bail on 5 January 2011).

### Death threat

\***N.R.K. PILLAY, Anil MISHRA, Yashwant YADAV:** Vice-president of the state-wide Union of Working Journalists, former district correspondent of the Hindi language daily *Nai Duniya* and a journalist with the Hindi daily *Deshbandhu* respectively. Reportedly threatened with death on 12 December 2010 by a vigilante group believed to be part of a covert operation to combat a long-running Maoist insurgency. An audio report on the death threat against the three journalists was posted by the web-based citizen journalism portal, CGNet Swara.

### Attacked

\***Mohammad Abdul Waheed CHISHTI:** Reporter for a local Urdu daily, was reportedly attacked by supporters of an Islamic cleric at a press conference on 14 October 2010. The press conference was organised by the cleric to discuss a recent judicial verdict regarding a site in the town of Ayodhya, the centre of a dispute between different religious institutions since 1949. Chishti was attacked by the Imam's bodyguards after asking a question at the press conference.

## INDONESIA

### Killing motive unknown:

\***Ardiansyah MATRA:** Reporter from West Papua. Reportedly found dead on 14 November 2010 after suffering months of harassment for his reporting on illegal logging. His naked body was found tethered to a tree in the Gudang Arang River. News reports claim he had been tortured, although police deny this and allege his death to be suicide. In the weeks prior to his death he had received numerous threatening text messages from individuals believed to be linked to Kopassus (the Special Forces Command of the Indonesian Government).

\***Muhammad SAYIFULLAH:** Journalist. Head of the *Borneo Bureau of Kompas*, Indonesia's biggest newspaper. Reportedly found dead on 26 July 2010 at his rented home in Balikpapan, East Kalimantan Province. He was a well-known journalist who reported on environmental issues and problems relating to coal mining in Borneo. The cause of his death remains uncertain. He was found by colleagues after his family could not contact him for some days. Police found a glass of syrup next to his body. According to an autopsy done at Bhayanghari hospital, he died of

a brain haemorrhage caused by diabetes but the Alliance of Independent Journalist (AJI) reports that his friends were unaware of that he had such a medical condition. AJI understands that police plan to conduct further autopsy in Surabaya, East Java.

## MALAYSIA

### On trial

**\*Irwan ABDUL RAHMAN (aka ‘Hassan Skodeng’):** An editor of the *Malay Mai* newspaper’s lifestyle section, was charged on 2 September 2010 with publishing false information on his satirical blog. He was accused of publishing online content deemed “obscene, indecent, false, menacing or offensive in character with malicious intent”. Irwan pleaded not guilty before the court of Petaling Jaya to charges that he violated the section 233 (1) (a) of the Malaysian Communications and Multimedia Commission (MCMC) Act. Trial ongoing as of 31 December 2010.

## MYANMAR (BURMA)

### Imprisoned: Main cases

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

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

**MAUNG Thura (aka ‘Zargana’)**

**D.o.b.:** 27 January 1961 **Profession:** Leading comedian, poet and opposition activist. **Date of arrest:** 4 June 2008. **Sentence:** 59 years in prison, reduced to 35 years. **Expires:** 3 June 2043 **Details of arrest:** Arrested for leading a private relief effort to deliver aid to victims of Cyclone Nargis which struck on 2 May 2008. The Asian Human Rights Commission reported that Zargana had given interviews to overseas radio stations and other media about his work and the needs of the people, and that he

had ridiculed state media reports about the effect of the cyclone. **Details of trial:** On 14 August 2008 Zargana and journalist Zaw Thet Htwe (see below) appeared at a hearing held at the Rangoon West District Court within the Insein prison precincts, where both were charged. Zargana was charged with seven offences, including under sections 505(b) and 295 of the Criminal Code, section 17(2) of the Unlawful Associations Act, sections 32(b)/36 of the Video Act and sections 33(a)/38 of the Electronic Act. On 21 November 2008 Zargana was handed down a forty-five year prison sentence for violating the Electronics Act. Days later, on 27 November, he was given a further fourteen-year prison sentence for offences under four sections on the criminal code 17/2, 32(b), 295(a), for his peaceful opposition activities. Zargana was to serve a total of 59-year prison term, but on 13 February 2009 the Rangoon Division Court reduced this term by 24 years to 35 years. His family will appeal against the conviction. **Place of detention:** Zargana was initially detained in Insein Prison, but on 4 December 2008 he was transferred to the remote Myitkyina prison, in the northern state of Kachin. **Previous political imprisonment/problems:** Zargana is Burma’s leading comedian, popular for his political satires. He spent several years in prison in the early 1990s for his opposition activities. During that time he was taken up as a main case by the Writers in Prison Committee of PEN International. Zargana, whose pseudonym means ‘tweezers’ and refers to his years spent training as a dentist, was first arrested in October 1988 after making fun of the government, but freed six months later. However, on 19 May 1990, he impersonated General Saw Maung, former head of the military government, to a crowd of thousands at the Yankin Teacher’s Training College Stadium in Rangoon. He was arrested shortly afterwards, and sentenced to five years in prison. He was held in solitary confinement in a tiny cell in Rangoon’s Insein Prison, where he began writing poetry. One of his prison poems was published in the PEN International anthology *This Prison Where I Live*. After his release from prison in March 1994, Zargana was banned from performing in public, but continued to make tapes and videos which were strictly censored by the authorities. In May 1996, after speaking out against censorship to a foreign journalist, he was banned from performing his work altogether, and stripped of his freedom to write and publish. On 25 September 2007 he was arrested for his support to the monks demonstrating in the capital, Rangoon. He was released on 18 October 2007. **Treatment in prison:** Zargana has been denied full family visiting rights. **Other information:** On 22 October 2008 PEN Canada presented the ‘2008 One Humanity Award’ to Zargana in absentia. He was also awarded the ‘Imprisoned Artist Prize’, as part of Artventure’s Freedom to Create Prize, on 26 November 2008. Recipient of the 2009 PEN/Pinter Prize by English PEN. **Honorary member of:** English, German, Canadian, Swiss-Italian, Sydney, American and Danish PEN. (RAN 31/08 – 9 June 2008; Update #1 – 20 August 2008; Update #2 – 21 November 2008; Update #3 – 28 November 2008; Update #4 – 18 February 2009; Update #5 – 28 April 2009)

### \*NAY Phone Latt

**Profession:** Blogger and poet. **Date of arrest:** 29 January 2008 **Sentence:** Twenty years and six months in prison, reduced on appeal to twelve years. **Expires:** 28 January 2020 **Details of arrest:** Nay Phone Latt was arrested in Rangoon on 29 January 2008, under section 5 (J) of the 1950 Emergency Provision Act, which criminalizes any attempt to “disrupt morality” or to “disrupt security, stability or the restoration of order.” Arrested for critical writings published in his blog (<http://www.nayphonelatt.net/>). **Details of trial:** On 10 November 2008, he was sentenced by a specially-assembled



court to a combined 20 years and six months in prison under the Criminal Code, the Video Act, and the Electronics Act for his blog and for owning a copy of a banned DVD. The court, formed to prosecute political dissidents within prison walls, was closed to the public, and Nay Phone Latt's mother was banned from attending the hearing. Nay Phone Latt was not allowed legal representation after his lawyer was sentenced to prison time for contempt while protesting unfair hearings. On 20 February 2009, a court in Rangoon reduced Nay Phone Latt's sentence by eight and a half years, leaving him to serve 12 years in prison. **Place of detention:** He is currently being held in Pa-an Prison in Karen state, 135 miles from his home in Rangoon, making it difficult for his family to visit. **Health concerns:** Said to be in poor health and to be denied medical treatment in prison. **Other information:** Recipient of the American PEN Freedom to Write Award 2010. Has continued to write poems in prison. **Honorary member of:** American PEN.

#### **WIN Maw**

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

#### **Zaw Thet HTWE**

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

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

#### **Imprisoned: investigation**

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

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

##### **\*Nyi Nyi TUN:**

**Profession:** Editor-in-chief of the *Kandarawaddy* news journal. **Date of arrest:** October 2009 **Sentence:** 13 years in prison **Expires:** October 2022 **Details of arrest:** According to his lawyer, he was arrested by officers from Rangoon Division Police Office upon suspicion of having connections with a series of blasts that rocked Rangoon in October 2009. There weren't any witnesses in the case and there was no evidence against him. Following his arrest the journal was closed. **Details of trial:** Reportedly sentenced to 13 years in prison on 13 October 2010 by the Seikkan Township Special Court based in Insein Prison. He was found guilty of violating section 17 (1) of the Unlawful Associations Act, section 13(1) of the Immigration Emergency Provisions Act, section

505 (b) of the Penal Code and section 6 (1) of the Wireless Act. After the sentence, he told family that he was tortured during interrogation. WiPC seeking further information about the charges against him and the reason for his arrest.

### Released

**AUNG SAN Suu Kyi (f):** Leader of the National League for Democracy (NLD) and writer. Taken into 'protective custody' following violent clashes between opposition and pro-government supporters on 30 May 2003. Held under successive house arrest orders at her home in Yangon until 14 May 2009, when she was detained under Section 22 of the State Protection Law for "subversion", following an incident in which a US citizen reportedly swam across the lake to her home and in doing so violated the ban on her meeting with anyone without prior permission. Her trial began on 18 May 2009, and on 11 August 2009 she was handed down a three-year prison sentence by a criminal court inside Insein prison. The verdict was reduced to eighteen months to be served under house arrest, and so she was returned to her home soon after the trial ended. Aung San Suu Kyi was released unconditionally on 13 November 2010. She has spent much of the past twenty years in detention.

## NEPAL

### Death threat

\***Rana BAHADUR:** District correspondent for the *Rastriya Samachar Samiti* (RSS) news agency in Bajura, Midwestern of Nepal. Reportedly received a death threat on 4 December 2010 from a local Maoist cadre over the publication of a news story alleging corruption within the Maoist party.

\***Damodar BHANDARI:** Correspondent with the daily *Annapurna Post*. Reportedly received a death threat issued by an underground group, the Terai Janatantrik Party, on 21 August 2010. A press statement sent by the party accused Dhandari of working against their activities and mission.

\***Narma DEV YADAV:** Reporter for the daily *Aajkalo Batabaran* and Chhinnamasta FM radio station. Reportedly received death threats on 29 October 2010 from the leader of the Janatantrik Mukti Morcha (JMM), a revolutionary group based in the eastern Saptari district of Nepal. The threats followed a news report related to JMM.

\***Devanarayan SAHA:** Correspondent for the national newspapers *Kantipur* and the *Kathmandu Post*. Reportedly received a death threat on 18 December 2010 issued by students associated with the Unified Communist Party of Nepal – Maoist. The threat was in relation to a news report about a protest alleging that students from the Communist Party Union had beaten other students who belonged to other unions.

\***Naval Kishor YADAV:** reporter for the state-owned *Gorkhapatra* and the daily *Rising Nepal*. Reportedly received a death threat from an accountant for the District Education Office- Dhanusha (EOD) branch. According to the journalist, he was threatened whilst investigating reports of alleged widespread corruption at the EOD office. The journalist reported the incident to the office of EOD.

### Attacked

\***Sushil DHUNGANA:** Reporter and publisher for the *Ghodaghodi Weekly*. Reportedly abducted and assaulted on 15 November 2010 by a gang of five unknown individuals in Naya Bazar, eastern Nepal, as he was returning to his home in western Nepal. The attack followed the publication of an article entitled 'Smuggling and Commission Seeking

Up' on 14 November 2010 which reportedly highlighted the increase of smuggling and corruption in the district. The men threatened to kill him if he publicised the incident.

\***Lilanath GHIMIRE:** journalist working for *Fast Times Daily*. Reportedly attacked and injured by a gang, allegedly on the orders of the Senior Superintendent of Police (SSP) on 15 August 2010 in the city of Dharan. According to a local journalist, threats against local journalists have increased since the attack.

\***Partha MANDAL:** Reporter for the daily *Purbanchal*. Reportedly assaulted on 20 December 2010 by individuals involved in illegal trade in Bhadrapur. The attack is believed to be linked to Mandal's reporting on the illegal importation of goods in the region. The group involved in the incident rounded up Mandal and his family after they had returned to their home. He, his mother and father sustained injuries in the attack.

\***Shreedeeep RAYAMAJHI:** Online journalist and blogger. Reportedly attacked by a group of unknown assailants on 16 November 2010 in central Kathmandu. Prior to the attack he had received email threats from an unidentified source urging him to stop his online reporting. He reported the threats to the police.

## PAKISTAN

### Killed

\***Misri Khan ORAKZAI:** Journalist with the *Daily Ausaf*, *Jinnah* and *Mashriq*. Also head of the Hangu Union of Journalists. Gunned down in Hangu, Khyber Pakhtoonkwa province in the early morning of 14 September 2010 by three gunmen while he was entering the press club. According to press reports, he is believed to have been targeted for publishing a series of critical news reports about local militants. He had reportedly recently received threats from a militant group after reporting on their activities. His son Umer Farouk, who is a reporter for the same paper, said that his father had been receiving telephone threats for quite some time, and his office had been ransacked three times.

### Killing: Motive Unknown

\***Mujeebur Rehman SADDIQUI:** Poet and senior correspondent of *Daily Pakistan* newspaper. Reportedly shot dead by unidentified gunmen on 16 September 2010 in Khyber Pakhtoonkwa region, north west of Pakistan, as he was leaving the mosque after evening prayers. Saddiqui, aged 39, had allegedly received death threats from militants prior to the attack.

### Attacked

\***Niaz BHATTI:** Senior reporter for the Sindhi- language daily *Ibrat*. Reportedly attacked in the town of Mehar in the Dadu district on 22 November 2010 for his reporting on the illegal seizure of lands and increasing criminal activities in the district. Bhatti said that in the morning, when he was on his way to the Press Club, he was attacked by seven gunmen who started firing to create panic, and later they beat him with butts and batons and left him unconscious. Bhatti was severely injured and hospitalised after the attack.

\***Umar CHEEMA:** correspondent of the English-language daily *The News*. Reportedly abducted and beaten by men in police uniforms while he was driving in a suburb of Islamabad on 4 September 2010. Two government panels are investigating the incident. Cheema claims that the authorities are behind the attack.

### Imprisoned: Investigation

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

#### **Case closed**

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

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

## PHILIPPINES

#### **Killed – official investigation ongoing**

**Nestor BEDOLIDO:** Journalist for the weekly newspaper *The Kastigador*. Shot dead by unidentified men in Digos city, southern Philippines, on 19 June 2010. Bedolido, aged 50, was shot six times while buying cigarettes. The journalist reportedly wrote a number of exposés on some politicians during the presidential elections held in May 2010. The authorities are investigating the case. **Update:** an alleged gunman involved in the killing of Bedolido surrendered on 6 October 2010. Voltair Boyet Mirafuentes came to Manila together with his lawyer and surrendered to the National Police and subsequently to the Department of Justice. In his sworn statement on 6 October 2010, Mirafuentes alleged that he was coerced by the town mayor to kill Bedolido. The mayor has allegedly told him that Bedolido caused Mirafuentes parents' death.

#### **Case closed**

**Joaquin BRIONES:** Editor of the weekly newspaper *Masbate Tribune*, based in Masbate province, had reportedly been on trial for libel since early August 2009. Reports say there are five new libel suits against him, two of them filed by the vice-governor of the local community, and the other three filed by the Electric Cooperative. The journalist believes that

the trials are linked to his critical pieces regarding a coal-fired power plant. Case closed for lack of further information.

**Marites Dañgilan VITUG (f):** Editor-in-chief of the online news outlet *Newsbreak* and editor of the online news magazine *abs-cbnNEWS.com*, is reportedly on trial after a Justice of the Supreme Court filed 13 accounts of libel against her in mid March 2010. Reports say that the case is linked to an article Vitug wrote in December 2009, regarding the influence of the Supreme Court Justice in his son's political carrier. Case closed for lack of further information.

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

## SINGAPORE

#### **Main case**

**Alan Shadrake**

**D.o.b.:** 1934 **Profession:** British author **Date of arrest:** 18 July 2010 **Sentence:** Six weeks in prison. **Details of arrest:** Arrested on 18 July 2010 after arriving in Singapore to launch the book, and released on bail pending trial. **Details of trial:** Sentenced by the high court in Singapore on 16 November 2010 for allegedly 'scandalising the judiciary' in his book *Once a Jolly Hangman – Singapore Justice in the Dock*. The book is a critique of the use of capital punishment in Singapore, alleging double standards and a lack of impartiality. He also received a heavy fine. Shadrake faces a further charge of defamation for the book, which carries a maximum sentence of two years in prison. Shadrake offered a qualified apology at his trial but stood by the claims he makes in the book. **Health concerns:** He is said to be in poor health, and there are serious concerns for his well-being in detention. [RAN 53/10 – 16 November 2010].

## SRI LANKA

#### **Disappeared – motive unknown**

**Pregeeth EKANALIYAGODA:** Political analyst, journalist and visual designer for the *Lanka eNews*, has been reported missing since 24 January 2010, and his whereabouts remain unknown as of 31 December 2010. He was last seen leaving his office on the evening of 24 January 2010, and there are fears that he has been abducted by pro-government forces. Government sources have denied the allegation. Ekanaliyagoda is a leading columnist, and reportedly published articles in favour of the defeated opposition candidate General Sarath Fonseka ahead of the Sri Lankan presidential elections that took place on 26 January. The *Lanka eNews* website was reportedly blocked during the elections, and its offices were searched by unidentified individuals on 28 January 2010. Previously, on 27 August 2009, Ekanaliyagoda had been abducted and held blindfolded overnight, and was released after being told that he was not the correct target. Family and colleagues have expressed increasing concern that the authorities have done very little to investigate Pregeeth Ekanaliyagoda's disappearance, and they fear for his safety. (RAN 09/10 - 26 February 2010)



## Attacked

**\*Bingun Menaka GAMAGE:** Reporter for the daily *Lankadeepa*. Reportedly attacked by police on 14 October 2010 while he was covering a university students' demonstration despite producing his media card. Gamage filed a complaint at the local police station.

# THAILAND

## On trial

**Chiranuch PREMCHAIPOORN (f):** Editor of the independent website *Prachatai*. Reportedly arrested on 6 March 2009, and charged with violations of the Computer Crimes Act, allegedly because the content of the website endangered national security. The website is said to publish issues that Thai newspapers refuse to report. The charges carry a maximum sentence of five years in prison. It is said that in the last few months there have been requests from the authorities, mainly the military, to remove from the website comments regarding the monarchy and the military. Days after her arrest, Premchaiporn was freed on bail. On 7 April 2009, the journalist was summoned by the Royal Thai Police headquarters for further investigation. On the basis of the information she gave to the authorities, the police reportedly laid nine new charges against her under the Computer Crimes Law, and she could face up to fifty years in prison if found guilty. Reportedly re-arrested on 24 September 2010 at the Suvarnabhumi International Airport in Bangkok as she was about to attend a conference on internet censorship in Hungary. She remains free on bail and the trial is ongoing as of 31 December 2010.

## Case closed

**Thassaporn RATTAWONGSA (f):** Doctor and internet writer, was reportedly arrested by the Central Investigation Bureau on 18 November 2009. Rattawongsa is said to be accused of posting 'inaccurate information that threatened national security', when she wrote in her blog about the King, suggesting that his poor health could have caused a recent fall of the stock market in Bangkok. Rattawongsa was released on bail on 19 November 2009. If convicted, she could face up to five years in prison. No further information as of 31 December 2010. Case closed for lack of further information.

# VIETNAM

## Imprisoned: Main cases

### **DANG Phuc Tue (religious name: Thich Quang Do)**

**D.o.b.:** 1928 **Profession:** Buddhist monk, writer, scholar. Secretary General of the outlawed Institute for the Propagation of the Dharma, United Buddhist Church of Vietnam (UBCV). **Date of arrest:** 9 October 2003 **Details of arrest:** Part of a delegation of nine UBCV leaders who were all arrested on 9 October 2003. The delegation had left Binh Dinh at 5.00 a.m. on 8 October 2003 en route for Ho Chi Minh City when security services blocked their departure. After a protest in which over two hundred monks formed a human shield around their vehicle, the delegation was allowed to continue its journey, only to meet another police barricade on the following day, when all nine UBCV leaders were arrested and taken away for interrogation. Thich Quang Do was placed under house arrest. **Place of detention:** Thanh Minh Zen Monastery in Ho Chi Minh City. **Previous political imprisonment/problems:** On 27 June 2003 he was released from a twenty-seven month detention order. Has spent most of the last twenty years in detention or under resi-

dential surveillance because of his campaign for religious freedom and free expression. **Other information:** The UN Working Group on Arbitrary Detention declared his imprisonment as 'arbitrary' in May 2005. **Awards:** Laureate of 2002 Czech Human Rights Homo Award and 2006 Norwegian Rafto Human Rights Prize.

### **LE Cong Dinh:**

**D.o.b.:** 1968. **Profession:** Lawyer and dissident writer. **Date of arrest:** 13 June 2009. **Sentence:** Five years in prison and three years' probationary detention. **Expires:** 12 June 2014. **Details of arrest:** Reportedly arrested by the security police in Saigon and charged with 'Conducting propaganda against the Socialist Republic of Viet Nam' under Article 88 of the Criminal Code. His home and his office were searched and his documents seized. Official reports state that Le Cong Dinh was arrested for allegedly reporting 'distorted' facts to foreign media and offending the country's Prime Minister. **Details of trial:** Tried and convicted on 17 January 2010 for "activities aiming to overthrow the people's government" under article 79 of the Criminal Code. **Place of detention:** Detention camp Chi Hoa, Phuong 13, Quan 10, Ho Chi Minh city, Viet Nam. **Other information:** Le Cong Dinh has been working as a lawyer defending journalists, human rights activists and internet writers prosecuted in Vietnam for their reporting, including lawyers and dissident writers Le Thi Cong Nhan and Nguyen Van Dai and the renowned blogger Dieu Cay. Le Cong Dinh has also written for various international media outlets, including the British Broadcasting Corporation (BBC) and Radio Free Asia (RFA), and banned overseas Vietnamese websites such as the "Vietnam Democracy Movement", "Vietnam Reform", "New Horizon", "Thorough Discussion", and "Democratic Freedom", which Vietnamese authorities view as "subversive". According to Reporters Without Borders, sources said that Le Cong Dinh's arrest might be related to a libel case brought by several lawyers against the Vietnamese Prime Minister Nguyen Tan Dung. Reportedly denied access to family visits since his arrest. (RAN 25/09 – 16 June 2009)

### **\*NGUYỄN Phong and NGUYỄN Binh Thanh**

**D.o.b.** 1975 and 1955 respectively. **Profession:** Human rights activists and dissidents, co-founders of the Viet Nam Progressive Party and co-editors' associates of *Tu Do Ngon Luan* (Freedom of Speech) underground online magazine. **Date of arrest:** 29 March 2007. **Sentence:** Six years and five years in prison, followed by three years and two years of probationary detention respectively. **Expires:** 29 March 2013 and 2012 respectively. **Details of arrest:** Both were arrested at their homes in the city of Hue on 16 and 17 February 2007 and held for interrogation before being released. Security police also raided their homes and seized banned publications, writings and computer disks. They were re-arrested on 29 March 2007 and brought to the Court the next day. **Details of trial:** On 30 March 2007, a People's Court in Hue sentenced Nguyen Phong and Nguyen Binh Thanh to 6 years and 5 years in prison, followed by 3 years and 2 years' probationary detention respectively for 'Conducting propaganda against the Socialist Republic of Viet Nam' under Article 88 of the Criminal Code (RAN 12/07-28 February 2007; update#1-7 March 2007; updates#2-3 April 2007. See Nguyen Van Ly's case). **Place of detention:** Nguyen Phong is detained at Labour camp # 5, Yen Dinh, Thanh Hoa, Viet Nam and Nguyen Binh Thanh is detained at Labour camp Z30A, Xuan Loc, Dong Nai, Viet Nam.

**NGUYEN Van Dai:**

**D.o.b.:** 1969. **Profession:** Human rights lawyer and journalist. **Date of arrest:** 6 March 2007. **Sentence:** five years in prison and four years' probationary detention, reduced by one year on appeal on 27 November 2007. **Expires:** March 2011. **Details of arrest:** Nguyen Van Dai was arrested at his home on the morning of the 6 March 2007. Nguyen and lawyer and cyber dissident Le Thi Cong Nhan (f) were accused of 'Conducting propaganda against the Socialist Republic of Viet Nam' for their dissident activities with the pro-democracy movement 'Bloc 8406', including the recent signing of a petition under their real names. **Details of trial:** Nguyen Van Dai was tried and sentenced by the Hanoi People's Court on 11 May 2007, under Article 88 of the Criminal Code for 'Conducting propaganda against the Socialist Republic of Vietnam'. His conviction was upheld on appeal on 27 November 2007. **Place of detention:** Nguyen Van Dai was transferred on 3 January 2008 to K1 Detention Camp, Ba Sao Village, Kim Bang District, Ha Nam Province, 80km south of Ha Noi. **Treatment in prison:** Conditions are very harsh in the detention camp, he is allowed one family visit a month, and can receive two 5kg packages of food, clothes and personal items. He is banned from receiving books. **Health concerns:** Nguyen Van Dai is reported to be suffering from Hepatitis B and to have to do forced labour. **Background to arrest and previous political problems:** Nguyen Van Dai is one of the leaders of the democracy movement 'Bloc 8406' and regularly posts pro-democracy essays on foreign websites. He started a blog on the Reporters Sans Frontiers web-site platform shortly before his arrest (<http://nguyenvandai.rsfblog.org>). He and fellow lawyer Le Thi Cong Nhan have been under heavy surveillance for some time for their dissident activities, and were briefly detained on 3 February 2007 and held for 48 hours. Nguyen Van Dai was reportedly subjected to criticism by a 'popular court' on 8 February 2007, in which 200 residents from a district of Hanoi were mobilised by the authorities to insult and denounce him for being a 'traitor'. Recipient of the 2008 Hellman Hammet Award. (RAN 12/07, Update #1 – 7 March 2007, Update #2- 15 May 2007). **Honorary member of:** Suisse-Romand PEN.

**NGÔ Qu nh:**

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

**NGUYEN Van Hai (pen-name Hoàng Hai, aka blogger Dieu Cay):**

**D.o.b.:** 1952. **Profession:** Independent journalist and blogger **Date of arrest:** 19 April 2008. **Details of arrest:** Reportedly arrested for 'tax fraud' in Dalat city, south of the country, after he participated in protests against the police in Ho Chi Minh City, earlier in 2008. There are reports that he had been closely watched by the police and threatened with death prior to his arrest. **Sentence:** Two and a half years in prison. **Expires:** 18 October 2010 **Details of trial:** Sentenced on 10 September 2008 to

two and a half years-imprisonment by the Vietnamese People's Court at Ho Chi Minh city for alleged tax fraud, although he is widely believed to be targeted for his criticism of Vietnamese government policy. He is known for his internet postings calling for greater democracy and human rights in Vietnam and his participation in protests against Chinese foreign policy. Dieu Cay was one of the founding members of the Free Journalist Network in Viet Nam (Cau Lac Bo Nha Bao Tu Do) in 2006. **Place of detention:** Reportedly transferred from Camp Z30A, Xuân Lộc, Đồng Nai to Public security detention camp, 4 Phan Dang Luu, Phuong 14, Binh Thanh, Ho Chi Minh city, Việt Nam on 18 October 2010. **New information:** Nguyen Van Hai should have been released on 20 October 2010 on completion of his sentence. However, he has reportedly been transferred to a Public Security detention camp in Ho Chi Minh city on 18 October 2010, apparently on charges of 'Conducting propaganda against the Socialist Republic of Viet Nam' under Article 88 of the Criminal Code. The charges are said to be based on his online writings for the Free Journalist Network in Viet Nam before he was arbitrarily arrested in April 2008. Still detained as of 31 December 2010. Recipient of the 2009 Hellman Hammet Award. (RAN 47/08 Update #1 – 9 April 2009)

**NGUYEN Manh Son**

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

**NGUYỄN Tiên Trung**

**D.o.b.:** 1983. **Profession:** Dissident writer and poet. **Date of arrest:** 7 July 2009. **Details of arrest:** Reportedly arrested by the security police in Ho Chi Minh City and charged with plotting to overthrow the government of Vietnam" and 'conducting propaganda against the Socialist Republic of Viet Nam' under Article 88 of the Criminal Code. **Sentence:** Seven years in prison and three years' probationary detention **Details of trial:** Sentenced on 20 January 2010 for endangering national security and "organizing campaigns in collusion with foreign-based reactionary groups aimed at overthrowing the people's government with the Internet's help". Believed to be charged for his online writings on the issues of freedom of opinion, religion and media, and alleged official corruption. He is known for several open letters and petitions to communist party leaders and government. His letters, essays and poems have been published online and relayed by many forums in and outside Viet Nam. He has also given many interviews to overseas media including BBC, RFA, New Horizon Radio, Paltalk. **Place of detention:** Public security detention camp, 4 Phan Dang Luu, Phuong 14, Binh Thanh, Ho Chi Minh city, Việt Nam. [RAN 49/09 - 15 September 2009].

**NGUYEN Van Tinh**

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

**NGUYEN Van Tuc**

**D.o.b.:** C. 1964 **Profession:** Farmer, poet and human rights defender, known for his numerous writings on social injustice and satirical poems published on overseas websites. **Date of arrest:** 10 September 2008 **Sentence:** Four years in prison and 3 years' probationary detention. **Expires:** 9 September 2012 **Details of arrest:** Amongst dozens of activists to have been arrested since September 2008 as part of an ongoing crackdown on peaceful dissent. **Details of trial:** Charged under Article 88 of the Penal Code for 'Conducting propaganda against the Socialist Republic of Vietnam'. Tried and convicted by the Hanoi People's Court on 9 October 2009. Sentence upheld on appeal on 21 January 2010. **Place of detention:** Labour camp Nam Hà, Kim Bang, Hà Nam, Việt Nam. [RAN 47/08 - 23 September 2008, update 1 – 9 April 2009]

**NGUYEN Xuan Nghia**

**Profession:** Poet, journalist and novelist, member of the Hai Phong Association of writers and founding member of the banned democracy movement known as Block 8406, author of several online poems and articles, a recipient of the 2008 Hellman Hammet Award for Free Expression. **Date of arrest:** 11 September 2008 **Sentence:** Six years in prison and 3 years' probationary detention. **Expires:** 10 September 2014 **Details of arrest:** According to PEN's information, dissident writer Nguyen Xuan Nghia was arrested and charged with conducting anti-government propaganda under article 88 of Vietnam's penal code for his pro-democracy writings and activities, in particular for being a leading member of the banned pro-democracy group Block 8406. Other members of the group were also arrested and sentenced. The indictment dated 3 July 2009 cited fifty-seven pieces written by Nguyen Xuan Nghia from 2007 until his arrest in 2008, including poetry, literature, short stories and articles, which allegedly sought to "insult the Communist Party of Vietnam, distort the situation of the country, slander and disgrace the country's leaders, demand a pluralistic and multiparty system ... and incite and attract other people into the opposition movement." He is amongst dozens of activists to have been arrested since September 2008 as part of an ongoing crackdown on peaceful dissent. **Details of trial:** Tried and convicted by the Hanoi People's Court on 9 October 2009. His conviction was upheld on 21 January 2010. **Place of detention:** Labour camp Nam Hà, Kim Bang, Hà Nam, Việt Nam. **Treatment in prison:** According to Nghia's wife, he has been banned from family visits since June 2010. Said to be held in solitary confinement. **Health concerns:** Reportedly suffering from a number of health complaints. **Honorary member of:** American PEN. [RAN 47/08 - 23 September 2008, update 1 – 9 April 2009]

**PHAM Thanh Nghien (f)**

**Profession:** Internet writer and independent journalist. **Date of arrest:** 18 September 2008 **Sentence:** 4 years in prison and 3 years' probationary detention. **Expires:** 17 September 2012 **Details of arrest:** Arrested on 11 September 2008, released later that day but remained under residential surveillance until her re-arrest on 18 September 2008. Held under Article 88 of the Criminal Code on charges of 'propaganda against the state'. **Details of trial:** Tried by the Hai Phong People's Court on 29 January 2010 and sentenced under Article 88 of the Penal Code. There was no appeal. **Treatment in prison:** Pham Thanh Nghien's family was not able to visit her for many months after her arrest. **Health concerns:** Her family is seriously concerned for her health. **Place of detention:** Labour camp 5 Lam Son, Yên Định, Thanh Hoa, Việt Nam. **Other information:** Recipient of the 2009 Hellman Hammet Award. [RAN 47/08 - 23 September 2008; Update #1 – 9 April 2009]

**PHAM Van Troi**

**D.o.b.:** 1972. **Profession:** Dissident writer and activist, known for his contributions to the underground dissident review *Tu Do Dan Chu* (*Freedom and Democracy*). **Date of arrest:** 10 September 2008 **Sentence:** 4 years in prison and 4 years' probationary detention. **Expires:** 9 September 2012 **Details of arrest:** Amongst dozens of activists to have been arrested since September 2008 as part of an ongoing crackdown on peaceful dissent. **Details of trial:** Charged under Article 88 of the Penal Code for 'Conducting propaganda against the Socialist Republic of Vietnam'. Tried and convicted by the Hanoi People's Court on 8 October 2009. His sentence was upheld on appeal on 18 January 2010. **Place of detention:** Labour camp Nam Hà, Kim Bang, Hà Nam, Việt Nam. [RAN 47/08 - 23 September 2008, update 1 – 9 April 2009]

**TRẦN Anh Kim**

**D.o.b.:** 1949 **Profession:** Internet writer and dissident. Former army officer. Author of more than 60 articles and essays focusing in human rights and social injustice, secretary of the banned Vietnamese Democratic Party and member of Bloc 8406. **Date of arrest:** 7 July 2009. **Sentence:** Five and a half years in prison and three years' probationary detention. **Expires:** 7 January 2015. **Details of arrest:** Reportedly arrested and charged with 'Conducting propaganda against the Socialist Republic of Viet Nam' under Article 88 of the Criminal Code. Among five activists who were arrested in June 2009. Convicted of the more serious charge of subversion for his pro-democracy activities on 29 April 2010. Prosecutors asked for a lighter sentence in view of the military background of Mr. Kim, a wounded veteran. **Previous political imprisonment/problems:** Trần Anh Kim was known for drafting and circulating petitions protesting injustice and corruption in the Vietnamese Communist Party. In 1991, he was briefly detained and accused of "abuse of power to steal public wealth." He was arrested again in 1994 and sentenced to two years in prison. He was released after one year. In 2006 he joined the pro-democracy movement Bloc 8406. He was member of the editorial board of the underground journal *Fatherland*. Recipient of the 2009 Hellman Hammet Award. **Place of detention:** Labour camp Nam Hà, Kim Bang, Hà Nam, Việt Nam. [RAN 49/09 - 15 September 2009].

**Tran Khai Thanh THUY (f)**

**D.o.b.:** 1960. **Profession:** Writer and activist. **Date of arrest:** 8 October 2009 **Sentence:** Three and a half prison sentence and 47 months of probationary detention. **Expires:** 7 April 2013 **Details of arrest:** Tran Khai

Thanh Thuy was arrested after she publicly expressed her support for six dissidents facing trial. On the day of her arrest an incident took place near Thuy's home, in which two men reportedly attacked Thuy's husband, and she intervened on his defence. She was subsequently questioned and charged with assault, although it is widely believed that she herself was in fact the victim of the attack. **Details of trial:** On 5 February 2010, Thuy was sentenced by the People's Court in Dong Da District of Ha Noi. The verdict was given after a one day trial and was based on Article 104 of the Penal Code. At the same trial, Thuy's husband was given a two year suspended prison sentence and 47 months of probation, but has been allowed to remain at home to care for the couple's youngest daughter, aged thirteen. **Place of detention:** Labour camp 5 Lam Son, Yen Dinh, Thanh Hoa, Viet Nam. **Treatment in prison:** Her husband reported that on 5 August 2010 she was beaten by another detainee, allegedly in an attack orchestrated by the prison authorities. **Health concerns:** Tran Khai Thanh Thuy suffers from diabetes and tuberculosis, and there are serious concerns that her health is deteriorating in prison. **Other information:** Tran Khai Thanh Thuy is an established novelist, poet, essayist and former editor of the underground dissident magazine *To Quoc (Fatherland)*. She is a member of the Union of Writers and the Club of Women Poets of Hanoi. Recipient of the 2008 and 2010 Hellman Hammet Award. **Previous political imprisonment/problems:** Tran Khai Thanh Thuy has been under heavy surveillance and harassment since September 2006 for her critical writings published online. She was previously detained in April 2007 and held for nine months, and since her release in January 2008 she has been under heavy surveillance. (RAN 24/07 – Update #2) **Honorary member of:** American, English and Swiss Italian PEN.

#### **TRAN Duc Thach:**

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

#### **TRAN Quoc Hien**

**D.o.b.:** 1965. **Profession:** Internet writer and human rights lawyer. **Date of arrest:** 12 January 2007. **Sentence:** Five years in prison, followed by two years probationary detention. **Expires:** January 2012. **Details of arrest:** Reportedly arrested on 12 January 2007, the day after being nominated as the spokesperson for the Workers-Farmers Organisation (UWFO), an organisation which represents workers and farmers' rights and which is not recognised by the government. He was charged with 'spreading anti-government propaganda' on the Internet and 'endangering state security'. **Details of trial:** He was found guilty of both charges by a court

in Ho Chi Minh City on 15 May 2007, following a trial that reportedly only lasted four hours. **Place of detention:** Detention Camp Bo La 1, Binh Duong Province, Viet Nam. **Professional details:** Tran Quoc Hien is known for his critical writings published on the Internet, including a short story 'The Tail' about the experience of life under surveillance. He is a member of the pro-democracy movement 'Bloc 8406'. He is also a human rights lawyer, known for his work defending farmers whose land has been confiscated by local authorities. He had reportedly been under close surveillance for some time prior to his arrest. (RAN 26/07 – 24 May 2007).

#### **TRUONG Minh Duc:**

**D.o.b.:** 1960. **Profession:** Freelance journalist and political activist. Member of Bloc 8406 and the Vietnamese Populist party. **Date of arrest:** 5 May 2007 **Sentence:** 5 years in prison **Expires:** 4 May 2012 **Details of arrest:** He was arrested on 5 May 2007 and remained under interrogation at B-34 Detention Centre in Ho Chi Minh City, then transferred to a jail facility in Kien-Giang. **Details of trial:** Reportedly given a five-year prison sentence on 28 March 2008 for 'taking advantage of democratic rights to act against the state's interest' and 'receiving money from abroad to support complaints against the state', under Article 258 on the Criminal Code. The sentence was handed down by a court Vinh Thuan, in the southern province of Kien Giang. Duc is known for his articles on corruption and abuse of power since 1994 for various newspapers, under different pseudonyms. Among the pieces he wrote, and which are said to have incriminated him are the following articles: 'To Point at Corruption's Mandarins in Kien Giang Province'; 'Court of Tyrannous, Influential and Powerful Notables'; and 'Province Chairman, Inspectors in collusion with Judiciary System'. **Place of detention:** Labour camp Z30A (Phân khu 3) Xuân Lộc, Dong Nai, Viet Nam. **Health concerns:** His family reported that in January 2008 he broke his arm, and because of poor medical treatment has since been in poor health. Said to be suffering from high blood pressure and gastrointestinal problems. **Treatment in prison:** It is reported that he is detained with criminal prisoners in an isolated camp deep in the jungle. He has a limited access to his family.

#### **VU Van Hung:**

**D.o.b.:** 1966. **Profession:** Professor, activist and internet writer. **Date of arrest:** 18 September 2008. **Sentence:** Three years in prison and three years' probationary detention. **Expires:** 17 September 2011 **Details of arrest:** Arrested on 18 September 2008 and his home was searched by Security Police officers. Accused of writing slogans on a banner and then hanging it from a highway overpass in the capital Hanoi in July 2008. Amongst dozens of activists to have been arrested since September 2008 as part of an ongoing crackdown on peaceful dissent. **Details of trial:** Charged under Article 88 of the Penal Code for 'Conducting propaganda against the Socialist Republic of Vietnam'. Tried and convicted by the Hanoi People's Court on 7 October 2009. Sentence upheld on appeal on 18 January 2010. **Place of detention:** Labour camp Nam Ha, Kim Bang, Ha Nam, Viet Nam. **Treatment in prison:** There have been serious concerns for his health and well-being since his imprisonment. **Other information:** Recipient of the 2008 Hellman Hammet Award. [RAN 12/09 – 18 February 2009.]

#### *Imprisoned – investigation*

#### **\*PHAM Minh Hoang: (aka Blogger Phan Kiên Quốc)**

**D.o.b.:** 1955. **Profession:** Professor and blogger, with dual French and



Vietnamese nationalities. Reportedly arrested on 13 August 2010 and charged with ‘attempting to overthrow the government’ and ‘membership of a terrorist organisation’ for his alleged affiliation to Viet Tan, a US-based Vietnam Reform Party which is not known to use violence to achieve change. The charge, which falls under Article 79 of the Criminal Code, can lead to imprisonment or even the death penalty. According to his wife, the authorities have presented no evidence to charge him with any crime. **Place of detention:** Public security police detention centre at Ho Chi Minh city.

**PHAN Thanh Hai: (aka Anh Ba Sai Gon or anhbassg)**

**D.o.b:** 1969. **Profession:** Lawyer, independent journalist and blogger. **Date of arrest:** 18 October 2010. **Details of arrest:** Reportedly arrested by Public security police at his residence without any charges being made known. **Other information:** Phan Thanh Hai was known as an active member of the Free Journalist Network in Viet Nam (Cau Lac Bo Nha Bao Tu Do) since 2007. His blog <http://anhbasg.multiply.com> is known for its social and news reports about Viet Nam. His blog recently was hacked and erased completely three times by professional hackers. Public Security police frequently harassed and interrogated him about his blogging. He was intimidated and threatened during several brief detentions. **Place of detention:** Public security police detention centre at Ho Chi Minh city. Held incommunicado without access to his family as of 31 December 2010.

**LE Thang Long**

**D.o.b.:** 1968 **Profession:** Businessman and Internet writer **Date of arrest:** 4 June 2009 **Sentence:** Three and a half years in prison and three years of probationary detention **Expires:** 3 December 2012 **Details of the arrest:** Reportedly arrested by the Security Agency and was originally charged with ‘Conducting propaganda against the Socialist Republic of Viet Nam’ under Article 88 of the Criminal Code. **Details of the trial:** Le was tried and sentenced on 17 January 2010, for ‘carrying out activities aimed at overthrowing the people’s administration’ under article 79 of the Criminal Code. His initial sentence of five years was reduced by the Appeal People’s Court of Ho Chi Minh City. WiPC seeking further details about the reason for the charges. **Professional details:** Le is said to be an Internet writer and the founder of the website Improving and Promoting Vietnam. Amongst other positions, he is president of the Club of Business Professionals for the Promotion of Vietnam, and founder of various organisations. **Place of detention:** Labour camp Z30A K1, Xuân Lộc, Đồng Nai, Việt Nam.

**TRAN Huynh Duy Thuc (pen name: Tran Dong Chan)**

**D.o.b.:** 1966 **Profession:** Businessman and Internet writer **Date of arrest:** 24 May 2009 **Sentence:** Sixteen years in prison and three years of probationary detention. **Expires:** 23 May 2025 **Details of the arrest:** Reportedly arrested at his home by the Security Agency and was originally charged with ‘Conducting propaganda against the Socialist Republic of Viet Nam’ under Article 88 of the Criminal Code. There are reports that in August 2009, Tran was compelled to make a public confession. **Details of the trial:** Tried and convicted on 17 January 2010 for “activities aiming to overthrow the people’s government” under article 79 of the Criminal Code. The trial lasted one day, and neither Tran’s relatives or the press were allowed into the courtroom. WiPC seeking further details about the reason for the charges. **Professional details:** Tran is said to be the director general of the company One Connection Internet

Inc., and Founder of the Studies Group for Improving and Promoting Vietnam. He has various web blogs, the most prominent being ‘Change we need’, where he publishes his articles on the social and political situation in Vietnam, as well as his poems. He is said to be the co-author of the clandestine book *The Way for Vietnam*. **Place of detention:** Labour camp Z30A K1, Xuân Lộc, Đồng Nai, Việt Nam.

\***Le Nguyen Huong TRA (f):** Blogger, known for her blog *Co Gai Do Long*. Reportedly arrested in Ho Chi Minh city on 23 October 2010 for allegedly defaming a senior Communist Party official and his family in a blog she posted on 14 October 2010. Tra’s blog is said to be very popular among Vietnamese users. She writes about sensitive political issues with humour. If she is convicted, Tra could face up to seven years in prison. Still thought to be detained pending trial as of 31 December 2010. [On 21 January 2011, security police disclosed that Lê Nguyễn Huong Tra had been freed on bail pending trial after ‘she admitted a defamatory blog post’. No date for the trial has been set.]

**Conditional release**

**NGUYEN Van Ly:**

**D.o.b:** 1946. **Profession:** Priest, scholar, essayist and co-editor of the underground online magazine *Tu Do Ngôn luận (Free Speech)*. **Date of arrest:** 19 February 2007. **Sentence:** eight years in prison and five years of probationary detention. **Expires:** February 2015. **Details of arrest:** Reportedly arrested on 19 February 2007 during an “administrative check” at the archdiocesan building where he lives in the city of Hue. Two other editors of *Tu Do Ngôn luận*, Father Chan Tin and Father Phan Van Loi, were reportedly also placed under house arrest. **Details of trial:** On 30 March 2007 a People’s Court in Hue (Central Vietnam) sentenced Father Nguyen Van Ly to eight years in prison and five years of probationary detention under Article 88 of the Criminal Code for ‘conducting propaganda against the Socialist Republic of Vietnam’ (Article 88). A video footage of his sentencing is available on the Internet: <http://www.youtube.com/watch?v=bUSJeAakoXI>. **Place of detention:** Labour camp Nam Hà, Kim Bang, Hà Nam, Việt Nam. **Previous political imprisonment/problems:** Ly is a leading member of the pro-democracy movement “Bloc 8406”. He was previously detained from 1977-1978, and again from 1983-1992 for his activism in support of freedom of expression and religion. He was sentenced again in October 2001 to 15 years in prison for his online publication of an essay on human rights violations in Vietnam, and was a main case of PEN International. The sentence was commuted several times and he was released under amnesty in February 2005. **Temporary release:** On 15 March 2010 Nguyen Van Ly was released provisionally on medical grounds. The decision was taken by the Supreme Judge of the People’s Court on Ha Nam province, who ordered to temporarily defer Nguyen Van Ly’s imprisonment for one year, and that he should be placed under the administration of the People’s Committee of Vinh Ninh Ward, Hue City, Thua Thien, Hue province. Nguyen Van Ly’s health has seriously deteriorated in recent months, and he is said to be in urgent need of medical treatment which is unavailable in prison. He is expected to return to prison in March 2011. **Award:** In July 2008 Nguyen Van Ly received the Human Rights Watch administered Hellmann/Hammett award in recognition of his work in the face of persecution. He was also awarded the Sakharov Prize for Freedom of Thought 2009. **Honorary member of:** Sydney PEN. (RAN 12/07 - 28 February 2007; update #1 - 7 March 2007; updates #2 – 3 April 2007).

**Released**

**NGUYEN Kim Nhan:** Human rights defender and dissident writer, known for his writings on land rights and official corruption published in the underground review *To Quoc (The Nation)*. Arrested in September 2008 and sentenced to two years in prison and 2 years' probationary detention as part of an ongoing crackdown on peaceful dissent. His sentence expired in September 2010. [He was released in January 2011 and placed under 2 years' probationary detention.]

## EUROPE and Central Asia

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### ALBANIA

#### *Attacked*

**Piro NASE:** journalist for the newspaper *Panorama* and for *TV Planet*, was assaulted in Gjirokastra on 14 November 2010 after parking his car near his place of residence. It is alleged that two unknown persons suddenly appeared and started punching him in the head. Threatening statements such as: "Let's see if you will be more careful with what you write in that newspaper after tonight" allegedly accompanied the beating. PEN is awaiting further information.

### ARMENIA

#### *Imprisoned – Main case*

##### **Nikol (Nicole) PASHINYAN**

**D.o.b.:** 1 June 1975 **Profession:** Leader of the opposition party in Azerbaijan and editor of the pro-opposition newspaper *Haykakan Zhamanak* **Date of arrest:** 1 July 2009 **Sentence:** Three years imprisonment. **Expiry:** 30 January 2012. **Details of arrest:** Arrested after voluntarily coming out of hiding and giving himself up to law enforcement agencies. The charges are said to be linked to the March 2008 protests and riots that occurred after the official results of the presidential elections of 10 February 2009. Pashinyan went into hiding after the Armenian police launched a search for him on 10 March 2008. At the time, a state of emergency was imposed in Armenia's capital. **Details of the trial:** He was initially charged with 'organising mass disorder' and 'assaulting a state representative'. On 19 January 2010 the first instance court convicted Pashinyan to seven years in prison, on both accounts, under Articles 225.1 and 316.1 of the Criminal Code. On appeal, on 9 March 2010 the Criminal Court reduced the sentence to three years' imprisonment. The charges of 'assaulting a state representative' were dropped for lack of evidence. **Place of detention:** He is said to be held at Yerevan-Kentron prison. **Further information:** On 11 November 2010, Pashinyan alleges that he was attacked in his cell by masked men. Other prisoners and guards deny any attack took place. Pashinyan was moved to solitary confinement at the strict-regime Artik prison. PEN is awaiting further information.

#### *Imprisoned - Investigation*

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

### AZERBAIJAN

#### *Imprisoned - Main Cases*

##### **Eynulla FATULLAYEV**

**D.o.b.:** 25 September 1976 **Profession:** Editor of *Gündelike Azerbaijan* and the Russian language *Realny Azerbaijan*. **Date of arrest:** 20 April 2007 **Sentence:** Eight and a half years **Case (1)** Convicted c. 20 April 2007 to 30 months in prison on charges of libel and insult to Azerbaijanis in an article that Fatullayev says he did not write and had been manufactured as a way of silencing him. He was sentenced under Article 147.2 of the Azeri Penal Code by the Yasamal District court to two and a half years' imprisonment. Upheld on appeal on 22 August 2007. **Background:** The charges arose from a civil case raised in February 2007 by Tatyana Chaladze, head of the Azeri Centre for Protection of Refugees and Displaced Persons. She referred to a remark attributed to Fatullayev in which he is said to have reported that Azeris were responsible for the massacre of residents in Khodjali, in Nagorno Karabakh in 1992. This resulted in a fine levied on 6 April 2007 of 10,000 manats (US\$ 11,600). **Case (2)** Sentenced to eight and a half years imprisonment on 30 October 2007 by the Grave Crime Court in Baku on charges of terrorism and inciting ethnic hatred. These additional charges were levied against Fatullayev under Article 214 of the Penal Code on 22 May 2007 and confirmed on 4 July 2007. Said to be related to a commentary in *Realny Azerbaijan* published in early 2007 that focussed on Azeri foreign policy with Iran. The article was written by another reporter. The court also ruled that everything in Fatullayev's two newspaper's offices would be confiscated and a fine of 250,000 manat (US \$8,000) be imposed. **Appeal:** The sentence was upheld on appeal on 16 January 2008, and upheld again by the Supreme Court on 3 June 2008. **Background:** Fatullayev's reporting on the dispute had led him to come under attack by Azerbaijani nationalists in early 2005. **Case (3)** On 4 September 2007, tax evasion charges were levied by the Ministry of National Security following a search of his newspapers office and questioning of its staff carrying a penalty of six months imprisonment or a term in a labour colony. **Case (4)** While held in Prison #12, on 30 December 2009 Fatullayev was allegedly found in possession of 0.22 grams of heroin in his prison cell. On 31 December Fatullayev was taken to the Garadag District Court, where after a fifteen minute hearing, a judge

ordered that for the next two months he should be held in an isolation cell while he awaited trial on the drug possession charge. This period was extended on two further occasions. A preliminary hearing was conducted on 9 April 2010, and on 6 July 2010, the Garadagh District Court in Baku, sentenced Fatullayev to two and a half years in prison after finding him guilty of drug possession. According to his father, Fatullayev's new prison term begun on 6 July, despite the fact that he had spent about six months in pre-trial detention under this charge. **Prison conditions:** Fatullayev has staged protests in prison against political imprisonment and poor prison conditions. In April 2008, he staged a hunger strike in which he was joined by other prisoners and supporters outside. He ended his hunger strike twelve days after a visit from the Azeri representative of the OSCE, and the OSCE Representative for Freedom of Mass Media, Miklos Harastzi. Despite this, two days later he was placed in solitary confinement for ten days. **Previous arrest:** Fatullayev was served a two-year suspended sentence in September 2006 for defamation and insult against the interior minister, Ramil Usubov. He accused the minister of having links with Haji Mamedov, a former official on trial for his alleged involvement in the murder of journalist Elmar Huseynov. **Awards:** On 24 April 2008 Eynulla Fatullayev and two other Azeri journalists, received the Human Rights Watch-administered Hellmann/Hammitt award in recognition of their journalism in the face of persecution. Fatullayev was awarded the 2009 International Press Freedom Award by the Committee to Protect Journalists (CPJ). **Other information:** On 22 April 2010, the European Court of Human Rights ruled unanimously that Eynulla Fatullayev's 2007 convictions were contrary to his right freedom of expression, as stated under Article 10 of the European Convention on Human Rights. The European Court's position is that Eynulla Fatullayev should be released immediately and should also be given compensation. The Azeri authorities were officially notified of this decision. [RAN 27/07 Update #1 - 17 July 2007; Update #2 - 13 September 2007; Update #3 - 31 January 2008; Update #4 - 16 June 2008; Update #5 - 11 January 2010; Update #6 - 9 March 2010; Update #7 - 1 June 2010; Update #8 - 5 October 2010; Update #9 - 10 November 2010; Update #10 - 22 November 2010] **New information:** On 11 November 2010, in line with the European Court of Human Rights' decision, a judge at the Supreme Court reportedly threw out the eight-and-a-half-year sentence for allegedly inciting ethnic hatred and threatening terrorism. However, he lengthened the existing two-month prison sentence for tax fraud to two years and three months. It also appears that the court arbitrarily added a two-year conviction in another libel case to Fatullayev's record. The drug possession sentence remains. PEN is awaiting further information. **Honorary Member:** Lichtenstein PEN Centre and English PEN Centre.

### ***Imprisoned - Investigation***

**Nazim GULIYEV:** Founder and editor-in-chief of the newspaper *Ideal*, currently closed, was reportedly sentenced to thirteen years in prison and confiscation of his property by the Grave Crimes Court on 15 January 2010. The charges against him are: extortion (under Article 182 of the Criminal Code); hooliganism (under article 221); and illegal manufacturing, purchase, storage, transportation, transfer or selling of narcotics, psychotropic substances (under Article 234). Guliyev is serving his sentence in a special penitentiary. **Previous conviction:** Guliyev was arrested in late April 2009 and sentenced to six months in prison. Convicted regarding a criminal case filed in September 2008 by a Nagorno-Karabakh war veteran, who alleged that two articles published in *Ideal* in August 2008 harmed her dignity. Guliyev was sentenced to

pre-trial detention during a hearing in the Nasimi District Court on 30 October 2008; however by then he had gone into hiding. In late April 2009, Guliyev was arrested and on 26 May 2009 he was sentenced to six months on defamation charges (see previous caselist). PEN is seeking clarification of the current criminal charges so as to ascertain whether he is in fact detained for his writings.

### ***Released***

#### **Emin MILLI and Adnan HAJIZADE (HAJIZADA)**

Internet writers and youth movement activists. Arrested on 8 July 2009. Sentenced to two years and two and a half-years in prison respectively. **Details of arrest:** Arrested by the police in a restaurant in Baku following a scuffle outside between the two men and others. Milli and Hajizade claim that the incident was deliberately set up to provoke the fight, and that while they were victims of an assault, they are the ones to be prosecuted for "hooliganism" while their attackers were set free. **Details of the trial:** On 11 November 2009 a judge at the Sabail District Court in Baku handed down the prison sentences on charges of 'hooliganism' and 'inflicting minor bodily harm'. It was widely believed that these were fabricated charges, and that the reasons for both Internet writers' convictions are their postings on the Internet on government corruption, education and freedom of expression. The verdict against both internet writers was upheld by the appeal court on 10 March 2010, and again on 19 August 2010. **Professional details:** Milli is the co-founder of the online Alumni Network organisation and the editor of the internet television site, ANOT. Hajizade is the co-founder of the youth movement OL (To Be). Milli and Hajizade's most popular piece is a video that has been widely distributed on the internet in which a person dressed as a donkey holds a news conference and speaks about the good life in Azerbaijan, satirising the Azeri government's decision to pay very high prices to import donkeys. The video had been released just days before their arrest. **Place of detention:** Emin Milli was placed in Prison #5 in Salyan region, in early April 2010, and Adnan Hajizade was sent to Prison #14, in Gizidash. **Release:** Both men were freed by the court of appeal on 18 and 19 November 2010. (RAN 57/09 - 20 November 2009; Update #1 - 12 March 2010; Update #2 - 23 November 2010).

## **BELARUS**

### ***Killed: Motive Unclear***

**Aleh BYABENIN:** Journalist, human rights activist and founder of news website Charter97.org, was found dead at his house in Minsk on 3 September 2010, having apparently committed suicide. He was discovered hanging from a stairwell by family and friends. No suicide note was found, but prosecutors at first declared the death a suicide. However, following strong criticism by family, friends and colleagues of Byabenin, Minsk prosecutors have now announced that they are considering other motives for the death, and have reportedly opened a criminal case. Friends and colleagues have said they are suspicious about the circumstances surrounding the death. Natalia Radina, editor of Charter97, said that the day before his death, Byabenin had made plans with friends to go to the movies the following day. When he failed to turn up, friends called him, but received only a text message in reply, saying that he was driving to his summer house and could not respond to calls. Political activist and friend, Dmitry Bandarenko, said he saw Byabenin's body in early September. He told the Committee to Protect Journalists (CPJ) that there were injuries and bruising around the ankles, left hand, chest and back. **Background:**

Byabenin had been harassed by the authorities on numerous occasions over the years. In 1997 he was abducted, reportedly by the KGB, and in 1999, he was severely beaten by a right-wing group with KGB links. His website, Charter97, reports on government wrongdoing, corruption in the security services and human rights abuses. Many of its staff have been interrogated by the police and have had their reporting equipment confiscated. Dmitry Bandarenko told CPJ that Byabenin had agreed to support opposition candidate Andrei Sannikov in the 2010 presidential elections. (Sannikov was later arrested in December 2010 after protests against the presidential election results.) A recently-passed law, Decree No. 60 strictly regulates the use of the internet in Belarus. **Update (21 Sept 2010):** Belarusian Deputy Prosecutor-General Andrei Shved says the Prosecutor-General's Office is checking several theories related to the death of journalist Aleh Byabenin, including suicide and murder. The Organization for Security and Cooperation in Europe called on the Belarusian authorities to hold an independent investigation into the death of Byabenin.

### Main Case

**Vladimir Neklyayev:** writer, poet, former president of the Belarus PEN Centre and the Tell the Truth party's candidate in the presidential elections, was detained by the KGB and assaulted during the mass arrests that took place following protests against the flawed presidential elections in December 2010. He is charged under Article 293 of the Criminal Code of Belarus ('Organization of riots'). He was seriously beaten by the security services and suffers from high blood pressure. It is unclear what treatment he is receiving. He has been denied access to his lawyer and faces up to 15 years if convicted. **Background:** arrested by the armed police on 18 May 2010, during raids on civil society groups throughout the country. Officers seized computers, mobile phones, memory sticks, books and leaflets. Neklyayev was charged under Article 250 of the Criminal Code for "dissemination of false information". By 25 May 2010, Neklyayev was freed, but the charges remained. Some believe that the raids were aimed at intimidating opposition groups in advance to the February 2011 presidential elections. [RAN 35/10, Update #1 – 26 May 2010; (RAN 35/10 Update # 2 – 20 December 2010; RAN 35/10 Update # 3 - 21 December 2010; RAN 35/10, Update # 5 – 5 January 2011).

**Natalia RADZINA (f), Irina KHALIP (f):** Journalists for the website [www.charter97.org](http://www.charter97.org) and for the Russian *Novaya Gazeta* respectively, were detained and assaulted during the mass arrests that took place following protests against the flawed presidential elections in December 2010. **Radzina** was badly beaten after her arrest and there are distressing reports that she suffered bleeding from the ears. She has been charged with 'organizing and participating in mass disorder,' two separate charges in Belarus which carry potential sentences of 15 and 8 years' imprisonment respectively. She is being held in an isolation unit and her lawyer has been forced to sign a gagging order. **Khalip** is the wife of opposition candidate Andrei Sannikov (also detained). She was severely beaten by police when giving an interview to the Russia radio station Echo Moskvyy. She is being held in isolation by the KGB, and, like Radzina, is charged with 'organizing and participating in mass disorder' and faces 23 years in prison if convicted. Her lawyer has also been forced to sign a gagging order. There have also been very disturbing reports that the state has attempted to seize Khalip's 3-year-old son (currently staying with his grandparents). **Background:** Both journalists have suffered regular harassment at the hands of the Belarusian authorities, with their homes raided and equipment confiscated on charges of slander. Radzina was

summoned for questioning on 1 July 2010, questioned about 'computer crimes' and in connection with a case regarding 'disseminating false information on the internet.' Radzina said that the government was trying to crack down on freedom of expression before the presidential elections in December. (RAN 35/10 Update # 2 – 20 December 2010; RAN 35/10 Update # 3 - 21 December 2010; RAN 35/10, Update # 5 – 5 January 2011).

## BULGARIA

### Killed – Investigation under way

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

## CROATIA

### Killed – investigation under way

**Ivo PUKANIC:** co-owner and director of the weekly news magazine *National* was killed by a bomb on 23 October 2008 outside the headquarters of the magazine in central Zagreb. The marketing director of the *National* was also killed. This was not the first attack against Ivo Pukanic, aged 47. There are reports that in 2002 a man attempted to stab him, and that since then he was constantly under police protection. Again, in April 2008, an unidentified attacker shot at Pukanic close to his flat in Zagreb. Some reports linked the attacks to Pukanic's critical reporting, others suggest that there may be personal reasons behind it. On early November 2008 it was reported that the Croatian police had charged five men, three of whom are arrested, and that it had issued international arrest warrants for the other two. One of the fugitives is believed to be a Bosnian Serb, former member of the group called Red Berets. The authorities are reportedly working together with the Bosnian police. In early June 2009 it was reported that three men had been detained in Belgrade, Serbia, on suspicion of participating in Pukanic's killing. Reports say that on 26 October 2009, Prosecutors in Serbia and Croatia charged eight suspects over Pukanic's killing. **Further information:** In Zagreb, in early February 2010, a trial began against four of the suspects of Pukanic's murder. The other suspects remain in custody in Serbia and Bosnia. PEN is seeking further information.

### Threatened

**Sergej TRAJKOVIC and Tomislav KUKEC:** Journalists for the Croatian newspaper *Jutarnji List*, have reportedly been threatened and harassed by government officials and meat processing companies following the publication of a series of articles alleging health-threatening practices in the Croatian meat industry (including the selling of



long-expired meat). They began publishing these articles on 28 August 2010, and have faced alleged threats and attempts to prevent them from publishing.

**Novosti (Croatian newspaper):** journalists (names not given) received telephone and email threats. On 6 October 2010 the weekly newspaper, which is published by the Serbian national minority in Croatia, received numerous phone calls and emails in which anonymous persons made death threats to the staff. The threats appear to have been prompted by the cover page of the latest issue of *Novosti*, which refers to a recent incident in which two Croatian military aircraft collided and crashed, seriously injuring one person. The cover page featured two MiG planes and a title: "Both of them, both are down!" This particular cover page triggered strong anti-*Novosti* verbal reactions in Croatia from several public figures, including military officials.

## CYPRUS (REPUBLIC OF)

*Killed – investigation underway*

**Andis HADJICOSTIS:** Chief executive of the *Dias Media Group*, was reportedly shot dead outside his home in the city of Nicosia, on 11 January 2010. The police could not find the bullet casings at the scene of the crime. *Dias Media Group* reportedly is one of the largest media companies in the country, owning several magazines and newspapers, as well as television and radio stations. The investigation into his death is ongoing.

## GREECE

*Killed*

**Socrates GIOLIAS:** Journalist and contributor to the Greek political blog, *Troktiko*, was murdered outside his home in Athens on 19 July 2010. He was shot to death by three men disguised as security guards. Greek police said they had not established a motive for the attack, but an organisation called Revolutionary Sect has claimed responsibility for the murder. In a statement made on 28 July 2010 to the Greek national newspaper Ta Nea, the organisation also made a series of threats against other journalists, policemen and politicians, reportedly for 'errors' committed by them.

**Background:** According to colleagues of Giolias, he was about to publish an investigation into corruption. PEN is awaiting further information.

*On trial*

**Takis MICHAS:** Journalist and writer, is on trial for defaming Stavros Vitalis who claims to have led the Greek volunteers who fought for the Serbian Army during the Bosnian War in 1995. Earlier reports suggested that Michas was on trial for his book *Unholy Alliance: Greece and Milosevic's Serbia*. However, recent reports say that the criminal complaint, filed against Michas on 30 July 2009 is in connection with views expressed in an article that Michas took from the Bosnian weekly, *Global*, and reprinted in the Greek newspaper, *Saturday Eleftherotypia*. The article, 'They Saw Mladic and Karadzic at a Small Church,' notes the presence of Greeks in the Serbian army, which is considered responsible for carrying out the massacre in Srebrenica in 1995. It also notes that these volunteers have never been prosecuted by the Greek authorities. In the indictment, Michas is accused of 'disseminating before third parties, falsehoods regarding another person that could harm his honour and reputation, while knowing these facts were untrue.' The name of the plaintiff, Stavros Vitalis, is not mentioned in the article, although he is

well-known in Greece for having served with other Greek volunteers in the Serbian army. The hearings were due to start on 20 September 2010 in a court in Athens. PEN is awaiting further information.

## GEORGIA\_

*Attacked*

**Temur TSKHOREBOV:** Editor of the newspaper 21<sup>st</sup> Century and civil society activist, was attacked by a group of up to ten people in Tskhinvali on 24 July 2010, according to a report by his friend, human rights activist Vissarion Asseyev. Asseyev says that Tskhorebov was hospitalised after the attack, and that the editor was assaulted because of his civil activity. He also says that the attack took place in front of police officers, who he says did nothing to prevent it. Tskhorebov took part in the Georgian-South Ossetian civil forum which adopted an appeal to the Geneva discussions participants to resolve humanitarian problems. South Ossetian presidential envoy, Boris Chochiyev had described Tskhorebov's activity at the forum as a betrayal of national interests. Asseyev also says that Kazimir Pliyev, member of parliament for the People's Party, had threatened by phone to have him killed.

*Non custodial sentence*

**Shota GAGARIN, Aleksi CHIGVINADZE, Irakli KAKABADZE:** Poets, were arrested, convicted and fined following an act of peaceful demonstration. On 14 August 2010, the poets were protesting on George W. Bush Street in Tbilisi, demanding that the street be renamed Walt Whitman Street. They read poetry by the American poet and defaced the current street name sign. According to the Public Defender (Ombudsman) of Georgia, they were arrested and charged under Article 173 of the General Administrative Code of Georgia for 'evil resistance to the police.' They were held over night, and were reportedly abused physically and verbally. On 15 August 2010, they were found guilty at a hearing conducted behind closed doors. Family and media were denied access to the hearing. Video showing that they did not resist arrest was deemed inadmissible by the judge. They were fined \$250 each, the usual penalty being \$30, with no arrest. They have appealed, but have not received a response from the court. The poets are well known activists who often use acts of civil disobedience to highlight their concerns. PEN International wrote to the Georgian government, calling on it to ensure that the three poets received a fair hearing.

## KAZAKHSTAN

*Imprisoned - Main case*

**Ramazan YESERGEPOV (Esergepov)**

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

which is said to deal with a tax fraud allegation. Since December 2008, *Alma Ata Info*, has been investigated for the disclosure of two leaked memos which were published alongside the cited article. During the trial Yesergepov maintained his innocence and stated that the facts in his article were of public interest. The verdict was announced on 8 August 2009 behind closed doors, without the presence of journalists. According to press reports, a former Supreme Court Judge stated that a number of norms were contravened during the trial and that, as a consequence, Yesergepov should be retried. The sentence was based in articles 172 and 339 of the Kazakh Criminal Code. In October 2009 the verdict against Yesergepov was upheld by a regional court in Taraz. **Parole:** On 23 January 2010, the prison commission rejected a request for early parole filed by Yesergepov, after serving one year of his sentence. According to his wife, in an early meeting, the commission agreed to parole him, but changed their decision under pressure 'from above'. **Health concern:** On 25 June 2010, Yesergepov announced he will go on hunger strike on 6 July, as a way of protesting for his imprisonment and for the alleged failure of the Organisation for Security and Cooperation in Europe (OSCE) to deal with the Kazakhstan's human rights violations. 6 July marks the first half of Yesergepov's sentence. (RAN 10/09 – 13 February 2009; Update #1 – 21 August 2009)

#### ***Imprisoned - investigation***

**Alpamys BEKTURGANOV:** Writer and former adviser for the governor of the western Kazakhstan region, was reportedly sentenced to one year in prison on charges of 'libel', on 13 August 2009. This charge is linked to a press conference lead by Bekturganov on 15 July 2009, in which he reportedly criticized the then governor. Days after the conference, Bekturganov was dismissed from his job. While serving this sentence, on 22 September, Bekturganov was handed down another three-year prison sentence on charges of 'abuse of office' while holding the position of deputy head of Oblast Culture Department in 2006. The charges alleged that Bekturganov made an illegal profit by selling his books to regional libraries. However, there are suggestions that he is being punished for his critical views. The confiscation of his property was also ordered and he was prohibited from holding official posts.

## **KYRGYZSTAN**

#### ***Killed: investigation ongoing***

**Alisher SAIPOV:** journalist, aged 26, of Uzbek ethnicity. Shot at close range by an unknown gunman in front of several passersby on 24 October 2007 in the city centre of Osh. Saipov was the editor of the independent, Uzbek language newspaper, *Siyosat (Politics)*. He had also worked for a number of publications including [www.fergana.ru](http://www.fergana.ru), Voice of America and Radio Free Europe/Radio Liberty. He also reported for the London based Institute for War and Peace Reporting. **Background:** Saipov was a well known journalist who had been outspoken in his criticism of the Uzbek authorities, particular the country's dire human rights record. Among other stories, he covered the mass killings of citizens by Uzbek soldiers in Andijon in May 2005. **Investigation:** Early on, Kyrgyz police said that Uzbek agents might have been involved in his murder. However a statement on 31 October 2007 by a Kyrgyz Ministry of the Interior official indicated that there was no evidence of this. Osh is known to have been infiltrated by Uzbek security agents and there are reports that the Uzbek exile community there have suffered threats and intimidation. Kyrgyz officers sealed his office, and seized computers

and mobiles, it is said in an attempt to investigate Saipov's contacts. However colleagues fear that sensitive information could be passed on to the Uzbek authorities, enabling them to identify Saipov's sources. Furthermore, on 1 November 2007, the CPJ expressed alarm that the Kyrgyz authorities had publicly stated that Saipov had links with the banned Uzbek Islamic groups, Hizb ut-Tahrir and the Islamic Movement of Uzbekistan, citing material allegedly found on his hard drive. His colleagues condemn this preliminary statement as unprofessional and biased, pointing out that Saipov would have been in touch with these groups in his professional capacity as a reporter. On 21 November 2008 it was reported that the Deputy Minister of Internal Affairs stated that journalism had been ruled out from the investigation into Saipov's death. **Arrest of suspect:** In April 2009 investigators announced the detention of a suspect and said that they had recovered the murder weapon. On 9 December 2009 the Supreme Court stated that the prosecution of the suspect Abdufarit Rasulov could proceed. The suspect has denied involvement in Saipov's death. **Death threats:** In the months prior to his death, Saipov reported receiving death threats and to being followed by unknowns. A local state television station in Uzbekistan had also recently aired a program in which Saipov was described as deliberately attempting to destabilise Uzbekistan through his reporting. He had for some months been subject to an internet smear campaign from Uzbekistan. The Kyrgyz President Bakiyev has taken on direct responsibility for resolving the murder. **Award:** In 2008 an award in Saipov's name was established in Kyrgyzstan, to reward young journalists. In 2009 the prize was given in three categories: for professional commitment, for active civil position, for adherence to human rights. **Family:** Saipov was married. His first child was born just three months before his death.

#### ***Killed – trial underway***

**Almaz TASHIYEV:** Social affairs journalist for the *Agym (Stream)* newspaper, died on 12 July 2009 after being reportedly beaten on 4 July by eight police officers in the southern town of Nookat, in the Osh region. Tashiyev's family said that after the attack, the reporter fell into a coma. There are reports that a police officer confessed to getting into a fight with Tashiyev over a private matter. Other reports suggest that on the day of the assault, the journalist and a friend went to the local police station to renew a passport. When they arrived at the station, an improvised celebration for a police officer's promotion was taking place, and it was then when a policeman started arguing with the journalist. Tashiyev's reports were critical to the local government. The local prosecutor is investigating the journalist's death. **New information:** It was reported that in late February 2010, two former police officers received a two-year conditional prison sentence for Tashiyev's death. According to the journalist's family, the prosecutor asked for a sixteen year prison sentence against the policemen. Their solicitor is appealing this verdict. PEN is awaiting further information.

#### ***Imprisoned: investigation***

**Ulugbek ABDUSALOMOV:** Editor-in-chief of the newspaper *Diydor*, was arrested in the Jala-Abad region on 14 June 2010 in connection with the May 12-15 protests by ethnic Uzbeks in Jalal-Abad that sparked violent retaliation from the ethnic Kyrgyz population. On the day of his arrest, Abdusalomov's car was blocked by another car without licence plates; various men in camouflage detained him and took him to the regional headquarters of the Kyrgyz Security Service. He was then transferred to a pre-trial detention centre in Jalal-Abad. In August

2010, he was charged with organising and participating in mass disorder, promoting separatism, and incitement of ethnic hatred through an article published in *Diydor*. This article quoted reports from Uzbeks saying that they'd suffered ethnic discrimination living in southern Kyrgyzstan. According to his colleagues, Abdusalomov was actually in the capital, Bishkek, at the time of the protests, and was taking part in meetings of the government-sponsored Constitutional Council. An official transcript of the meeting confirms this. **Health:** Abdusalomov is seriously ill and is not receiving adequate medical assistance. In 2009 he suffered a cerebral haemorrhage. He also suffers from high blood pressure, stomach ailments and a heart condition, and requires constant medical care. He has been repeatedly transferred back and forth between the regional hospital and his pre-trial detention centre, where conditions are reported to be very poor. **Other Info:** The Central Asian PEN Centre in Kyrgyzstan has written to the Ombudsman KR, Public Authority for Human Rights in Kyrgyzstan, asking for an open and fair investigation of Abdusalomov's case. The Committee to Protect Journalists (CPJ), reported that the newspaper *Diydor* was not critical of the authorities and that it was published in Uzbek and Kyrgyz languages.

**Azimjon ASKAROV:** Journalist and head of the human rights group Vozdukh, was sentenced to life imprisonment on 15 September 2010. He was convicted on a wide range of charges, including complicity to commit homicide and murder of a police officer (two separate counts related to the same incident), possession of ammunition and extremist literature, and attempted kidnapping. The Kyrgyzstan-based ethnic Uzbek was detained on 15 June on charges of inciting ethnic violence during the violent, inter-ethnic disturbances that took place in Kyrgyzstan in May and June 2010. He was arrested in the village of Bazar-Korgon, where, on 12 June, a police officer was killed and several other wounded in the clashes. In August, prosecutors extended the charges to include complicity to commit homicide and murder of a police officer, possession of ammunition and extremist literature, and attempted kidnapping. Reports of Askarov's torture in police custody and of intimidation of his lawyer have gone uninvestigated. Askarov's lawyer claims that his client was not present at the riots. This claim is supported by news reports. CPJ claims that the charges are unfounded and that Askarov may have been targeted for revenge by Jalal-Abad law enforcement because of his documentation of human rights violations, including by local police, in southern Kyrgyzstan. **Note:** PEN International is seeking clarification re the details of the case, specifically in relation to Askarov's writing status and the charges brought against him. **Update:** 4 November 2010, appeal against life sentence denied. Askarov's lawyer and witnesses cited by Human Rights Watch say that Askarov has been beaten repeatedly whilst in custody.

## MALTA

### On trial

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

## MOLDOVA Transdnier Republic

### Imprisoned – Main Case

**Ernest VARDANIAN:** Journalist and political analyst for the newspaper *Puls*, freelancer for the news agency *Novy Region* and occasional reporter for Radio Free Europe/Radio Liberty, was sentenced on 17 December 2010 to 15 years in prison on treason and espionage charges in the separatist Transdnier region of Moldova. He was arrested at his home on 7 April 2010 by armed officers from the Ministry of State Security of the (unrecognised) Pridnestrovian Moldavian Republic (PMR), who also seized computers, notebooks, audio and video recording equipment. The journalist was charged with 'high treason' and 'espionage.' According to the *Novy Region's* director, Vardanian's work had recently focused on international politics, and not matters related to the PMR. According to press reports he has been transferred to a strict-regime penal colony. Reportedly, the Vardanian family lawyer was not allowed to represent the journalist in court. His wife was not informed of the trial dates. PEN is seeking more information.

## MONTENEGRO

### Death threat

**Zeljko IVANOVIC, Slavoljub SCEKIC, Balsa BRKOVIC, Ljubisa MITROVIC, Milan POPOVIC:** founder and director of the newspaper *Vijesti*, editor-in-chief, editor, editor, and university professor respectively, allegedly received, on 24 September 2010, threatening letters containing threats such as: "It is over, you are next" (rough Eng. translation from "Gotov si, ti si sledeci"). All five men are members of the the *Vijesti* Publishing Group in Montenegro. **Background:** *Vijesti* is well known for its investigative reporting and critical coverage of the government, and its journalists have been threatened and attacked before. On 1 September 2007 Zeljko Ivanovic was physically attacked by several assailants near a restaurant, where the newspaper had celebrated its 10th anniversary. Ivanovic was injured in this attack and received medical help. On 24 October 2006, Jevrem Brkovic, a leading novelist in Montenegro, was attacked by masked assailants, while his driver Srdjan Vojcic was shot dead, close to the place where Ivanovic was attacked.

## RUSSIA

### Killed – investigation/trial under way

**Bella KSALOVA (F):** Correspondent for the Caucasian Knot news agency, was run over by a car near her house in Cherkessk on 25 July 2010. She later died in hospital of her injuries. Reports of the preliminary investigation say that the driver, Arsen Abaikhonov, was sober and stayed at the scene of the accident, and that his car belonged to RosPrirodNadzor, a federal agency which oversees the use of natural resources. Reports also say that the local police describe Ksalova as having crossed the road in 'the wrong place.' **Background:** According to reports by free press organisations, Ksalova frequently upset local authorities and she repeatedly claimed that she was under surveillance. She often wrote about issues related to freedom of expression, and she provided coverage of extraordinary congresses where the republic's leadership was severely criticised. Her most recent articles described constructive trends in the republic and measures to restore ethnic culture and traditions, such as revitalising the Abazin language.

**Natalia Estemirova (f):** Journalist and human rights defender, was abducted as she left her home for her office in Grozny, and was murdered on 15 July 2009. Her body was in woodland in neighbouring Ingushetia. She had been shot in the head and chest. Estemirova, of Russian-Chechen descent, worked at the Grozny office of Memorial, Russia's best known non-governmental organisation. She investigated torture, killings and other abuses in Chechnya, and was the first recipient of the annual Anna Politkovskaya Award given by the Reach All Women in War campaigning group. Estemirova was also awarded for her courage by the Swedish and European parliaments. She worked with Politkovskaya from 2001 until 2006, exposing abuses carried out by Russian armed forces in Chechnya and by Moscow-backed Chechen officials. Russian President Dmitry Medvedev condemned the murder and ordered an inquiry. The Chechen President Ramzan Kadyrov also called for those responsible to be brought to justice. The organisation Memorial, has since closed its Grozny office, fearing for the safety of its staff. **Update on the investigation:** In late February 2010, the agency investigating Estemirova's death confirmed that it had identified the murder suspect, who was said to be in hiding. Estemirova's supervisor at Memorial told new agency Interfax that, after gaining access to some of the case's investigative materials, it was discovered that the suspected murderer had already been killed. Russian investigators deny this. On 12 July, the Moscow newspaper, *Novaya Gazeta*, published an article criticising the investigation for a series of flaws. These included a failure to interview key witnesses, a failure to thoroughly analyse DNA material collected from Estemirova's body, and a failure to place at-risk witnesses under protection. The article also criticised the investigation for allegedly focusing on a single suspect who was already dead. **Other information:** The Chairman of the Memorial Centre, Oleg Orlov, is on trial on charge of slander against the Chechen president. He reportedly suggested that the Chechen president was responsible for the Estemirova's death. If convicted, Orlov could face up to three years in prison. (RAN 28/09 – 16 July 2009; Update #1 – 23 July 2009) **UPDATE:** In September 2010, Russian investigators, following a meeting with a delegation from the Committee to Protect Journalists (CPJ), pledged to pursue 19 cases of murdered journalists, of whom Estemirova is one. The investigators provided the delegation with the following update: authorities said they are trying to locate and arrest a Chechen guerrilla fighter who they allege murdered Estemirova. Investigators maintained that the suspect is alive and in Russia. They told CPJ that they have questioned Kadyrov, but found no evidence of his involvement.

**Stanislav MARKELOV and Anastasiya BABUROVA (f):** lawyer and journalist for the independent newspaper *Novaya Gazeta*, were shot dead in a Moscow street on 20 January 2009. They were attacked as they left a press conference at the Independent Press Centre. Markelov, a human rights lawyer who had also worked for *Novaya Gazeta* and had represented the journalist Anna Politkovskaya before she herself was assassinated in October 2006 (see below). Markelov had, just hours before his killing, issued a statement protesting the early release of a Russian army officer who had been convicted in 2003 for the murder of a Chechen girl. He represented victims of human rights abuses, including the families of Chechens who have disappeared. Anastasiya Baburova was walking alongside Markelov when he was shot. She reportedly attempted to apprehend the gunman, but was herself shot in the head, and later died in hospital. Baburova had joined *Novaya Gazeta* in October 2008 and had been researching neo-Nazism and race-motivated crimes in Russia. **Investigation into murder:** On 5 November 2009 a Russian Investigative

Committee charged Nikita Tikhonov (29) and Yevgenia Khasis (24), with Markelov and Baburova's murder. Unconfirmed reports say that both people were members of the Russian National Union, radical group that has been banned in the country. In late February 2010, it was reported that Tikhonov has been charged under Part 2 of Article 105 of the Russian Criminal Code, for murder motivated by political and ideological enmity. (RAN 07/09 – 2 January 2009)

**Anna Politkovskaya (f):** leading journalist and author, shot dead in the elevator of her apartment on 7 October 2006. Covered the war in Chechnya and had been receiving threats since 1999 after she wrote articles claiming that the Russian armed forces had committed human rights abuses in Chechnya. Despite these threats she continued to write and in 2003 published *A Dirty War: A Russian Reporter in Chechnya*. She was also a co-contributor to *A Small Corner of Hell: Dispatches from Chechnya*, published in 2003. Her most recent book, published in 2006, was *Putin's War: Life in A Failing Democracy*. In 2002 Politkovskaya was one of the few outsiders allowed into a Moscow theatre in an attempt to negotiate with Chechen rebels the release of hundreds of hostages held there. In 2004, she fell seriously ill as she attempted to fly to Beslan to cover the hostage crisis there, leading to speculation that she had been deliberately poisoned to stop her from reporting on the crisis. Politkovskaya was the winner of numerous international awards for her courage, including the 2004 Olaf Palme Award that was set up by the family of the murdered Swedish prime minister. The prize was given to Politkovskaya to honour her work for the "long battle for human rights in Russia". **Investigation into murder:** On 27 August 2007, the prosecutor general announced that ten suspects had been arrested in connection with the murder including Chechen criminals, former and serving members of the Russian Federal Security Services and police forces. (International monitors have voiced concerns about lack of transparency in the proceedings and conflicting statements that could undermine the investigation.) On 18 June 2008, the Investigative Committee announced that it had charged three men, a former police officer and two ethnic Chechen brothers. Two other investigations have opened, one in which the suspect remains in absentia, and another into the intellectual authors of the crime. The case was sent to Moscow District Military Court on 2 October 2008, allegedly because it contains classified material and because an officer of the Federal Security Service (FSB) is involved in the case. However, according to the Chief Investigator in charge of the case, this FSB officer is not directly charged with Politkovskaya's murder, but with abuse of office and extortion. **Trial:** On 17 November 2008 the trial of Politkovskaya's alleged murderers began, at first open to the public, but then behind closed doors. On 19 February 2009, the men accused of assisting Politkovskaya's murder were acquitted by a twelve-member jury for lack of evidence. After prosecutors appealed the non-guilty verdict, the Supreme Court overturned this decision and ordered a retrial. **Recent developments:** On 3 September 2009 the Supreme Court returned the case to Russia's General Prosecutor for further investigation on the men suspected of involvement on the journalist's murder. **Honorary member:** PEN Canada **UPDATE:** In September 2010, Russian investigators, following a meeting with a delegation from the Committee to Protect Journalists (CPJ), pledged to pursue 19 cases of murdered journalists, of whom Politkovskaya was one. The investigators told the delegation that Politkovskaya's killers were Chechens (though as yet unnamed), who were motivated by a desire to ingratiate themselves with Chechen President Ramzan Kadyrov (although there is no evidence directly linking the crime to Kadyrov). They confirmed that one suspect

had fled Russia and was believed to be hiding in a European country. The investigator told CPJ that he would seek the suspect's arrest and extradition. PEN is awaiting further information.

### **Imprisoned - Investigation**

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

**Anatoly SARDAYEV:** editor in chief of the weekly *Mordoviya Segodnya* (*Mordoviya Today*) based in the city of Saransk, the capital of the Central Russian Republic of Mordoviya. He was sentenced on 29 June 2007 for embezzlement and misuse of funds when he was head of the Mordoviya postal service in 2004, and was given a 5 ½ year sentence, and a fine of around US\$ 4,000. However colleagues and press freedom monitors are concerned that the sentence may be a means of punishing his newspaper for critical reports on the local authorities. One article that carried a survey of public opinion polls published in April 2007 that said that the majority of Russians view law officers with distrust and that 46% of respondents would consider resisting a soldier's orders. Sardayev's supporters also point to a number of instances of harassment since early 2004. PEN is seeking further information.

### **On trial**

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

**Nadira ISAYEVA (f), Timur MAGOMAYEV, Artur MAMAYEV, Magomed MAGOMEDOV and Biyakai MAGOMEDOV:** Editor-

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

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

### **Judicial Concern**

**Boris STOMAKHIN:** contributor to *Radikalnaya Politika* and the Chechen rebel-run website Kav-Kaz Centre. Sentenced to five years in prison on charges of inciting ethnic hatred and supporting terrorism on 20 November 2006. Prosecuting authorities state that his articles called for "destroying of the Russian people as a nation". He has been imprisoned since his arrest on 22 March 2006 when he fell from a Moscow window in an attempt to escape police. It is thought he suffered a fractured spine and damage to his knee. He was first held in a prison in Moscow, then transferred on 25 June 2007 to another in Nizhny Novgorod, some 400

km from the capital. The charges relate to an article published in 2003 following a complaint that the newspaper was published by “Chechen radicals”. Stomakhin fled Moscow but returned after an unsuccessful appeal for asylum in Ukraine. **PEN Position:** PEN understands that many of the articles do call for violence and justify terrorist acts such as the seizure of the theatre in Moscow in late 2003. Stomakhin, in his defence, states that his comments were simply opinions and not calls for action and a number of NGOS have called for his release, referring to his writings as while being on the one hand “outrageous”, on the other they do not directly incite violence.

### **Brief detention**

**Yelena KOSTYUCHENKO (F)** and **Yury TIMOFEYEV:** Reporter for the Novaya Gazeta and journalist for Radio Liberty, respectively, were arrested by police on 23 July 2010 while covering a protest organised by environmental activists in the Khimki Forest. Kostyuchenko and Timofeyev were taken to a nearby police station following their arrest, and both were allegedly manhandled. Kostyuchenko allegedly sustained a neck injury as a result of a violent blow. According to Reporters Without Borders, she subsequently fell ill while in the police van that was taking them to the police station. Kostyuchenko was charged with resisting the police. After she was summarily tried and released, Kostyuchenko was taken to a hospital, where doctors diagnosed a displacement of the cervical vertebrae. Timofeyev was released for lack of evidence. Kostyuchenko has decided to press charges against the police for ‘detention, mistreatment and damage to health’ while the Novaya Gazeta has filed a complaint accusing the police of ‘illegal action. The Russian Union of Journalists may also bring a legal action.

### **Released**

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

### **Released – investigation into attacks underway**

**Mikhail BEKETOV:** Journalist and former editor of the independent *Khimkinskaya Pravda* newspaper, was tried and found guilty of slandering the mayor of Khimki on 10 November 2010. A month later, on 10 December 2010, his conviction was overturned by the Khimki City Court. On 11 November 2010, Russia’s top investigator, Aleksandr Bastrykin, ordered the reopening of a probe into a near-lethal attack on Beketov that occurred in November 2008. Beketov alleged that the mayor, Vladimir Strelchenko, had been behind attacks on his property. **Background (Trial):** The trial was connected with incidents from May 2007, when unidentified men set Beketov’s car on fire. In a separate incident that year, his dog was deliberately killed. Beketov accused the mayor of masterminding the burning of the car as a warning to him over his journalism. The first hearing took place on 12 October 2010. **Background (Assault):** Beketov was beaten by unidentified attackers at his house in Khimki and left in a coma on 13 November 2008. The attackers broke his skull, smashed the fingers of both hands, broke his legs, and left him for dead in the freezing cold. He spent three weeks in a coma, had seven

surgeries including leg and finger amputations. Due to damage sustained to his throat, 51 year old Beketov must re-learn how to speak. According to doctors, his rehabilitation will take months, if not years. Beketov is well known for his fiercely independent investigations. At the time of the attack, Beketov was reporting on a proposed highway that would have destroyed a forest in Khimki. He criticised his city government’s policies through the pages of his newspaper, and exposed various blunders committed by the Khimki administration headed by Mayor Vladimir Strelchenko. There were no arrests, and according to *Novaya Gazeta*, the Khimki police ignored key evidence from the crime scene: officers did not examine recordings by security cameras across from Beketov’s home that could have captured the attack; allegedly, Beketov’s neighbors were never questioned in detail. **More Information:** Two months after Beketov was beaten, the lawyer representing his interests, Stanislav Markelov, was murdered (see above). Beketov had received death threats a week before the attack and reported them to the police. The previous attacks on Beketov are also unsolved. After *Khimkinskaya Pravda* published an article on excavations at a World War II burial site in 2007, local prosecutors brought defamation charges against Beketov.

### **Case Closed**

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

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

## **SERBIA**

### **Death threat**

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

## Attacked

**Teofil PANCIC:** Political journalist for *Vreme* and Radio Free Europe/Radio Liberty, was attacked by two men with a metal bar on a Belgrade bus on 24 July 2010. He suffered concussion and arm injuries as a result. He says that he suspects that he was followed by his assailants before the attack. The alleged attackers were arrested by Serbian police who identified them as members of one of the extremist organisations in Serbia that target those of different ethnicity or religion, NGO activists, politicians and intellectuals. Pantic is known for his criticism of runaway nationalism and sports-related hooliganism in Serbia.

## SPAIN

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

### Imprisoned - Investigation

**Javier SALUTREGI:** sub-editor for *Egin*, that was forcibly closed in 1998 by a court order, which was subsequently lifted in 1999. *Egin* was accused of printing coded messages for ETA and thus supporting "terrorism". Salutregi was charged alongside Teresa Toda (below) and 15 admin staff of the newspaper. Salutregi was Arrested on 22 July 1998 and freed on €50,000 bail on 20 November 1998, reduced to €000 in December 1999. He received a 12- year sentence on 19 December 2007 on charges of membership of an armed organisation, and was arrested on 30 November 2007 to start serving his sentence. The sentence was subsequently reduced to seven years and six months. On 3 July 2008 he was released on bail from the Picassent prison, reportedly on health grounds. However he was re-arrested in April 2009 and remains in prison. He is expected to be released at the end of 2014.

**Teresa TODA (f):** (dob 1950) journalist and sub-editor for *Egin* that was forcibly closed in 1998 by a court order, which was subsequently lifted in 1999. *Egin* was accused of printing coded messages for ETA and thus supporting "terrorism". Charged alongside Teresa Toda was Javier Salutregi (see above) and 15 admin staff of the newspaper. Toda was

arrested on 19 September 1998 and freed on bail of €000 that day. She received a ten year sentence on 19 December 2007 and was imprisoned on conviction of co-operating with an armed organisation. Her sentence was reduced to six years in prison in April 2009. She remains detained in Salamanca prison. **Professional background:** Teresa Toda is a Board Member of the Basque PEN Centre. Born in Brazil into a diplomatic family she lived in North and South America and the UK before going to Spain where she became a correspondent for *Egin* in 1984. She then moved to the Basque region to work for a trade union publication, taking leave of absence from *Egin* in 1998, and unable to return when it was closed down. She is known for her anti-Franco and left wing activism for which she was expelled from university. She is currently in prison in Cordoba.

### Case Closed

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

## SLOVENIA

### Death Threat

**Jaka ELIKAN:** Reporter for Slovene business daily *Finance*, was allegedly threatened with death on 10 October 2010 by a prominent Ljubljana-based businessman. Elikan had been conducting investigations into Electa, a company owned by Jure Jankovic, son of Ljubljana mayor Zoran Jankovic. Whilst at an event celebrating Jankovic Senior's re-election, Jankovic Junior was heard making alleged threats to Elikan. In the presence of several other people, including other journalists, Jankovic Junior reportedly said to an associate, "Kill this person," clearly indicating Elikan. Elikan, who had attempted to ask Jankovic Junior questions at the event, has pressed charges against Jankovic Junior. The Jankovics are one of Slovenia's wealthiest families and have strong political connections.

## TAJIKISTAN

### Main Case

**Makhmadyusuf ISMOILOV:** journalist for the weekly newspaper *Nuri Zindagi* (Ray of Starlight), and based in the capital, Dushanbe, was arrested on 23 November 2010 in the Soghd region of the country, where he had been working to promote circulation of the newspaper. According to Ismoilov's lawyer, he has been charged with "criminal defamation" and "insult through media," but the charges do not relate specifically to a particular article or plaintiff. On 29 November the editor of *Nuri Zindagi* received an official letter from the Asht district prosecutor's office, demanding copies of all published articles written by Makhmadyusuf Ismoilov. His family were notified on 24 November that he had been

arrested, and instructed a lawyer to defend him. If convicted, he faces a prison sentence of up to two-and-a-half years. Because Nuri Zindagi received the letter from the prosecutor of the Asht district, his fellow journalists believe that the charges relate to an article he wrote about the local authorities in Asht. The article criticized local law-enforcement agencies in particular and the lack of justice in the district. Ismoilov is held in a detention facility in the city of Khujand, in the north of the country.

## TURKEY

### *Killed: Trial under way*

**Hrant DINK:** editor of the Armenian language *Agos* magazine. Killed outside his office in Istanbul by an assassin on 19 January 2007. His murder sparked mass protests. Dink was one of the few persons to be convicted under Article 301 of the Penal Code, accused of “insulting Turkishness” for his writings on the Armenian genocide. Dink’s murder has sparked debate on revision or repeal of Article 301, which many believe marked Dink out as a target for ultra nationalists. **Threats:** Following Dink’s murder it has been revealed that he had informed and warned the authorities about the plans to kill him but was not taken seriously. **Trial:** 17-year-old Ogun Samast was arrested on accusation of manslaughter, affiliation to an armed group and possession of illegal firearms. 20 others were to trial in connection with Dink’s death. The trial is still ongoing. A separate investigation was opened into 8 police accused of “dereliction of duty” following claims that they had been warned several times that Dink was in danger. One of them in particular is accused of failing to pass on information of a plot to kill Dink. In July 2008, the Turkish Parliamentary Human Rights Commission reported that there was negligence and lack of coordination on the part of the security services that led to a failure to prevent the murder. As of December 2010, three people, including Samast, remain detained and on trial for their involvement. **Other information:** A request in May 2010 made by Dink’s lawyers for a special prosecutor to be allocated to this case was turned down. **European Court of Human Rights:** On 14 September 2010, the European Court of Human Rights (ECHR) ruled that Turkey was guilty of a violation of the right to life in regard to the Dink murder case. The court was of the opinion that Turkey failed to take protective measures despite evidence of immediate danger. It also ruled that the Turkish administration and judicial authorities have blocked investigations into whether members of the Istanbul and Trabzon police were also implicated in the killing. The government was ordered to pay Dink’s family 105,000 Euros in damages. **Honorary Member:** Belgium (FI), England, and Norway.

**Cihan HAYIRSEVENER:** journalist and publication director of the *Guney Marmara’da Yasam* (Life in Southern Marmara) newspaper, was killed on 18 December 2009 in Bandirma following death threats relating to articles he’d written exposing local corruption. He was shot in the leg in Ataturk Avenue and died as a result of blood loss. The police detained Serkan Erakkus in connection with the murder. Among the defendants are members of another publishing group. They are: Engin Arican, *Ilkhaber* newspaper publishing coordinator, the Bandirma Deputy Mayor, Talip Yildiz, and members of the family who publish the *Ilkhaber* daily - Ihsan Kuruoglu, Ilbey Kuruoglu and Osman Kuruoglu. It is reported that there had been tensions between the Marmara publishing group and the *Ilkhaber* group prior to the murder. One of the issues of contention was the thermal power plant planned to be built in the region. *Ilkhaber*

had reported that the Marmara group opposed the building of the power plant. The defendants stand accused of “premeditated murder”, “establishing an organization with the intent to commit a crime”, “membership of an organization established with the intent to commit a crime”, “spreading propaganda for an illegal organization and its aims” and “buying, carrying or possessing unlicensed weapons and ammunition”. The trial began on 15 October 2010. PEN is seeking an update.

### *Imprisoned Main Case*

#### **Nevin BERKTAS (f):**

**D.o.b:** 1958 **Profession:** writer **Date of Arrest:** 2 November 2010 **Sentence:** 10 months **Details:** currently imprisoned for offences related to views expressed in her book, *Inancin Sinandigi Zor Mekanlar: Hucreler* (*Difficult places that challenge the faith: Prison Cells*), which describes the process of resistance in the prison where she was incarcerated during the military coup of 1980. The book was published in 2000, while the writer was in prison, and Berktaş faced four separate trials as a result. Three of her trials resulted in cash fines or acquittals, but one, where she was tried for ‘aiding and abetting a terrorist organization,’ resulted in a guilty-verdict and a four-year prison sentence. Following a change in the law, Berktaş’ lawyer requested a retrial of the case, after which the prison sentence was changed to a suspended sentence. Berktaş was released in 2007, after serving thirteen years in prison for other convictions. After her release, her lawyer was able to demonstrate that, due to an administrative error, Berktaş had served 6 years longer in prison than she should have done. After Berktaş’ release in 2007, the *Inancin Sinandigi Zor Mekanlar: Hucreler* case was re-tried once again, tried and found guilty. **Conviction and punishment:** ten months in prison under Article 7 of the Anti-Terror Law (propaganda for an illegal organization). **Other details:** Her lawyer applied to the Prosecutor’s Office to have this sentence annulled because of the six extra years Berktaş had already spent in prison, but the court dismissed the request. Her lawyer has appealed to the Istanbul 9<sup>th</sup> High Criminal Court. Berktaş is not in good health due to her participation in hunger strikes in 1984 and 1996. She was previously convicted during the military coup on 12 September 1980 and in total, has served 22 years in prison.

#### **Muharrem Erbey**

**D.o.b.:** 1970 **Profession:** human rights lawyer and writer **Date of arrest:** 24 December 2009 **Sentence:** not yet sentenced. **Details:** On 24 December 2009, human rights lawyer, writer and PEN Turkey member Muharrem Erbey was arrested in Diyarbakir, south eastern Turkey. He was among 80 people arrested on accusation of having links with an organisation said to be affiliate to the banned Kurdistan Workers Party (PKK). Muharrem Erbey is a highly respected human rights lawyer, and Vice President of the Human Rights Association (IHD) who has conducted research into disappearances and extra-judicial killings in and around the Diyarbakir region. He has represented a number of individuals whose cases have come to the European Court on Human Rights. He is also President of the Diyarbakir Branch of the IHD. **Charges:** According to reports, members of the Anti-Terror Unit of the Diyarbakir Security Directorate took Erbey from his home in the early hours of 24 December 2009. Erbey is charged under Article 220/6 of the Penal Code with “membership of an illegal organisation”, the Kurdistan Democratic Confederation (KCK), said to be affiliated to the banned Kurdish Workers Party (PKK). **Possible reasons for arrest:** Commentators have referred to recent visits by Erbey to various European parliaments, including in



Sweden, Belgium and the UK, where he spoke about Kurdish rights. He had also participated in a Kurdish film festival staged in Italy in late 2009. In September 2009 he took part in a workshop on minority rights in Diyarbakir. At the time of his arrest, the offices of the IHD were searched and documentation seized, including archives on serious human rights violations over the past two decades, including extra judicial killings and disappearances. **Update:** Erbey is being tried alongside 151 Kurdish politician and human rights defenders, and the trial is postponed until 13 January 2011. The reason for the postponement was that the suspects insisted on delivering their defences in the Kurdish language, a request the prosecution has continued to refuse. **Other details:** Erbey's collection of short stories, *My Father, Aharon Usta*, is due to be published shortly. In 2007 he was a co-editor of a collection of Turkish and Kurdish language stories by 35 authors, distributed by the Diyarbakir Metropolitan Municipality free to local people. The Mayor who organised the publication was subsequently brought to trial under a law that prohibited the use of the Kurdish alphabet (since annulled). Erbey defended the Mayor who was subsequently acquitted, and after Erbey had gathered 300 writers' signatures against the court hearing. Another short story collection, *Missing Pedigree* was published in 2004. He has written many articles on culture, children's and human rights that have appeared in arts and culture magazines, newspapers and websites. He is a member of PEN Turkey and the Kurdish Writers' Association. He is considered a prisoner of conscience by Amnesty International. Honorary Member: Swedish PEN.

#### ***Imprisoned/Detained and on Trial Investigation cases***

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

**Murad AKINCILAR:** writer, academic and member of "Free University". Aincilar has published numerous articles in periodicals and compilations. He was arrested on 30 September 2009, charged

with "membership of a terrorist organisation" and has since been kept in prison without trial. He was arrested for his articles, published in a periodical named *Demokratik Dönüşüm*. He has lost an eye and the other was damaged as a result of torture while in custody. He reportedly needs urgent medical treatment. PEN is seeking and update.

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

**Berivan EKER (f):** journalist and former editor-in-chief of *Renge Heviya Jine* ('The Colour of the Woman's Hope') magazine is detained and on trial because of articles she wrote in the April, May, June and July 2010 issues of the magazine. At the second hearing of the case (7 December 2010), the Public Prosecutor, Ahmet Karaca, demanded that the court punish Eker on charges of "committing a crime on behalf of the PKK [the militant Kurdistan Workers Party] without being a member of the organization," "membership of an illegal organization" and "spreading propaganda for an illegal organization." The charges pressed against her are based on her calling imprisoned PKK leader Abdullah Öcalan the "leader of the Kurdish people", a "leader" and "leader Apo" (Öcalan's nickname), describing the PKK as the "leadership movement", glorifying Zekiye Alkan who allegedly shot herself upon the illegal organization's directive, and praising alleged PKK member Nazan Bayram. The prosecutor also pleaded that Eker be punished according to Article 5 of the Turkish Criminal Code (TMY) which will increase the degree of punishment. He demanded that Articles 220/6 and 314/2 of the TCK and a two-count application of Article 7/2 of the Anti-Terror Law be applied. Eker is facing 21 years in prison if convicted. She remains in detention at the Diyarbakir E Type Prison. The bi-monthly *Renge Heviya Jine* magazine is the only women magazine publishing in both the Kurdish and Turkish language.

**Gurbet ÇAKAR (f):** editorial manager of the Kurdish-Turkish women's magazine *Rengê Hevîya Jinê*, was detained on 10 June 2010. She was charged under article 7/2 of the Anti-Terror Law with "making propaganda for the PKK via the media" and had previously been sentenced to more than three years in jail. **Update:** Çakar is still in detention. On 7 October 2010, the prosecutor of the 6<sup>th</sup> High Criminal Court of Diyarbakir (south-eastern Turkey) demanded a prison sentence of 20 years for Çakar. Çakar pleaded for her acquittal and her lawyer demanded her client's release pending trial and requested additional time to prepare a final defence speech. The court dismissed the lawyer's request for Çakar's release, but her lawyer was allowed additional time until 30 December, when a decision is expected. PEN is seeking an update.

**Ibrahim ÇİÇEK, Bayram NAMAZ, Sedat SENOGLU, Ziya ULUSOY:** editor in chief, journalist, deputy editor and journalist respectively for the newspaper *Atilim*: Arrested under Article 6 of the Anti Terror Law on 10 September 2006. Trial proceedings against them opened on 13 April 2007. Accused of being members of the Marxist Leninist Communist Party (MKLP) deemed to be a terrorist organisation. Concerns centre on the non-disclosure by the authorities of the reasons for their arrest. The first trial itself was marked by clashes between supporters and police, during which tear gas was used. Also among those

detained is **Fusun Erdogan (f)** a radio journalist. At a hearing held on 26 October 2007 at the Istanbul 10<sup>th</sup> Heavy Penal Court, there were protests when it was announced that all the defendants in this case would continue to be held in pre-trial detention. Their lawyers complained that they had not received the evidence against their clients, as the information on them had been classified as secret. As of August 2010, Namaz and Senoglu, are still detained in Edirne F Type Prison and Çiçek and Ulusoy in Tekirdag F Type Prison. PEN is seeking more information.

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

**Hatice DUMAN:** journalist working for *Atilim*, detained as of May 2007 under Anti-Terror Laws. Arrested with a number of others, since released, on the charge of “being members of the Marxist Leninist Communist Party (MLKP)”. Hatice Duman is still believed to be in Gebze Special Type Prison as of December 2010. PEN is seeking an update.

**Mustafa GÖK:** journalist for *Ekmek ve Adelet* magazine. Arrested 15 February 2006 and detained under Anti Terror legislation as of May 2007 on the charge of “membership of an illegal terrorist organisation”. Gök is charged under Anti Terror Law Article 7 and is believed to be in Sincan F Type Prison as of December 2010. PEN is seeking an update.

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

**Mehmet KARAASLAN:** journalist for *Gündem (Agenda)* newspaper arrested during a raid on the newspaper’s Mersin offices on 19 April 2007. Charged under Article 314 of the Turkish Penal Code for being members of an illegal organisation and Article 220/7 “helping and harbouring an illegal organisation”. The indictment was prepared seven months after his arrest. Sentenced to five years in prison c. 18 March 2008. Karaaslan is believed to be in Mersin Prison as of December 2010.

**Vedat KURSUN:** editor and owner of *Azadiya Welat* newspaper. Sentenced in May 2010 to a total of 166 years and six months in prison for having published a series of articles between September 2006 and August 2007, seen to be supporting and promoting the PKK. Convicted under Articles 220/6 and 314/2 of the Penal Code for making propaganda for an illegal organisation (the PKK) and Article 7/2 of the Anti Terror Law for sending directions to the PKK through the press. 12 years of his sentence relate to alleged membership of an illegal organisation, the maximum sentence that can be given. The remaining sentences have been handed down under the anti terror law which has been applied to each of 103 articles written by Kursun and seen to be PKK propaganda. Kursun was

arrested in January 2009 in relation to another trial. Lawyers are baffled by the sentences, pointing out that Kursun has never committed violence, only expressed his views. They will appeal the sentence. Kursun has been in detention since September 2009. PEN is seeking more information.

**Behdin TUNÇ, Ali BULUS, Faysal TUNÇ:** journalists for the DIHA newsagency arrested between February and April 2007 and detained under the Anti Terror Law. Faysal and Behdin Tunç are charged with “voluntarily and knowingly helping an illegal organisation”. Trial opened on 10 September 2006 at the Van Heavy Penal Court. Evidence is said to be based on files downloaded from the internet and books seized from their homes. On 30 April 2008, Faysal Tunç and Behdin Tunç were sentenced (lengths of terms to be confirmed). As of December 2010 believed to be in Mersin Prison. PEN is seeking further information.

**Deniz YILDIRIM:** chief editor for *Aydinlik* reportedly detained along with Ulusal Channel news chief **Ufuk Akaya** as of August 2010. They had been in prison since September 2009 on charges of phone tapping. PEN is seeking more information.

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

**Suzan ZENGİN (F):** *Worker-peasant* newspaper journalist, was taken into custody on 28 August 2009 by the Anti-Terror Branch of the Istanbul Police. In her indictment, Zengin stands accused of “carrying out illegal activities” which refers to publications such as the *Worker-Peasant* newspaper, which is published by the Umut Publishing Company, the Partisan magazine and the New Democratic Youth (YDG). Zengin appeared in court for the first time on 26 August 2010, one year after her arrest, on accusation under Anti Terror Legislation of “membership of an illegal organisation”. Her trial was postponed to February 2011. She is in bad health, and is suffering from osteoporoses, an ulcer, hypertension and high cholesterol.

#### **On Trial/Charged (not detained)**

**Irfan AKTAN, Merve EROL:** journalists, were charged with “spreading propaganda for an illegal organisation” in an article for *Express* magazine. Their article, entitled “Weather Conditions in the Region and in Qandil / No Solution without Fighting” contained statements from a PKK/Kongra-Gel member and a one sentence quotation from the Özgür Halk (‘Free People’) magazine. **Sentences:** On 4 June 2010, the Istanbul 11th High Criminal Court sentenced journalist Irfan Aktan to imprisonment of one year and three months. Editorial manager Merve Erol received a monetary fine of TL 16,000 (€8,000). Aktan is presumed free on appeal. PEN is seeking further information.

**Mujde AR, Erdem BUYUK, Mustafa ARIGUMUS and Berrin TURSUN:** journalists said to be among 17 people reported in August 2010 to have been charged with criminal defamation and sentenced to a total of 4 years. Believed not detained. No further details.

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

**Ismail BESİKÇİ, Zeycan BALCI SIMSEK:** sociologist and author, and editor respectively. Accused in June 2010 of “making propaganda for the PKK” under the Anti Terror Law for an article published in the Contemporary Lawyers’ Association periodical. The article’s title is ‘Right to Self Determination and the Kurds’. Both appeared at the Istanbul High Criminal Court on 28 July 2010, and again, for the second time, on 12 November 2010. At the second hearing, regarding the article in question, the prosecutor alleged that Besikci wrote the word “Qandil” with a “q” instead of a “k”. Qandil Mountain is the location of the PKK’s base in northern Iraq. The Kurdish alphabet includes the letter “q”, but it does not exist in the Turkish alphabet: the prosecutor alleges that the use of word “Qandil” with a “q” in Turkish is separatist propaganda. Besikci denies this. Neither of the defendants is detained, but both face up to seven and a half years in jail. Upon the lawyers’ request for additional time, the case was postponed to 4 March 2011. Sentences of up to 7.5 years each were suggested. **Additional Info:** both defendants were represented by more than 50 lawyers, including Fethiye Cetin, the lawyer for the family of slain Turkish-Armenian journalist Hrant Dink, and Kemal Aytac, the lawyer for the Armenian “Agos” newspaper, which Dink founded and for which he was editor-in-chief. The hearing was monitored by Peace and Democracy Party Deputy Ufuk Uras, author and interpreter Muhsin Kizilkaya, writer Temel Demirer, director Cagan Demirel, the Freedom for Journalists Platform, Ahmet Abakay, president of the Contemporary Journalists Association (CGD) and Ferai Tinc, of the International Press Institute. Members of the Ankara Initiative for Freedom of Thought posted a banner in front of the courthouse reading “Ismail Besikci is our conscience. We will not allow our conscience to be silenced.”

**Haci BOGATEKIN:** The editor of local “Gerger Fırat” newspaper which is said to have a circulation of only around 200 copies. **1)** On trial on 15 October 2008 for an article ‘Feto and Apo’ published January 2008. Charged with insult to a public official and attempting to influence a trial. Hearing held on 5 February 2009 led to a walk out by the defence lawyers, claiming that they did not believe that a fair trial was possible and recommended that another judge preside the case and that a new defence counsel be provided. PEN has since learned that he subsequently spent 109 days in prison under this charge. On 8 March 2010, he was sentenced to five years and five weeks in prison. He is free pending appeal. **2)** In February 2010, a member of the ruling AKP party filed against Bogatekin for an article that he saw attacked his “personal rights” published in September 2009, entitled ‘Mercy Miro Mercy Piro’. If convicted, Bogatekin faces a fine. First hearing set for 13 May 2010. PEN is seeking an update.

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

**Hasan ÇAKKALKURT, Namik DURUKAN:** chief editor and journalist for *Radikal* respectively. Trial opened on 12 August 2009 on charges under article 7/2 of the Anti-Terror Law for having carried a statement by a PKK leader in which stated that even if there were to be an amnesty for Kurdish rebels, the PKK would not put down weapons. (See also Çakkalkurt below.) **Update:** On 15 June 2010 the trial against Durukan continued at the Istanbul 10th High Criminal Court. A new prosecutor, Bilal Bayraktar, has been appointed to the case. He requested additional time in order to prepare a new final plea. The hearing attended by defendant Durukan and his lawyer Nurcan Bayraktar did not reach a final decision. President Judge Zafer Baskurt postponed the trial to 21 September 2010. Trial postponed until 23 November 2010. PEN is seeking further information.

**Hasan ÇAKKALKURT, Rifat BASARAN:** chief editor of *Radikal* and journalist respectively. (also see Çakkalkurt above) on trial for an article published 7 December 2009 seen to be spreading propaganda for an illegal organisation for an article ‘Our Base Told us to go to the Mountains’ under Article 7/2 of the Anti Terror Law. This contained an interview with an MP Emine Ayna, co-chair of the pro Kurdish Democratic Society Party that was made illegal in 11 December 2009. Ayna is said to have told the newspaper, 2 days before his party was closed, that he had been asked why had continued to work in the parliament and it had been joked that he should join the guerillas “in the mountains”. The prosecution sees this as a call for violence. The case opened in mid February 2010. PEN is seeking an update.

**Cengiz ÇANDAR:** journalist for *Referans* is on trial for an article about the conduct of the Hrant Dink murder trial (see above), criticising the court for not allowing secret witnesses and accusing the judge of being too “free and easy”. He is accused of “insulting a public servant”. The article was entitled ‘Mocking Hrant and Justice’. The first hearing was set of 13 December 2010. PEN is seeking an update.

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

**Nese DUZEL and Adnan DEMİR:** journalist and editor-in-chief respectively of the *Taraf* newspaper are facing imprisonment for 7.5 years for an interview with executives of the Kurdistan Workers Party.

Düzel rejected the charges of “propaganda for an illegal organization” and claimed to have made “political propaganda”. The interviews were part of the series “Monday Talks” of the nation-wide daily. The interview by Düzel was published in three parts on 5-7 April 2010 and entitled “A period of conflict was entered”. The first hearing was held before the Istanbul 11<sup>th</sup> High Criminal Court on 10 November. The defence lawyer claimed at court that his clients used their right to freedom of the press as it was enshrined in the provisions of the Constitution and the European Convention on Human Rights. Düzel and Demir are charged under Article 7/2 of the Anti-Terror Law on “making propaganda in connection with an illegal organization”. The trial was adjourned to 2 March 2011. Düzel had trials pending for years at the State Security Court on the grounds of interviews published in *Radikal* newspaper held on the issues of the Kurdish or the Armenian questions. PEN is seeking further information.

**Temel DEMIRER:** writer. Reported in January 2008 to be standing trial before the Ankara Penal Court of First Instance under Article 216 (inciting enmity) and Article 301 (insult to the state) for a speech about the January 2007 murder of Hrant Dink (see above) in which he said “I invite all here to commit a crime. Yes, there was an Armenian genocide in this country.” And then urged Turkish intellectuals that if they did not themselves commit “this crime of 301 301 times” they too could be accomplices to the murder of Hrant Dink. A hearing held 15 May 2008 resulted in the court forwarding the case to the Ministry of Justice following amendments to Article 301 put in place in April 2008. In early September 2008, the Ministry granted approval and the case opened in November 2008. Concern was expressed in November 2008 about comments made by the then Minister of Justice Mehmet Ali Şahin in declaring the decision to proceed by stating that Demirer had made statements calling the Turkish state “murderous” and thus should be exempt from freedom of expression protection. Observers are concerned that such statements are tantamount to proclaiming guilt and could bring Demirer to the attention of extremists who threaten and attack those who refer to an Armenian genocide. The next hearing of Demirer’s case was due on 27 October 2010. PEN is seeking further information.

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

**Kemal GÖKTAS:** journalist. In September 2009 it was reported that the head of the Intelligence Department accused Göktaş of attempting to influence the outcome of a trial and insulting a public official in his book *Hrant Dink Murder – Media, Judiciary and State* and called for his prosecution. The case opened on 16 February 2010 at the Istanbul Sultanhamet Court and was postponed for up to four months to enable the prosecution to consider whether the case breached the statute of limitation (more than four months had lapsed between the charges being levelled in September 2009 and the offence). In a hearing on 15 September 2010, the Istanbul

2<sup>nd</sup> Criminal Court of First Instance decided to transfer the file of journalist Kemal Göktaş to the Special Authority High Criminal Court where the suspects of the murder of Turkish-Armenian journalist Hrant Dink are tried. PEN is seeking an update.

**N. Mehmet GÜLER:** author. Sentenced to one year and three months in prison under Article 7/2 of the Anti Terror Law for his book *More Difficult Decisions than Death*. Accused alongside publisher **Ragıp Zarakolu** (see below) of “spreading propaganda” for the banned Kurdish Workers Party (PKK). The charges relate to three fictional characters, “Siti”, “Sabri” and “Siyar” and specifically a section of the book where a PKK member on trial says: “This court has no right to judge me. I fight for freedom. I do not recognise this court”. The fictional judge’s response and following passages are subject to the indictment. The prosecutor stated that some parts of the novel evoke sympathy for the PKK. Güler believes that one way to tackle problems in Turkey is through literature, saying it is “the best way to deal with social trauma.” The most recent hearing of this case on 19 November 2009 saw the prosecution itself pointing out that no crime had been committed and called for Zarakolu and Güler’s acquittal. However, at the next hearing, on 25 March 2010, another prosecutor expressed another view – that the book does provide terrorist propaganda, leading Zarakolu to comment: “*When the case was opened, there was a cold strong wind blowing through the country. When our acquittal was suggested in November, the atmosphere was warm and soft. Today a harsh wind is blowing again. I think the atmosphere in this trial reflects that of the country.*” The trial was adjourned to 10 June 2010 when Zarakolu was acquitted, yet Güler was sentenced. He is free on appeal.

**Jack HESS:** journalist was arrested on 11 August 2010 in the south-eastern province of Diyarbakir, according to the Turkish daily *Hürriyet*. Hess was accused of collaborating with the Kurdish Communities Union (KCK), referred to in news reports as the “urban wing” of the outlawed Kurdistan Workers’ Party (PKK). According to his lawyer, Hess “wrote several articles that angered the authorities.” The lawyer told CPJ that Hess’ name was in the KCK file in connection with a translation job he did in 2009 for the pro-Kurdish Human Rights Association. Hess wrote about human rights violations against Kurds. His latest piece, about Kurdish refugees who had fled to northern Iraq after the Turkish army attacked their villages, was published on 4 August 2010. **Update:** Hess was deported later in 2010.

**Fehmi KILIÇ:** editorial manager of *Revolutionary Movement (Devrimci Hareket)*. Sentenced to one year and three months in prison on charges of praising members of the Devrimci Sol (Revolutionary Path) movement, banned in Turkey. Although passed on 1 July, the conviction was not announced until 30 July 2010. The conviction is linked to articles published in February 2010. Presumed free on appeal.

**Ozan KILINÇ:** chief editor of the Diyarbakir based Kurdish language *Azadiya Welat*. Sentenced on 11 February 2010 to 21 years in prison under the Anti Terror Law for membership of the Kurdish Workers Party (PKK). Said to be linked to his publication of 12 editions of his newspaper containing references to the PKK. Each edition attracted a 15-month sentence, making the total 21 years. He received a six year and three month additional sentence for “committing a crime for an illegal organisation without himself being a member of the illegal organisation.” His defence said that the newspaper had only referred to the PKK leader Abdullah Öcalan (now imprisoned) as the “leader of the Kurdish people” and had failed to call Turkish soldiers killed in battle as “martyrs”. Kiliñ was not present at the trial and an arrest warrant was issued. He announced

that he would appeal. He is said to have previously been sentenced to five years on similar charges, and to have two other cases pending against him. Reuters reports that *Azadiya Welat* has had to replace 6 editors in 3 years because they have been arrested or have had to flee the country. **New information:** Kiliç was arrested on 22 July 2010 during a police raid on his home in Diyarbakir five months after his conviction.

**Filiz KOÇALI, Ramazan PEKGÖZ, Ziya ÇİÇEKÇİ:** publishing director, journalist and owner of the *Günlük* newspaper. Charged in October 2009 under Articles 6/2 and 7/2 of the Anti Terror Law for an interview published in Kurdish over three articles entitled “We did what Hasan Cemal Wanted”, “I completely agree with Yaser Kemal” and “If the State Would Take One Step We would Take Two,” all quotes from interviews with alleged members of the banned Kurdish Workers’ Party (PKK). They are accused of “spreading propaganda for an illegal organisation”. The first hearing took place on 24 February 2010 and the next on 2 September 2010. Koçali and Pekköz did not attend. Their lawyer said that the interview which was published in the newspaper had to be seen in the context of the public’s right to access information on different ideas. Pekköz and Koçali are facing imprisonment of up to 7.5 years. The trial was postponed until 23 November 2010. PEN is seeking further information.

**Cagdas KÜÇÜKBATTAL, Tuncay MAT:** intern and journalist for *Atilim*. Detained for their alleged role in the destruction of a base station (mobile transmitter) alongside nine other defendants. The trial opened on 5 March 2010. They are accused of having destroyed the transmitter as part of a campaign carried out by the banned Marxist Leninist Communist Party. Both claim that they were present at the event simply as journalists and that the notes and photos they took are the only evidence. The prosecutors claim that that Küçükbattal encouraged the event. In the second hearing on 29 May 2010, Mat and Küçükbattal were released pending trial. A total of eleven defendants are on trial, five of them are detained. The case was postponed to 24 September 2010. PEN is seeking more information.

**Ali Baris KURT:** editor of the website [www.emekdefteri.com](http://www.emekdefteri.com). Case opened against him at the Ankara Court of First Instance on 10 March 2010, on charges of promoting conscientious objection. He faces a sentence of between one to four years. PEN is seeking an update.

**Rasim Ozan KUTAHYAHLI:** journalist for *Taraf* newspaper will be prosecuted under Article 301 of the Turkish Penal Code (TCK). The General Staff Presidency complained about the journalist on the grounds of his article entitled “You are either vile or stupid...” The article, published on 2 January 2010, was seen as a possible “insult of the state’s military corps via the media” by the Ministry of Justice according to article 301/4 of the Penal Code. PEN is seeking more information.

**Orhan MIROGLU:** writer and leading member of a pro-Kurdish Democratic Society Party (DTP) and one of 37 of its members banned from politics in late 2009. 1) Reported in November 2009 that a case under Article 301 against him was granted permission to proceed by the Ministry of Justice. The case relates to an article entitled ‘Single Soldiers’ published on 12 December 2007 in which he criticised a photograph in the mainstream Turkish *Sabah* showing single Turkish soldiers walking side by side with Kurdish women dressed in traditional clothes. At an earlier hearing he stated his belief that single women were being held in police stations in the south east where they suffered sexual abuse. Reported still on trial in December 2009. PEN is seeking an update. 2) Miroğlu is facing another trial because of his article “I cannot sleep with the waxing moon” published in the nation-wide daily on 2 November

2009. According to the indictment the journalist’s column implies that “the Kurds are the oppressed and exploited section of society that has been treated unjustly since the foundation of the republic whereas Turks are shown as the exploiting, oppressing, assimilating part of society that benefits from cheap work power.” The indictment seeks Miroğlu’s prosecution under charges of inciting the public to hatred and hostility. Miroğlu has been receiving death threats and has been assigned a bodyguard by the state.

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

**Aziz ÖZER:** journalist and editorial manager of *Güney* magazine attended the first hearing of his trial on 7 October 2010, charged with “spreading propaganda for the PKK”, the militant Kurdistan Workers Party. The Istanbul 9<sup>th</sup> High Criminal Court is prosecuting Özer in connection with an article entitled “The story of an incredible three-day resistance” (depicting armed conflict from the point of view of a PKK member), written by Mehmet Söğüt, and a short picture story called “The Judge” by Meray Ülgen, published in the 51<sup>st</sup> issue of the magazine from January-February-March 2010. He is also charged in relation to a caricature that appeared in issue 98 of the magazine. The Istanbul Public Prosecutor opened the case on 11 May under article 7/2 of the Anti-Terror Law (TMY). He demanded a prison sentence of 7.5 years for the journalist. Özer stated that he did not see any criminal element in the article or the caricature. He claimed that he had published both within the scope of freedom of expression. The case was postponed to 17 February 2011.

**Semra PELEK (f), Mustafa DOLU:** editor of *Aksam* (no longer in operation) and its editorial manager respectively. Both are charged in relation to articles about the Ergenekon investigation (see below). The case has been taken by retired general Ibrahim Firtina who has provided evidence to the Ergenekon prosecutors. The first hearing was set for 1 November 2010. Both are accused under Article 285 of the criminal code that relates to disclosing secret information relating to an investigation and Article 288, for attempting to “influence” the outcome of a trial. Both face up to 8 years in prison. PEN is seeking an update.

**Helin SAHIN, Ibrahim SARP and Saffet Serdar AKBIYIK:** reporter for the *Star* newspaper, editor-in-chief and editor of the newspaper’s website, respectively, are being prosecuted based on alleged criticism voiced in a news article about the mass release of detained defendants in the “Sledgehammer” case. The “Sledgehammer” (“Balyoz”) coup plot was planned by a group of people in the armed forces in 2002 and 2003. Its aim was to create disorder in the country by bombing mosques, crashing a Turkish jet and having warplanes fly over the parliament, which was to eventually lead to martial law and a coup. The first hearing in the case against the journalists was held before the Istanbul 14<sup>th</sup> High Criminal Court on 8 October 2010. Sahin requested the replacement of the appointed judge because he had said “I will turn you in” to the journalist in the course of a trial regarding another news item.

Sahin has been indicted on charges of “identifying officials on anti-terror duties as targets” under Article 6/1 of the Anti-Terror Law (TMY), based on the news item in question. Akbiyik and Sarp maintain that the article did not contain any defamatory material or lies, nor did it identify anybody as a target. The case was adjourned the case until 22 October to evaluate Sahin’s demand. PEN is seeking more information.

**Veysi SARISOZEN:** On trial under article 7/2 of the Anti-Terror Law for an article in *Gündem* of 14 June 2007. Accused of propaganda for the PKK. A hearing was held on 1 April 2010 at the Istanbul 10<sup>th</sup> High Criminal Court, where he was given a 15 months prison sentence. It is presumed he is appealing the sentence. Another case was opened on 12 June 2009, this time for an article published in February 2009 titled “We do not make propaganda, the people do!” which the prosecutors state argued that the PKK is not a terrorist organisation but a popular uprising. Charged under Article 7/2 of the Anti Terror Law for “propaganda” for an illegal organisation. The judge ordered that either the paper pays a fine of 20,000 TL (c. €9,250) within 10 days or the trial will continue. On 26 October 2009 the case was deferred to March 2010. PEN is seeking an update.

**Halil SAVDA:** owner of website savaskarsitlari.org website. Trial opened in July 2010 for articles published on the site. Next hearing set for 24 March 2011.

**Ismail SAYMAZ:** reporter for *Radikal* is on trial for articles he wrote between 2008 and 2010. He stands accused of the “attempt to influence a fair trial” and “violating the secrecy of an investigation,” under Article 288 of the Turkish Criminal Code, for reporting on the questioning of a chief prosecutor while under arrest. The article was entitled: “What they asked Cihaner” and was published in *Radikal* newspaper on 18 February 2010. The first hearing was held at the Bakırköy (Istanbul) 2<sup>nd</sup> Criminal Court of First Instance on 23 June 2010. Saymaz also stands accused of “violating the secrecy of an investigation” because of an article published in *Radikal* on 19 March 2008 entitled “The generals in their summer residences agree that Balbay is the left-wing leader”. In total, there are 12 cases opened against him and he faces up to 97 years in prison if found guilty on all charges. The International Press Institute has condemned the prosecution of the journalist. In November 2010, former Special Authority Prosecutor Osman Sanal filed a compensation claim against Saymaz because of the journalist’s book *The Postmodern Jihad*. He is facing a fine of TL 7,000 (€3,500).

**Pinar SELEK (f):** writer, academic and women’s rights activist. Also a member of PEN Turkey. In 1998, an explosion at a crowded marketplace in Istanbul led to the deaths of seven people and injured 127 others. Selek was among a number of people arrested and imprisoned in July 1998 on accusation of causing the explosion. In December 2001 an expert investigation concluded that there was not enough information to confirm that the explosion was a bomb, the suggestion being that it had been a tragic accident caused by a leak from a gas canister. Selek and the other defendants were freed after serving two and a half years in prison. However, in December 2005 a new trial was opened, which in June 2006 was again dismissed due to lack of evidence that the explosion was caused by a bomb. However in March 2009 the Appeal Court requested a review of the case and reversed the acquittal. Again this went to consideration in May 2009, and Selek was again acquitted. The appeal court once again objected and sent the case to the Istanbul High Criminal Court for review on 9 February 2010. In August 2010 Selek’s case was raised at the European Parliament, and the European Commission accession unit confirmed that it was aware of the case and it would discuss it with the

Turkish authorities. Selek’s next hearing will be on 9 February 2011 in Istanbul. She is now resident in Germany. There are concerns that she may be extradited to Turkey where she faces a life sentence.

**Nedim SENER:** journalist for *Milliyet* and author. 1) Trial opened against him on 10 June 2009 on charges of disclosing classified information and attempting to influence the judiciary with his book *The Dink Murder and Intelligence Lies*. The book names several police officers accused of negligence in following up reports that the Armenian editor, Hrant Dink, was to be assassinated, as well as providing misleading evidence to the investigation. According to human rights monitors, Sener could be given up to 28 years in prison (while Dink’s assassin received a 20-year sentence). The complaints were made by five of the officials named who are asking that the anti terror law be applied. Sener argues that the information he used in his book is readily available on the internet. In June 2009, the OSCE Representative on Freedom of the Media wrote to the Turkish authorities asking for the charges against Sener to be dropped. A trial hearing on 17 February 2010 was attended by various observers, including PEN International International Secretary Eugene Schoulgin. The next hearing was due on 28 October 2010. He faces up to 32.5 years in prison. 2) Another trial is reportedly under way for an article ‘Two Interesting Schemes from the Security’ with a hearing set for 28 December 2010. PEN is seeking an update.

**Ahmet SIK and Ertugrul MAVIOGLU:** writers of two books, *Understanding the counter guerrilla and Ergenekon* and *Who is who in Ergenekon* were charged with the “violation of the secrecy of an investigation.” The first hearing was held before the Kadıköy (Istanbul) 2<sup>nd</sup> Criminal Court of First Instance on Friday (8 October). Both journalists are facing prison sentences of up to 4.5 years. The Kadıköy Public Prosecution launched a probe into the two volumes published by Ithaki Publications on 14 April 2010, the day the book was introduced to the market. The indictment was prepared on 1 June 2010, putting forward that the journalists had breached a publication ban decreed by the Istanbul 13<sup>th</sup> High Criminal Court on 30 July 2008. Both un-detained defendants attended the hearing. They are indicted under Article 285 of the Turkish Penal Code (TCK) on “violation of communications”. In his defence, Mavioglu claimed, “We expected the indictment to clarify where a violation actually occurred, but the probe into the books was launched just by looking at the cover. The book is based on court documents that could be reviewed by everybody. No state official of the ‘deep’ or ‘not deep’ state let any documents fall into our lap. I do not know how to respond to the accusations without being informed about any violation”. Sik said, “We think that evidence has been concealed in the Ergenekon investigation. We wrote the book as a guide for a fair trial. Different names were involved at different times in the dirty and bloody organization that is owned by the state. We want the real perpetrators to be prosecuted for the crimes they actually committed”. The trial was observed by human rights advocates. The case was postponed to 21 January 2011.

**Hakan TAHMAZ, Ibrahim ÇESMECIOGLU:** journalist and general director of *Birgün*. Under investigation in September 2008 after the 9 August seizure of the newspaper. Accused of publishing an interview with a member of the banned Kurdish Workers party (PKK), carried out at the PKK HQ in Kandil, Northern Iraq, in an article entitled ‘A One Sided Ceasefire is Making the Problem Worse’. The interviewee is quoted as saying that although most people wanted the violence to end, the PKK would continue its “legitimate defensive war”. Both men denied that they were carrying propaganda, and were simply carrying out legitimate journalism. Tahmaz also referred to a book he is working on

dealing with the conflict and his belief that the public needs access to all types of information on the problems. He stressed that he is working towards an end to the conflict and the need to end the hostilities that he believes are "taking Turkey to a disaster". Charged under Articles 4 and 6/2 of the Anti Terror Law for making propaganda for an illegal organisation. The defendants are facing prison sentences of up to three years each. The trial continued on 12 October 2010 at the Istanbul 10<sup>th</sup> High Criminal Court. Un-detained defendant Tahmaz presented his defence. Çesmecioglu did not attend the hearing. The final verdict of the Istanbul 10th High Criminal Court was expected for 2 December 2010. PEN is seeking more information.

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

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

**Ferhat TUNÇ:** singer 1) Trial started on 2 December 2004 at the Beyoglu Criminal Court on charges under article 159 of the Penal Code for insulting the judiciary in an article Tunç wrote for the daily *Gündem* on 19 January 2004 entitled "A Revolutionary Leyla and a Song". Faces 1-3 years in prison if convicted. Hearings continued through to 2009. The case was referred to the Ministry of Justice for approval to continue as prescribed under the amended Article 301. PEN is seeking an update.

**Baris YARKADAS:** chief editor of the Gerçek Gündem.com (real agenda) website. Trial opened on 15 January 2010. Tried alongside Dr Sebnem Korur Financi, chair of the board of the Turkish Human Rights Foundation before the Kadikoy 2<sup>nd</sup> Criminal Court of the First Instance in Istanbul. They are accused under Article 125/1-2-4 of the Penal Code for "insulting a public official via the press" for an interview carried out in July 2009 in which Yarkadas asked Prof Financi about the head of the Institute for Forensic Medicine, Nur Bilgen. Financi's response suggested that Bilgen had received bribes and that she had been implicated in covering up evidence of torture. The two face up to 2 ½ years in prison. The next hearing was due 21 December 2010. PEN is seeking an update.

### **Sentenced: non-custodial**

**Mustafa KARAALIOĞLU:** journalist for the *Star* newspaper. Sentenced on 6 July 2010 to a one year, two months and 17 day suspended sentence for an article published in June 2008 on the dismissal of a law that would have lifted the ban on headscarves in Turkish universities. He was accused of having insulted members of the high court who had made this decision. Charges of inciting public enmity were dropped. He is banned from writing similar comments for the next 5 years under the terms of his suspended sentence.

### **Death Threat**

**Evrensel TOPSAKAL:** reporter for the *Evrensel* ("Universal") newspaper, was threatened after having written an article. In August 2010 he received a threat via an e-mail which included a photograph of the body

of Turkish-Armenian journalist Dink (see above) after his assassination. The email read: "The Alperenci youth will certainly call you to account for calling a big leader a baby murderer. There is no hole to hide for traitors of the motherland in this country." The Alperenci youth has an ultra-national tendency and is related to the nationalist Great Union Party (BBP). He has filed a criminal complaint.

### **Attacked**

**Cevdet SEN:** journalist for the Dogan News Agency, was reportedly set upon and beaten in late July 2010 in the city of Kinik in an attack thought to be linked to an article about a raid on a local pharmacy.

### **Ergenekon Investigation**

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

PEN International is monitoring a number of cases of writers, academics and journalists who are arrested or indicted in the 'Ergenekon' trials. Below are listed the better known cases, followed by a list of others being monitored by PEN.

**Mustafa BALBAY, Ufuk BÜYÜKÇELEBI, Neriman AYDIN:** journalist for *Cumhuriyet*, chief editor of *Tercüman*, and writer for the online publication *Toplumsal Haber 1*) Among eight people arrested in early July 2008 as part of a series of arrests of members of the nationalist group Ergenekon. Released to stand trial. 2) **Balbay** and **Aydin** were re-arrested on 7 March 2009 and taken to Metris prison. Bianet reports that the reasons for their re-arrest is unknown but that they face life sentences if convicted. *Cumhuriyet's* editor in chief, Hikmet Çentinkaya, said to the media "What happened in the past 8 months to cause these arrests? We don't know if there is new evidence or not. ... [Balbay] is a Kemalist and Republican. If those constitute crimes, I wouldn't know." Other commentators consider the arrests of those such as Balbay as a warning to the opposition. The trial opened on 21 July 2009. At a hearing on 19 November 2009, Balbay made a statement in which he denied charges of inciting an armed uprising. Specifically he is accused of taking part in secret meetings where leading figures, including generals, discussed plans for a coup. Evidence against Balbay is comprised of notes that he says he took as part of his journalistic

activities during meetings with various figures who were subsequently also arrested in the Ergenekon trial. If convicted, he faces between 16-80 years in prison. He told the court that random notes had been rearranged by the prosecution in way that they had not been written down, given dates (he says he does not date his notes), and to form a diary that would then incriminate him and serve to strengthen the claim that a coup was being staged. He stated that he does not believe that the government can be overthrown in a coup, and that he was acting only as a journalist “witness of the era he or she is living in.” PEN is seeking an update.

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

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

**Ergün POYRAZ:** author of controversial books on the now banned Islamic Refah and Fazilet Parties, as well as on the key members of the ruling AKP. Evidence in his books is said to have led to the closure of Refah and Fazilet in the late 1990s/early 2000s. Among the accusations against him is that he allowed books written by Ergenekon members to be published under his name, claims said to be unsubstantiated, and that his books deliberately contributed towards the Egenekon’s policy of spreading chaos, including through unfounded suggestions that certain leaders were of Jewish or Armenian backgrounds, (considered defamatory). One such book could be Poyraz’s *The Children of Moses* which claims that Prime Minister Recep Tayyip Erdogan is part of a “Zionist conspiracy” concocted by JITEM, a clandestine organization said to be the military wing of Ergenekon accused of being responsible for bombings and assassinations. Some news reports suggest that material seized from his home suggested Poyraz was collecting information on senior military and other officers. Believed to be detained pending trial. PEN is seeking an update.

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

#### **Other Ergenekon cases being monitored by PEN:**

**Adnan AKFIRAT,** journalist for *Aydinlik*. Arrested late March 2008. See Bolluk below. **Ahmet AKGÜL:** editor in chief for *National Solution*. Arrested July 2008. See Sungur below

**Mehmet BAKIR:** journalist and leader of the Internet Journalists’ Association. Also runs the Sivasmit website. Arrested January 2009. See Demirkaya and Inanç below.

**Serhan BOLLUK:** chief editor of *Aydinlik*. Arrested late March 2008. See Akfirat above.

**Oguz DEMIRKAYA:** journalist and leader of the Internet Journalists’ Association. Arrested January 2009. See Bakir above and Inanç below.

**Ünal INANÇ:** Journalist. Arrested January 2009. See also Bakir and Demirkaya above. **Emcet OLCAYTO:** Writer for *Aydinlik (Bright)* magazine, reported in August 2010 to be detained under Ergenekon.

**Tuncay ÖZKAN:** writer and journalist. Arrested September 2008. A journalist since the mid-1990s, working for print and broadcast media, he reportedly specialises in covering corruption, drug crime, and terrorism – specifically that linked to religious extremism, and on international relations. His many articles appeared in newspapers including *Milliyet*, *Radikal* and *Aksam*. Reportedly still detained as of August 2010.

**Mevlut SUNGUR:** writer for *National Solution*. Arrested July 2008. See Akgül above.

**Vedat YENERER:** independent journalist and war reporter arrested January 2008.

**Hayrulla Mahmut ÖZGÜR, Halil Behiç GÜRCİHAN:** former head of SESAR (Centre for Political, Economic, Social Research and Strategy Development) and head of its website sesar.com.tr respectively. All are accused of having published articles that furthered the aims of Ergenekon and of “inciting uprising”.

#### **Expelled**

**Dogan AKHANLI:** writer and human rights defender, was detained On 10 August 2010 in connection with a robbery and homicide that took place on 23 October 1989. According to Akhanli’s lawyer, this charge is based on witness statements, one of which had been given under torture. The second witness – the son of the dead man – later denied ever having identified Akhanli as the killer, according to the lawyer. Akhanli’s supporters say that his arrest is related to the author’s commitment for the recognition of the Turkish genocide against the Ottoman Christians. PEN is seeking further information regarding the charges and evidence supporting Akhanli’s supporters’ claims. Akhanli, who now lives in Cologne, was arrested at Istanbul airport on his way to visit his sick father. From 1985-7, Akhanli was a political prisoner in a military prison in Istanbul where he was tortured. He fled to Germany in 1991, has been recognized here as a political refugee and later lost his Turkish nationality. Since 1992 D. Akhanli is living as a freelance writer in Cologne; since 2001 he has German citizenship. **TRIAL:** Akhanli was tried at Istanbul 11<sup>th</sup> High Criminal Court and at the first hearing he was **released pending trial**. Ünay and Mustafa Tutum, sons of the bureau owner who was killed in the robbery incident, are the aggrieved party according to the indictment. At the hearing Tutum brothers stated that Akhanli was definitely not among the three who robbed the bureau and thus they would not lodge a complaint. Witness Hamza Kopal confessed to wrongful deposition on being forced by the police officers from the Anti Terror Branch who said “Give Akhanli’s name otherwise you will be charged.” Complainant’s Councillor Savas Aktas stated that the photograph in the first fact finding report did not belong to Akhanli. **UPDATE** Akhanli was expelled from the country on 6 January 2011 when he was about to leave for Germany.

#### **Released**

**Mehmet BARANSU:** journalist for Taraf 1) faced trial on charges of



“insulting the military” for an article that suggested that there were plans for a defamation campaign by the military against the ruling AKP party and the Fethullah Gülen religious movement. Published in June 2008, the article was seen as a breach of Article 301/2 of the Penal Code for public insult to the military or police, and which carried a maximum of two years in prison. 2) A trial opened in September 2009 regarding an article by Baransu on an attack on a PKK headquarters in Aktütün in which 17 soldiers died. The article entitled ‘Written Records’ was published on 13 April 2009 and gives details of the attack, including the departure times of the aircraft that bombed PKK sites, when the Prime Minister and President were informed, and when the Chief of General Staff arrived at his headquarters. He was accused under Article 329/1 of the Penal Code with “disclosing information related to state security and political efficacy” and disclosing confidential information. He faced up to 10 years in prison. Baransu argued that his article was published 6 months after the attack and the information he used had already been made public by the military. Update: Baransu was acquitted in October 2010.

**Irfan SANCI, Ismail YERGÜZ:** publisher for Sel Publishing and translator respectively. Tried for obscenity relating to the publication of three books: Apollinaire’s *The Exploits of a Young Don Juan*, Ben Mila’s *The Fairy’s Pendulum*, and a collection of writings by various authors entitled *Letters from an Informed and Experienced Bourgeois Woman*. The books were part of a series of erotic titles that have been published by Sel since January 2009. In December 2009 they published another book, *The ‘L’ State of Love*. The book was entered into a competition organised by the Kaos Gay and Lesbian Cultural Research and Solidarity Association. It was accused of offending “public morality.” Sanci faced up to nine years in prison. Yergüz faced 6 years. Both were charged under Article 226/7 of the Penal Code. On 7 December 2010 Sanci and Yergüz were acquitted.

### Case closed

*The following cases are of writers, publishers and journalists who have recently been on trial but where there has been no information for over a year, suggesting that the trials may have concluded. Details of these cases can be found in the previous caselist dated January to June 2010.*

Soner ARIKANOGU  
Önder AYTAÇ  
Oktay CANDEMİR  
Murat COSKUN  
Adnan DEMİR  
Rüstü DEMİRKAYA  
Cevat DÜŞÜN  
Erol KARAASLAN  
Mustafa KOYUNCU  
Ercan OKSÜZ  
Önder ÖNER  
Orhan PAMUK  
Edip POLAT  
Çetin POYRAZ  
Devrim SEVİMAY  
Mehdi TANRIKULU  
Sahip TATAR  
Tayip TEMEL  
Emrullah USLU  
Fakir YILMAZ  
Nihat YILMAZ

Selmi YILMAZ  
Figen YÜKSEKDAG

## UKRAINE

### Disappeared: Motive Unknown

**Vasyl KLYMENTYEV:** Deputy editor-in-chief of Noviy Stil newspaper, disappeared on 11 August 2010 after getting into a car with an unidentified individual. He has not been seen since. Police began criminal proceedings for ‘premeditated murder’ on 15 August, after receiving a report of his disappearance by his wife. On 17 August, they discovered Klymentyev’s mobile phone on a boat on the Pechenizhske lake in Kharkiv. On 19 August, Interior Minister Anatoly Mogilyov said that the police had not ruled out that Klymentyev’s disappearance might be related to his reporting. On 20 August, AP reported that President Viktor Yanukovych would take personal control of the case. **Background:** Klymentyev’s newspaper is widely-known for focusing on corruption issues in the region and for its criticism of law enforcement agencies. According to the Associated Press (AP), Klymentyev had been threatened after refusing money to quash a story about a regional prosecutor with alleged connections to organised crime. **Other information:** a witness in the case has also disappeared, according to Petro Matvienko, deputy editor-in-chief of Noviy Stil. According to a reports, Matvienko has refused to name the witness, but claims that the disappearance is due to failures by the police to protect witnesses. Kharkiv police said they had not been informed of the disappearance. **Update:** The Noviy Stil lawyer, Vyacheslav Ismaylov, claims that the police planted drugs in his apartment during a search relating to another case. Ismaylov claims that he had a judge’s ruling forbidding any investigative operation of this type at his home and that both he and his son suffered injuries during the incident. The police say that the operation was carried out in connection to the alleged criminal activity of Ismaylov’s son.

### Attacked

**Dementiy BILİY:** Journalist, was allegedly attacked by the mayor of Kherson’s security guards on 14 September 2010. Biliy, who works for a local newspaper, *Vilniy Vybir*, was trying to cover a public meeting before a vote. At first, he was denied entry, but on the intervention of a local politician, he was allowed in. On learning that some members of the municipal council had not been admitted, Biliy asked the mayor why that was the case and was immediately removed from the chamber by two members of security who, he says, beat him in front of the police. Doctors are trying to determine whether the journalist suffered concussion during the attack.

**Artyom FURMANYUK:** Journalist, was allegedly beaten up and arrested by police on the night of 17 September, following a dispute with a group of strangers outside his home in Donetsk. Police deny the allegation. They say that Furmanyuk’s injuries resulted from a street brawl. He suffered broken ribs, a severe eye injury, cuts, and numerous bruises. Furmanyuk and his friends were released without charges. **NOTE:** It is unclear whether the incident was linked to Furmanyuk’s journalistic activities. Furmanyuk’s alleged beating by the police took place just hours after RFE/RL’s Ukrainian Service published an article in which he accused the local authorities and police of widespread corruption.

# UZBEKISTAN

## Imprisoned - Main Case

### Salidzhon (Salijon) ABDURAKHMANOV

**D.o.b.:** 1950 **Profession:** Journalist for the independent German-based Uzbek agency *Uznews.net* which is blocked in Uzbekistan, reporter for Radio Free Europe Radio Liberty, Voice of America, the Institute of War and Peace Reporting and chairperson of the Committee for the Defense of the Rights of the Individual. **Date of arrest:** 7 June 2008 **Sentence:** Ten-year prison sentence. **Expires:** 6 June 2018 **Details of arrest:** Arrested by traffic police in Nukus, on the Turkmen border, who stopped and searched his car and then claimed to have found packages, allegedly containing marijuana and cocaine. He was not questioned about where they came from, which would be normal procedure in such cases. On the same day police searched his home and his workplace and confiscated a laptop, books, and notes, amongst others. Later, Abdurakhmanov was questioned about a biography of the exile leader of the banned opposition party Erk, found by police amongst his belongings. **Details of the trial:** The trial started on 12 September 2008, and only Abdurakhmanov's relatives were allowed to be present. The charges against him are 'selling drugs in large consignment' under Article 25-273, Part 5 of the Uzbek Criminal Code. According to Uzbek laws, attempting to commit a crime envisages the same punishment as committing the crime. On 10 October 2008, he was given a ten-year prison sentence, which was upheld in November, when his appeal was overturned by the Supreme Court. On 25 March 2009, the Karakalpak Supreme Court for the second time upheld the ten-year prison sentence against Abdurakhmanov, without explaining the basis of its decision. **Professional details:** Abdurakhmanov is well known for his reporting and monitoring of human rights, economic and social issues in the region. **Place of detention:** He is currently held in Karshi prison. A relative was able to visit who reported in late March 2009, that although he has been held in isolation, he is not being ill-treated. In late April 2009 Abdurakhmanov was visited by his father and wife, and they said he is in good spirits and maintains his innocence. His brother and lawyer announced an appeal is being prepared to demand the Supreme Court to reconsider the conviction. **Other details:** Prior to his arrest Abdurakhmanov had expressed concerns that he may suffer reprisals for his writings. He had apparently written an article that criticised local traffic police shortly before his arrest. Organisations including Amnesty International and Human Rights Watch state that the sentence is clearly aimed stopping his critical reporting. **Government' response to the UN:** In May 2009 the Special Rapporteur on Freedom of Expression and Opinion of the United Nations (UN), published its report, including communications with the Uzbek government regarding Abdurakhmanov's case. In these communications, the Uzbek government claimed that Abdurakhmanov's car had been stopped, and that he had been found to be driving without a licence. It also said that officers had searched his car, had found marijuana and opium, and that. Abdurakhmanov had been indicted under Article 276, paragraph 2(a) of the Criminal Code. The Ministry of Internal Affairs claimed not to have received any complaint regarding the use of unauthorised methods during the investigation, and that the criminal proceedings were 'not connected with his human rights activities'. On 5 August 2009 the charges were amended to 'intent to sell' a large quantity of narcotics. Abdurakhmanov was found guilty and sentenced to ten years' imprisonment. On 19 November 2009 this judgment was upheld by the Supreme Court of Karakalpakstan. PEN continues to be concerned that Abdurakhmanov is being held for his

human rights monitoring. (RAN 40/08 – 14 August 2008; Update #1 – 14 October 2008; Update #2 – 20 January 2009)

### Muhammad BEKZHON (BEKJANOV)

**D.o.b.:** c. 1955 **Profession:** former journalist **Date of arrest** March 1999 **Sentence** 15 years, reduced to 12 years **Expires** March 2011

**Details of arrest:** Deported from Ukraine in March 1999 on accusation of involvement in a series of explosions in Tashkent. Several others arrested in connection with these events. (see Makhmudov, below) **Trial details:** It is thought that his arrest is linked to his association with the exiled opposition leader Muhammed Salih and that the charges are linked to his work on *Erk*, the opposition party's newspaper, although it has been banned since 1994. Some of the defendants have testified to having been tortured under interrogation including beatings, electric shock and threat of rape of female family members. In August 1999, Bekjanov was sentenced to 15 years in prison, convicted 'of publishing and distributing a banned newspaper containing slanderous criticism of President Islam Karimov; participating in a banned political protest; and attempting to overthrow the regime'. In addition, the court found them guilty of 'illegally leaving the country and damaging their Uzbek passports'.

**Professional details:** Former contributor to *Erk*. Brother of exiled opposition leader, Muhammad Salih **Place of detention:** Kasan prison, south-western Uzbekistan **Health concerns:** reports of torture lead to concern for well being. The UN Special Rapporteur on Torture in his 2003 report referred to allegations of torture resulting in Bekjanov's leg being broken. It referred to Bekjanov contracting TB, for which he received treatment. The Uzbek government had responded to the Rapporteur informing him that the sentence had been reduced by a fifth, and giving details of the TB treatment being given. It denied that "moral or physical pressure" had been applied. In October 2006, his wife was able to visit him in prison and reports that he was still suffering beatings, and that he had lost most of his teeth. Concerns for his health remained acute. **Other Details:** Wife resident in the USA. **Honorary Member:** English, American PEN, USA, Canadian PEN Centres

**Dzhamsheed (Jamshid) KARIMOV:** d.o.b c. 1967, journalist working for the London-based Institute of War and Peace Reporting (IWPR) until May 2005 and subsequently for a number of other publications, disappeared on 12 September 2006. Two weeks later his friends were able to ascertain that Karimov was being held in a psychiatric hospital in the capital, Samarkand. The chief psychiatrist at the hospital stated that Karimov suffers from a psychiatric disorder, that he was accepting medication, was in a room of his own and does not mix with other patients. **Ill treatment/medical:** has been allowed visits from his mother and fiancé but on occasion reportedly appeared distressed and asked them to help him get out. In August 2007, there were reports that his health had deteriorated further, in particularly his failing eyesight. He was reportedly still held in psychiatric detention in late 2008. **Background:** Karimov is a nephew of the President Islam Karimov and, according to CPJ, is said to have been openly critical of his uncle and to be living in poverty. Karimov worked for IWPR until May 2005 when many protestors were killed at a protest in Andijan. He subsequently went on to work for a number of independent newspapers as a freelancer. **Previous political persecution:** Since mid 2006 Karimov had been under surveillance by the intelligence agencies and in August 2006, his mother reportedly demanded of the authorities, unsuccessfully, that listening devices be removed from their property. Also in August 2006, Karimov's passport was seized after he applied for a visa to attend a journalism seminar in Kyrgyzstan. It is

reported that on 31 August 2006, the head of the regional administration visited Karimov and offered him positions on official newspapers, apparently in a bid to entice him to stop his independent journalism. **Other information:** Karimov's mother, who had been outspoken in her son's defence, died in March 2008. **Recent information:** According to the *Information Agency Ferghana.ru*, Karimov is still detained, as of July 2009. **Honorary member:** English PEN. PEN is seeking further information.

### **Mamadali MAKHMUDOV**

**Profession:** writer and opposition activist **Date of arrest:** 19 February 1999 **Sentence:** 14 years **Expires:** 3 August 2013 **Details of arrest:** Arrested 19 February 1999 after a series of explosions in Tashkent. Several others arrested in connection with these events. **Trial details:** Held in incommunicado detention from February to May 1999. Subsequently charged 1) Article 158 Uzbek Criminal Code – Threatening the president and 2) Article 25-159 UCC – Threatening the constitutional order 3) 216 organising banned public associations and religious organisations 4) 242.1 organising a criminal group. It is thought that his arrest is linked to his association with the exiled opposition leader Muhammed Salih. However access to key documents has been denied. Appears that some of the charges against the defendants are linked to their writings in and distribution of *Erk* the newspaper of the opposition Erk party, banned in 1994. At the trial, Makhmudov testified to having been tortured under interrogation including beatings, electric shock and threat of rape of female family members. On 3 August 1999, sentenced to 14 years. **Professional details:** Well-known writer. Member of the Uzbek Writers Union and Uzbek Cultural Foundation. **Previous political imprisonment:** imprisoned between 1994 and 1996 for alleged embezzlement and abuse of office, charges which at the time were considered by PEN and Amnesty International to have been fabricated and that his arrest was because of his association with Salih. This view supported by the United Nations Working Group on Arbitrary detentions. **Place of detention:** Subsequently moved on to UYA 646 High security prison in Chirchik prison, Tashkent district, where the conditions are said to be less harsh than at Navoi. **Health concerns:** reports of torture lead to concern for well being. Hospitalised July 2000 presumably for facial and throat surgery. Thought to have resulted from extreme ill-treatment and neglect in Jaslyk camp where previously held. **Other information:** Makhmudov's book, *Immortal Cliffs* was published in French in late 2008. **Honorary Member:** English, American, Canadian, Netherlands and USA PEN Centres. (RAN 11/09 – 11 February 2009)

### **Dilmurod SAIDOV (pen name SAYYID)**

**Profession:** journalist for a number of independent websites and activist. **Date of arrest:** 22 February 2009 **Sentence:** 12 and a half years **Expires:** August 2021 **Charges:** Extortion and forgery **Details of the trial:** The trial was heard at the Taylak District Court, where the sentence was announced in a closed session, in the absence of his defence and family, as they had not been informed of the date of the trial. There are reports that the trial was riddled with procedural violations, and that various witnesses withdrew their testimonies. There is an account, for instance, that a witness testified against Sayid saying that she was forced by the journalist to extort money from a local businessman. However, afterwards the witness retracted in full her statement, but the trial continued. In the case on extortion charges, two farmers were included together with Sayid,

one was sentenced to eleven years in prison and the other to twelve. His defence announce they would appeal the verdict. **Professional details:** Sayid's reports have been published in various local newspapers and news websites in Central Asia, including *Voice of Freedom*. There are reports that Sayid's conviction is linked to his reports on abuse of power and corruption in some local government offices, such as his articles on alleged illegal confiscations of farmers' land by local authorities. Sayid is also an activist of the Tashkent regional branch of the human rights organisation Ezgulik. **Family:** In early November 2009 Saidov's wife and daughter, aged 6, were killed in a car accident while on their way to visit him in prison. **State of health:** He suffers from tuberculosis and requires regular medical treatment. (RAN 32/10 – 10 August 2009)

### **Imprisoned – investigation**

**Bahrom IBRAGIMOV, Davron KABILOV, Ravshanbek VAFOYEV, Abdulaziz DADAHONOV (DADAHANOV) and Botirbek ESHKUZIIYEV:** Members of a religious group sentenced on 16 February 2009 to eight to twelve years in prison, reportedly for publishing the religious magazine *Vesna (Spring)* and for their membership of the religious group Nur (Light). It has been reported that the Nur group had originated in Turkey, where it has been banned, and that the Uzbek Security Service alleged that Nur received funds from Turkey. Ibragimov and Kabilov are convicted to twelve years in prison, Vafboyev and Dadahonov to ten years, and Eshkuziyev to eight years, and they are serving their sentences in a high-security prison in Tashkent. On April 2009 the Tashkent City Criminal Court rejected the defendants' appeal. (See also Shavkat Ismoilov and Davron Tajiyev below.) PEN is seeking further information.

### **Hayrulla HAMIDOV (Khayrullo Kamidov)**

**D.o.b.:** 1975 **Profession:** Football commentator and radio-host, poet and deputy editor-of the newspaper *Chempion* (Champion). **Date of arrest:** 21 January 2010 **Sentence:** Six years in prison **Expires:** 20 January 2016 **Details of arrest:** Officers of the Tashkent Region police department entered Hamidov's home, seized his books, computer, a copy of the Koran, and audio and video material, and detained Hamidov. **Details of the trial:** Tried under Article 216 of the criminal code concerning 'the organisation or active participation in a proscribed social or religious movement' and 'dissemination of prohibited material', under articles 216 and 244-1 of the Criminal Code. In a closed hearing held on 11 May 2010, the prosecutor demanded for Hamidov to be sentenced to seven years in prison. The criminal court in Guibakhor, near Tashkent, postponed the sentencing until 28 May then convicted Hamidov to six years' imprisonment. **Other information:** Hamidov is reportedly a prolific poet. He was also a popular radio-host on Islam of the show 'Kolislik Sari' (Voice of Impartiality) broadcasted by the Tashkent-based Navruz FM. According to Radio Free Europe/Radio Liberty (RFE/RL), Hamidov was tried with 18 other people who were found to be members of the Islamic group Jihadchilar (Jihadists). **Previous political persecution:** In 2007 Hamidov's newspaper *Odamlar Orasida* (Among the People), that dealt with issues including infant mortality, corruption, and homosexuality. The newspaper was closed down by the authorities. **PEN position:** PEN consider this case as an investigation pending information that Hamidov has not advocated violence.

### **On Trial**

**Vladimir BEREZOVSKY:** Editor for the news website *Vesti* and reporter with the *Parlamentskaya Gazeta*, was charged, alongside

broadcast journalist **Abdumalik Boboyev**, with defaming and insulting the Uzbek nation and state agencies through use of the mass media. According to Committee to Protect Journalists research, such charges are not listed in the Uzbek Criminal Code, and no individuals or representatives of state agencies have stepped forward to claim they were targets of defamation. CPJ research also shows that the indictments were based on obscure reports from the Uzbek information ministry's Centre for Mass Communications Monitoring, an agency that is routinely used to suppress the media. Berezovsky, told CPJ that he is being charged with defamation on the basis of 16 articles that appeared on his news site. The articles were republished by *Vesti* and originated with other Russian news agencies including Interfax, Regnum and RIA-Novosti, as well as the website *Ferghana*. Prosecutors initially filed charges against Berezovsky after he wrote an article criticizing Tashkent authorities for re-naming a street that had previously carried the name of an ethnic Russian. **UPDATE** (19 Oct): On 13 October, Berezovsky was convicted of criminal defamation and insult, but was immediately granted an amnesty, and will therefore not face punishment. However, his conviction will stand and he will have a criminal record. He plans to appeal. Press freedom groups and human rights monitors have questioned the fairness of the trial. The court rejected the demand to call the alleged victim to the courtroom. Boboyev was found guilty of slander, insult and disseminating materials posing a threat to public order. He was fined US\$11,500.

### **Judicial Concern**

**Yusuf Juma (Dzhuma):** poet. Age 50. **Sentence:** five years in prison **Arrest:** Reported disappeared on 10 December 2007, and subsequently found to have been arrested on 22 December 2007. His arrest follows a series of demonstrations he and his son staged in Bukhara, where they displayed anti President Karimov posters against charges made against another son, Mashrab Dzhuma, who was arrested on 4 December and was charged with rape, allegations that he and his family dispute. Alerts were raised when, on 10 December 2007, after an altercation with police in Bukhara, neighbours reported that dozens of police had descended on the Juma home, and heard shooting from inside the house in a rampage that lasted until 1 am the following morning. Neighbours also report that after the police left, they went to the house to find no-one there and the corpses of pet dogs and livestock that had been shot. Juma was thought to have been at his house at the time, along with three of his children aged 25, 19 and 11, and his daughter-in-law and two grand children aged five and two. For some days there were concerns that Juma had been arrested, and possibly killed. However by 22 December 2007 he was found to have been detained after he had spent some days in hiding. Some family members are said to have fled abroad. **Government response:** in a letter to PEN from the Uzbek Ambassador to London, responding to queries made by the organisation, it is confirmed that the arrests occurred after a "protest action" staged against the decision to sentence one of Juma's sons – Mashrab Juma – to a prison term on charges of assault and injury. The letter states that in December 2007 a dispute arose at the home of a friend during which Mr Juma attacked another person present with a knife. Mashrab Juma is charged with deliberate injury under Article 104 of the Criminal Code. The letter further states that the men insulted police who attempted to break up the meeting and then drove away, injuring two policemen. They were subsequently charged under Article 104 of the Criminal code – deliberate injury, and Article 219 – resisting a police officer in the course of their duty. Reports from other sources suggest that police were injured in this incident. **Trial:** On 15 April 2008 Juma

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

### **Case Closed – lack of information**

**Shaykat ISMOILOV and Davron TAJIYEV:** Director and editor respectively of the magazine *Yeti Iklim* (*Seven Dimensions*), were sentenced to eight years in prison for allegedly 'creating, leading or participating in religious extremist, separatist, or other banned organisations', according to Criminal Code's Article 244 Part 2, on 6 April 2009. It is said that the charges against both were related to both journalists links to the religious organisation Nur (Light), based in Turkey. (See also Barom Ibragimov et al above.)

# Middle East and North Africa

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## ALGERIA

### *On trial*

**Belhamideche BELKACEM:** editor of the daily newspaper *Réflexions*, was reportedly sentenced to six months in prison by a court in Mostaganem on 8 May 2010, for allegedly defaming the President of the People's Congress of Ain Boudinar. The case related to an article on corruption published in the 10 June 2009 edition of *Réflexions*. It is not clear whether Belkacem filed an appeal. No further news as of 31 December 2010.

### *Harassed*

\***Lahcen TIGBADAR and Mohammed SLIMANI:** journalists for the Moroccan weekly newspaper *Assahra Ousbouiya*, were reportedly detained and interrogated by Algerian police for four days from 18 September 2010. The officials seized the journalists' documents and prevented them from leaving their hotels in the town of Tindouf, where they had been reporting on conditions facing refugees from Western Sahara. After the journalists were released they claimed that they had been badly treated.

### *Non custodial sentence*

\***Jilali HADJADJ:** anti-corruption activist, doctor and regular contributor to *Le Soir d'Algerie*, was given a six-month suspended sentence and fined 50,000 Dinars (500 Euros) by an Algiers court on 13 September 2010. Hadjadj was arrested at the airport while he was preparing to travel to France, following a complaint filed by the national medical insurance office (CNAS) over three medical certificates he had written for his wife. His wife was also given a two-month suspended sentence and fined 20,000 Dinars (200 Euros). The couple intended to appeal against the sentences, which were handed down after a one-day trial that reportedly had numerous procedural irregularities and was said to be politically motivated. Hadjadj is the president of the Algerian Association Against Corruption and Algerian representative for the NGO Transparency International.

### *Case closed*

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

**Omar BELHOUCHE and Salima TLEMCANI:** editor and reporter respectively of the French-language daily newspaper *El Watan*, were reportedly given a three-month prison sentence and a fine of 50,000

Dinars (approx. 500 Euros), on charges of defamation in late December 2008. The trial is related to a report published in the newspaper in 2004 regarding an alleged healer who practices without any medical qualifications. The case was filed by the healer. Both journalists were free pending the outcome of their appeal, still pending as of 31 December 2009. No further news as of 31 December 2010; case closed due to lack of information.

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

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

**Hafnaoui EL GHOUL:** freelance journalist and human rights activist, is reportedly facing sixteen lawsuits for his critical articles, which include criminal defamation, insult to government authorities and contempt. The charges have been filed by a local official of Djelfa province. One of the lawsuits reportedly stems from a report regarding alleged corruption and human rights violations in the local prison, published in the newspaper *Al-Wasat* in October 2008. Ghoul is a member of the Algerian League for the Defence of Human Rights. All the cases were ongoing as of 31 December 2009. **Conviction/ appeal:** On 27 October 2009, El Ghoul was reportedly convicted on charges of defamation and contempt of a public institution in two separate trials. He was sentenced to a total of four months' imprisonment, two of them suspended, and a fine and was also ordered to pay damages. He appealed in both cases and remained free pending the outcome. These cases were brought after Djelfa officials complained about articles by El Ghoul in *Al-Wasat* alleging mismanagement and corruption. **Attack:** In January 2010, an unidentified person reportedly attacked El Ghoul with a knife in the street. **Previous problems:** In 2004, Ghoul served a six-month prison sentence for criminal defamation stemming from one of his articles. **Update:** As of 31 December 2010, no further news on any of the legal cases; case closed due to lack of information.

## BAHRAIN

### *Main Case*

#### \***Abdul-Jalil ALSINGACE:**

**Profession:** Activist and internet writer. Dr Alsingace teaches engineering at the University of Bahrain and authors his own blog (<http://alsingace.blogspot.com/>). He is head of the human rights office of the Haq Movement for Liberty and Democracy. **Date of arrest:** 13 August 2010. **Details of arrest:** Arrested at Bahrain International Airport on his return from London on 13 August 2010, where he had been attending a conference at the House of Lords during which he had criticised

Bahrain's human rights practices. He was initially accused of 'inciting violence and terrorist acts', before being formally charged under national security and counter-terrorism legislation. According to a statement by a public prosecution official, Dr Alsingace is among four leading Bahraini Shia activists to be facing charges including 'the planning and instigation of violence, conducting a wide-ranging propaganda campaign against the Kingdom and seeking to overthrow the regime by force'. The men are believed to be currently held on a sixty day detention order, and their whereabouts remain unknown. It is widely believed that the charges are politically motivated and that he is targeted for his criticism of the Bahraini authorities. His arrest appears to be part of a crackdown on Shia activists in the run up to the parliamentary elections held in October 2010. **Treatment in prison:** Held incommunicado in solitary confinement and reportedly ill-treated and tortured in detention. Dr Alsingace is partially paralyzed from polio and requires assistance to walk, and there are mounting concerns for his well-being in detention. **Previous political imprisonment/problems:** He was previously detained in 2009 and held for several months on charges of plotting to overthrow the government before being given a royal pardon.

### ***Imprisoned: investigation***

\***Ali ABDULEMAM:** Blogger and author of the book *Global Voices Advocacy*. Reportedly arrested on 4 September 2010 by the Bahraini authorities for allegedly spreading "false news" on the popular website BahrainOnline.org, which he founded in 1999. His arrest is believed to be linked to his support for 23 Shia activists currently detained on terrorism charges (see 'main case' above). The website was closed on 5 September 2010. A few hours before his arrest, he received a call from the National Security Apparatus (NSA) asking him to present himself in front of the NSA at 9am. The authorities claimed that he was trying to flee. Previously arrested on 27 February 2005 and held for over one month over messages posted on the website that were critical of the ruling regime. The trial is ongoing, the next hearing was scheduled for 23 December 2010. Still detained as of 31 December 2010.

### ***On trial***

**Mohammed AL-SAWAD:** Courts reporter for the *Al-Bilad* newspaper. Charged in early June 2010 under Article 246 of the Penal Code with violating a publication ban. The ban, issued by the Attorney General on 25 March 2010, which applied to all coverage of the case of a former minister on trial for alleged money laundering. The charge carries a one-year prison sentence. Al-Sawad appeared in court on 30 June 2010. Remains free on bail as of 31 December 2010.

### ***Attacked***

\***Muhannad ABU ZEITOUN:** Chief editor of the *Alwatan* newspaper. Reportedly attacked on 26 August 2010 by two masked men in front of the newspaper's headquarters in the capital city of Manama and beaten. His car was also set on fire. The attack is thought to be linked to recent political and security unrest in the country.

## **EGYPT**

### ***On trial***

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

his blog. Remained free on bail pending appeal until the court dismissed the conviction in February 2010. However, on 10 March 2010 Egypt's Economic Court sentenced Abbas to the same sentence for 'providing a telecommunications service to the public without permission'. Neither Abbas nor his lawyer had been notified about the conviction and he remained free as of 31 December 2010.

**Yasser BARAKAT:** Editor-in-chief of the *Al-Mogaz* newspaper. Sentenced to one year in prison on 2 February 2010 in two separate insult and libel cases filed by MP and journalist Mostafa Al-Bakri in January and February 2008. The cases stem from two articles published by Barakat in November 2007 and January 2008 accusing Bakri of engaging in 'illegal profiteering' – taking advantage of his government positions to buy land for less than the market value. Thirteen cases have been filed against Barakat by Al-Bakri, three of which have been won by the MP. Barakat remains free pending appeal. No further information as of 31 December 2010.

**Wael EL-EBRASHI and Samar Al-DAWI:** Editor and journalists respectively, of the newspaper *Sawt El-Umma*, reportedly face charges of 'inciting the public against a new property tax law'. The case is linked to a campaign launched in January 2010 by the newspaper opposing a new legislation. The first hearing was held on 18 July 2010. The case was adjourned till 19 September 2010. No further information as of 31 December 2010.

\***Sherif Abd EL-HAMID:** Editor-in-chief of the *El-Saf* website. Reportedly sentenced in absentia to six months imprisonment and a fine of 200 Egyptian pounds (\$33) on 28 July 2010. He was summoned by the public prosecutor on 27 June 2010 in response to a complaint submitted by a member of the parliament for a libel and defamation case. The charges were based on statements posted on his website in May and June 2010 which were critical of the Member of Parliament. Remains free on bail pending appeal as of 31 December 2010.

\***Hisham EL-MEYANI AND Amr KHAFAGY:** Editor and journalist respectively of the independent daily *Al-Shorouq* newspaper. Reportedly charged with "insulting and defaming an official in the exercise of his duty" on 5 December 2010, after the newspaper published an interview the previous day with NDP candidate Momena Kamel, just elected to the al-Badrashin constituency in the Guizeh governorate. During the interview, journalist Hisham el-Meyani questioned her about statements made by the Justice Minister to the electoral high commission relating to fraud cases in the constituency where she had just won her seat. Both journalists were questioned for six hours before being charged and released on bail of 20,000 Egyptian pounds (2,600 euros). The first date for their hearing was set for 18 December 2010. They face from six months to three years in prison and a fine of 10,000 Egyptian pounds (1,300 euros). **Amr GHARBEIA:** Internet writer and staff of Amnesty International, reportedly charged in May 2010 with 'criminal defamation', 'blackmail', and 'misuse of the internet'. The charges are linked to a complaint made by a judge in February 2007 over a review Gharbeia had written of the judge's book. If found guilty Gharbeia faces imprisonment and a fine. No further information as of 31 December 2010.

**Ahmed HOSNI:** Journalist with the daily *Al-Shorouk* newspaper. Reportedly on trial for an insult and libel case brought against him by a Saudi prince for an article published on 29 November 2009. On 23 September 2010, the Agouza misdemeanors court decided to adjourn the case to 11 November 2010. Remains free on bail. No update as of 31 December 2010.

**\*Ibrahim ISSA:** Editor of the daily *Al-Dostor*. A libel and insult case was brought against him and another Kuwaiti journalist Mohammed Alweshaihi by the Kuwaiti prime minister on 27 July 2010 for a series of articles published in the paper. The case is still pending as of 31 December 2010.

**Hamdi KANDIL:** Independent journalist. Charged with defamation on 18 May 2010 for a 3 May piece published in the newspaper *Al-Shuruq*, after a complaint filed by the Foreign Affairs Minister. In the article, Kandil reportedly criticised a statement made by the Minister that contradicted a previous official statement. The case was reportedly referred to the criminal court by the public prosecutor on 6 September 2010. The case was adjourned to January 2011.

**\*Abdel Halim KANDIL and Ahmed ABDULKHAHEIR:** Former editor of the *Sout el-Ummah* newspaper and a journalist for the same newspaper, respectively. Reportedly sentenced on 26 October 2010 to one year in prison and a fine of 10000 Egyptian pounds in an insult and libel case filed by a film director in relation to their reporting on his wedding party. The journalists were freed on bail, no further information as of 31 December 2010.

**\*Ashraf SHEHATA:** Journalist and blogger. Reportedly convicted of libel and insult and sentenced by an economic court on 31 August 2010 to 6 months in prison and a fine of 2000 Egyptian pounds (\$870). The case was brought against him by the editor of *Al-Masry Al-Youm* which Ashraf worked for in the past. Thought to remain free on bail pending appeal as of 31 December 2010.

#### **Sentenced in absentia**

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

#### **Released**

**Mosaad ABU-FAJR:** Novelist and Internet writer, arrested on 26 December 2007 for his peaceful activism in support of the Bedouins of the Sinai Peninsula, his own native people, who are said to be ill-treated by the Egyptian authorities in Northern Sinai. Reportedly freed on 14 July 2010.

**Abdel Kareem Nabil SULEIMAN (aka Kareem Amer):** Internet activist. Arrested on 6 November 2006 after posting articles critical of Islam on his blog ([www.karam903.blogspot.com](http://www.karam903.blogspot.com)). His trial began on 18 January 2007 and he was sentenced to four years in prison on 22 February 2007 on charges of 'disparaging Islam' and 'defaming the Egyptian president'. The charge of 'broadcasting statements that could disturb public order' was dropped. The Court of Appeal upheld the four-year sentence on 12 March 2007. Released on 15 November 2010, ten days after the expiry of his sentence.

#### **Case closed**

**Abdel Ghaffar ALLAM:** Journalist for the *Youm7* newspaper.

Reportedly sentenced in absentia on 23 October 2010 to 15 years for allegedly disseminating false information and forging documents over a report he published in the newspaper. On 21 November 2010 a Criminal Court in Cairo acquitted him. Case closed, charges dropped.

**Hani NAZER AZIZ:** Internet writer and social worker. Reportedly detained on 3 October 2008 for a novel published online on his blog (he is not the author). Held under Emergency Law, which allows for renewable detention orders without charge, for 21 months. Nazer Aziz is said to be a Christian critical of the views of conservative Muslims and Christians. He was finally released in July 2010 after 21 months of detention.

**Hisham Bahaa EL-DIN:** Member of the actor's union Ashraf Zaki, reportedly on trial after the head of the union filed an insult and libel suit against him for an article El-Din wrote and published on his Facebook. The article entitled "Scandal at the Acting Profession's Union", dated 1 January 2010, allegedly criticises the performance of some Union board members. The first hearing was held on 24 April 2010. On 3 August 2010, an Egyptian misdemeanor court acquitted Hisham Bahaa el-Din. Case closed.

## **IRAN**

### **Imprisoned: Main Cases**

#### **Bahman Ahmadi AMOUEE**

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

#### **Emadeddin BAGHI**

**Profession:** Iranian journalist and human rights activist. **Date of arrest:** 28 December 2009 **Sentence:** 6 years in prison **Details of arrest:** Reportedly arrested on 28 December 2009 after massive protests in Tehran and other cities to mark the Shi'a religious observance of Ashoura. Baghi's arrest followed the broadcast by the BBC Persian Service of a two-year old interview Baghi had conducted with the late Ayatollah Hossein-Ali Montazeri, an influential cleric who died in December 2009. The government has sought to clamp down on publicity about Montazeri, who had criticized the conduct of the June presidential election. **Details of trial:** On 23 June 2010 Baghi was released from Evin prison, on bail of 200 million Tomans (approx. US\$ 200,000). Reportedly sentenced to one year in prison on 26 July 2010 but faced additional charges of 'propaganda against the state' and 'colluding to commit acts against national security'. He was sentenced on 21 September 2010 to a further six years in prison, but remained free on bail until 5 December 2010 when he was imprisoned. **Health concerns:** He is in poor health stemming from his previous imprisonment. **Other information:** Baghi is the founder of the Association for the Defence of Prisoner's Rights, which had been compiling information



on torture and other abuses of detainees. In the late 1990's he exposed the serial murders of Iranian intellectuals. His books *Right to Life* and *Right to Life II* argue for the abolition of the death penalty and have been banned by the authorities. Author of twenty books, six of which have been banned in Iran. Winner of the Martin Annals Award in 2009 and British Press Awards for International Journalist of the Year 2008. **Previous political imprisonment/problems:** Sentenced to a three-year prison term in 2000 on charges of 'endangering national security' for his writings about the murder of dissident intellectuals in Iran in the late 1990s. He served two years of that sentence, and one year was suspended. Also handed down a one-year suspended term in 2003 for "endangering national security" and "printing lies" in his book, *The Tragedy of Democracy in Iran*. His newspaper *Jomhouri* was shut down in 2003. Sentenced to one year in prison in October 2007 for "acting against national security", 'propaganda against the Islamic Republic' and 'divulging state secret information'. In December 2007 he suffered a heart attack and three seizures in prison, and remained in poor health without adequate medical care until his release in October 2008. He was a main case of PEN International during his previous detentions. (RAN 12/10 – 18 March 2010; Update #1 – 2 July 2010; Update 2 – 15 December 2010.)

### Massoud BASTANI

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

### \*Mohammad DAVARI

**Profession:** Editor-in-chief of *Saham News*, a website affiliated with 2009 presidential candidate Mehdi Karubi. **Date of arrest:** 5 September 2009 **Sentence:** 5 years in prison. **Expires:** **Details of arrest:** Reportedly arrested on 5 September 2009 and charged with several antistate counts, including "propagating against the regime," and "disrupting national security." The charges stemmed from Davari's reporting on widespread complaints of abuse and rape of inmates at Kahrizak Detention Centre. The detention centre was closed in July 2009 after *Saham News* and others documented the pervasive abuse. **Details of trial:** Reportedly sentenced in May 2010 to five years in prison. **Place of detention:** Tehran's Evin Prison. **Treatment in prison:** Reportedly tortured and coerced into making false statements retracting his Kahrizak Detention Centre reports. Placed in solitary confinement and denied family visits after he complained about poor prison conditions. **Other information:** Recipient of the 2010 International Press Freedom Award by the Committee to Protect Journalists (CPJ).

### Hossein DERAKHSHAN

**D.o.b.:** c.1975 **Profession:** Internet writer. **Date of arrest:** 1 November 2008. **Sentence:** 19 and a half years in prison. **Expires:** 30 April 2028 **Details of arrest:** According to PEN's information, Hossein Derakhshan was arrested from his family home in Tehran on 1 November 2008 shortly after returning to Iran from several years living in Canada and the United Kingdom. The authorities did not officially acknowledge his detention until 30 December 2008. He is thought to be accused of 'spying for Israel', apparently for a highly publicised trip he made to Israel – with whom Iran has no diplomatic relations – in 2006, travelling on a Canadian passport. He declared that this trip was to show his "20,000 daily Iranian readers what Israel really looks like and how people live there". He also wanted to "humanise" Iranians for Israelis. **Details of trial:** His trial reportedly began on 23 June 2010 on charges of 'conspiracy' and 'acting against national security'. No verdict was made known till late September when it was reported on the Farsi news website *Mashreq* that he had been convicted on charges of 'propagating against the regime', 'promoting counter-revolutionary groups', 'insulting Islamic thought and religious figures' and 'managing an obscene website'. He was sentenced to nineteen and half years in prison. **Place of detention:** Evin prison, Tehran. **Treatment in prison:** Hossein Derakhshan is held incommunicado in Evin prison, where he is said to be ill-treated and has been under pressure to make a 'confession'. Held in solitary confinement for the first eight months of his detention. Has only been allowed to meet his family twice since his arrest, most recently on 29 October 2009. On 9 December 2010, Derakhshan was released conditionally, on two days parole, after posting a bail of \$1.5 million. After less than two days, he was taken back to prison. **Health concerns:** There are serious concerns for his physical and psychological well-being. **Other information:** Nicknamed 'the Blogfather', thirty-five year-old Hossein Derakhshan is known for pioneering 'blogging' in Iran with his Internet diaries, in both English and Farsi, which have been critical of the Iranian authorities though more recently have been sympathetic to President Ahmadinejad.

### Adnan HASSANPOUR

**Profession:** Iranian Kurdish journalist, writer and human rights activist. **Date of arrest:** 25 January 2007 **Sentence:** Death penalty, commuted to ten years in prison. **Expires:** 24 January 2017 **Details of arrest:** Reportedly detained on 25 January 2007 in Marivan, a small city in the northwestern province of Kurdistan, apparently for expressing his views on the Kurdish issue. He was reportedly held incommunicado without charge in a Ministry of Intelligence facility in Marivan, and transferred to Marivan prison on 26 March 2007. In April 2007, the *Mehr News Agency*, which is said to have close links with Iran's judiciary, apparently alleged that Adnan Hassanpour had been in contact with Kurdish opposition groups and had helped two people from Khuzestan province, who were wanted by the authorities, to flee from Iran. However, it is thought that he may be held for a phone conversation he had with a staff member of *Radio Voice of America* shortly before his arrest. **Details of trial:** He appeared before the Islamic Revolutionary Court in Sanandaj on 12 June 2007, in the presence of his lawyer. On 16 July 2007 he was told that he had been sentenced to death on charges of espionage and *Moharebeh* ('fighting God'). The sentence was confirmed on 22 October 2007, but was overturned by the Supreme Court in Tehran in August 2008 on procedural grounds. The case was returned to Sanandaj for a re-trial and heard on 6 September 2008 and 30 January 2009. He was sentenced to ten years in prison on 1 July 2009. **Previous political imprisonment/problems:** Adnan Hassanpour is a former member of the editorial board



of the Kurdish-Persian weekly journal, *Aso* (Horizon), which was closed by the Iranian authorities in August 2005, following widespread unrest in Kurdish areas. He had previously been tried in connection with articles published in the journal. **Other information:** He is a member of the Kurdish Writer's Association. (RAN 11/07 and subsequent updates). **Honorary member of:** Swedish and Basque PEN.

#### **Mohammad Sadiq KABUDVAND:**

**Profession:** Editor of the journal *Payam-e Mardom-e Kurdistan* and Kurdish rights activist. **Date of arrest:** 1 July 2007. **Sentence:** 11 years in prison. **Expires:** 30 June 2018 **Details of arrest:** Reportedly arrested at his place of work in Tehran by plain-clothed security officers. Following his arrest, he was first taken to his house where three computers, books, photographs, family films and personal documents were confiscated. He spent the first five months of his detention in solitary confinement. His family was unable to raise the bail that could have enabled him to be freed pending trial. **Details of trial:** Kabudvand's trial began on 25 May 2008, and he was sentenced at a closed court on 22 June 2008 to eleven years in prison by the Tehran Revolutionary Court for forming a human rights organisation in Iran's Kurdish region. The sentence was upheld on 23 October 2008 by the Tehran Appeal Court. **Place of detention:** Intelligence Ministry's Section 209 of Evin Prison. **Treatment in prison:** Held incommunicado and said to be ill-treated. **Health concerns:** Suffers from high blood pressure, skin and kidney conditions. On 19 May 2008 Kabudvand reportedly suffered a stroke in Evin prison and has been denied access to adequate medical care. Said to have suffered another stroke in December 2008. In December 2010 he was said to be in a critical condition and to be denied the specialist medical treatment he needs. **Previous political detention:** Among several prominent Kurdish human rights defenders and journalists to be detained on 2 August 2005 following protests in the city of Sanandaj, capital of Kurdistan. Kabudvand was reportedly sentenced to 10 months in prison on 18 August 2005 for "separatist propaganda". Reportedly held in solitary confinement for 66 days before being freed on bail. For reasons unclear to PEN, Kabudvand was summoned by the Office for the Execution of Sentences on 22 September 2006, and ordered to serve out the remainder of his sentence. Released in April 2007. (RAN 30/07 -18 July 2007; Update #1 -15 November 2007; Update #2 - 4 June 2008). **Professional details:** Mohammad Sadiq Kabudvand was Chair of the Kurdish Human Rights Organization (RMMK) based in Tehran, and former editor of *Payam-e Mardom-e Kurdistan* (*Kurdistan People's Message*) a weekly published in Kurdish and Persian, which was banned on 27 June 2004 after only 13 issues for 'disseminating separatist ideas and publishing false reports'. He has also reportedly written two books on democracy and a third on the women's movement in Iran, which were not given publishing licences. **Other information:** Recipient of the 2009 Hellmann/Hammett award. **Honorary member of:** Swedish PEN. (RAN 30/07 - 18 July 2007; Update #2 - 4 June 2008; Update #3 - 2 July 2008; Update #4 - 4 November 2008).

#### **Saeed LAILAZ (LAYLAZ)**

**Profession:** Editor of the now-banned daily business journal *Sarmayeh* and a vocal critic of President Mahmoud Ahmedinejad's economic policy. **Date of arrest:** 17 June 2009 **Sentence:** Nine years in prison. **Expires:** 16 June 2018 **Details of arrest:** Reportedly arrested at his home in Tehran on 17 June 2009. **Details of trial:** Among 140 opposition figures and journalists who faced a mass, televised trial on 1 August 2009 on vague

anti-state accusations for their alleged participation in protests following the disputed presidential elections of 13 June 2009. Sentenced on 18 November 2009 on charges of 'congregation and mutiny against national security', 'propagation against the regime', 'disrupting public order', and 'keeping classified documents'. Most of the evidence against him reportedly related to articles published in *Sarmayeh*, and an investigation into the Iranian judiciary published online. **Place of detention:** Evin prison. **Treatment in prison:** Reportedly held for three months in solitary confinement and denied reading and writing materials.

#### **Said MATINPOUR**

**Profession:** Journalist with the Azeri-language weekly *Yarpagh*. **Date of arrest:** 28 May 2007 **Sentence:** Eight years in prison. **Expires:** 27 August 2014 **Details of arrest:** Reportedly arrested on 28 May 2007 at his home in the northwestern city of Zanjan. Reportedly held incommunicado in pre-trial detention in section 209 of Evin prison, without access to family visits, until 26 February 2008 because his family was unable to raise the bail sum. Released on bail, but reportedly taken into detention again on 11 July 2009 to serve the remainder of his sentence. **Details of trial:** Convicted by a Tehran revolutionary court behind closed doors on 11 June 2008 on charges of 'maintaining relations with foreigners' and 'publicity against the Islamic Republic'. His lawyer was not present at the hearing. His sentence was upheld on appeal in June 2008. **Health concerns:** Said to suffer from digestive and back problems as a result of ill-treatment in prison.

#### **Reza NOURBAKHSH**

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

#### **\*Morteza MORADPOUR**

**Profession:** Wrote for *Yazligh*, a children's magazine. **Date of arrest:** 22 May 2009 **Sentence:** Three years in prison. **Expires:** 21 May 2012 **Details of arrest:** Moradpour was arrested in 2009 along with several family members during a protest over Azeri-language rights in Tabriz in northwestern Azerbaijan province. **Details of trial:** Reportedly convicted on charges of 'propagating against the Islamic Republic of Iran', 'mutiny', and 'illegal congregation'. Two issues of *Yazligh* were reportedly used as evidence in the trial against him. An appeals court in Azerbaijan province upheld the sentence. Moradpour's attorney said the charges were politically motivated and fabricated.

#### **Hengameh SHAHIDI(f)**

**Profession:** Journalist and opposition activist. Worked for Mehdi Karroubi's 2009 presidential campaign and has written about Iranian and international politics, human rights, and specifically women's rights. She was known as a reformist journalist who had written many articles condemning the practice of stoning. **Date of arrest:** early July 2009

**Sentence:** 6 years in prison **Details of arrest:** Reportedly arrested in early July 2009 and held for 50 days in solitary confinement at Section 209 of Evin prison, which is controlled by the Ministry of Intelligence, where she was reportedly subjected to torture and ill-treatment. Her lawyer said she had been facing pressure to admit to “immoral relations” with men. Reportedly charged with several antistate counts, including “propagating against the regime”. **Details of trial:** In November 2009, a Revolutionary Court sentenced her to six years and three months in prison. She was released pending appeal. The verdict was upheld on 24 February 2010, and Shahidi was taken into custody the next day. **Place of detention:** Evin prison, Tehran. **Health concerns:** In May 2010 Shahidi reportedly spent several days at Evin Prison’s infirmary after a fellow prisoner beat her as prison authorities stood by. In September 2010 Shahidi’s mother reported concerns about the journalist’s deteriorating health. Shahidi was briefly released on bail so she could have medical care, but she was taken back into custody in mid-November 2010 before her treatment was completed.

### \*Nasrin SOTOUDEH

**D.o.b.:** 1963 **Profession:** Prominent writer, journalist and lawyer. **Date of arrest:** **Sentence:** Eleven years in prison. **Details of arrest:** Nasrin Sotoudeh, aged 47 and a mother of two young children, was arrested on 4 September 2010 when she was summoned to the special court in Evin prison on charges of “propaganda against the state”, “cooperating with the Association of Human Rights Defenders” and “conspiracy to disturb order”. The arrest followed a raid on her home and office by security officers on 29 August 2010, who confiscated her files and documents. Her lawyer was not allowed to represent her in court or accompany her client during questioning. **Details of trial:** According to PEN’s information, the eleven-year sentence was delivered by Branch 26 of the Revolutionary Court on 9 January 2010. She was also banned from practicing law and from leaving the country for twenty years. The sentence comprises one year imprisonment for “propaganda against the regime”, and a total of ten years for the two charges of “acting against national security” and “violating the Islamic dress code (Hijab) in a filmed speech”. She is believed to be charged for critical interviews she gave to overseas media following the disputed June 2009 presidential election, and for her membership of the Association of Human Rights Defenders (see below for more details). Her lawyer stated that she has twenty days to appeal against the sentence. After the sentence was delivered her husband was summoned for questioning by Branch 1 of the Revolutionary Court, allegedly for interviews he had given to the media. **Place of detention:** She is held in solitary confinement at Tehran’s Evin Prison, where she has been on hunger strike for much of the time since her arrest and concerns for her welfare are mounting. **Treatment in prison:** Since her arrest Nasrin Sotoudeh has been allowed very limited access to her family. **Professional details:** Nasrin Sotoudeh is best known as a human rights lawyer and activist, but has also worked as a journalist for several reformist newspapers including *Jame’e*. Since qualifying as a lawyer in 2003, she has specialised in women’s and children’s rights, and has continued to write articles on these issues. Many of her articles have been rejected for publication, including a report written for a special issue of *Daricheh* on women’s rights for the occasion of 8 March (Women’s Day) earlier this year. Following the launch of the One Million Signatures Campaign for the Repeal of Discriminatory Laws in August 2006 by several leading Iranian women activists (<http://www.iranianfeministschool.org/english/spip.php?rubrique3>), and the widespread growth of the women’s rights

movement in Iran, she has represented many women’s rights activists including Parvin Ardalan, a well-known PEN case. She is a close associate of exiled lawyer and Nobel Peace Prize laureate Shirin Ebadi, and has represented many imprisoned Iranian opposition activists arrested in the crackdown on dissent following the disputed presidential elections of 12 June 2009, and many of whom have been handed down lengthy sentences. **Honorary member of:** Swedish PEN. [RAN 54/10- Update #1].

### Ahmad Zaid-ABADI

**Profession:** Journalist who wrote a weekly column for *Rooz Online*, a Farsi- and English-language reformist news Web site. **Date of arrest:** June 2009 **Sentence:** Six years in prison **Expires:** June 2015 **Details of arrest:** Reportedly arrested in Tehran during the crackdown on protests following the disputed June 2009 presidential elections. **Details of trial:** Zaid-Abadi was reportedly among more than 100 opposition figures and journalists who faced a mass, televised trial in August 2009 on vague anti-state accusations. In November, he was sentenced to six years in prison, five years of exile in Gonabad, Razavi Khorasan province, and a lifetime deprivation of social and political activities. Sentence upheld on appeal in early January 2010. **Treatment in prison:** His wife reports that he is being held in inhumane conditions.

### Imprisoned: investigation

\*Amir Hadi ANVARI, Rayhaneh TABATABAEE (f), Mehran FARAJI, Ahmad GHOLAMI, Farzaneh ROOSTAEI and Kayvan MEHREGAN: Economic reporter, political reporter, social and domestic issues reporter, editor-in- chief and international desk editor respectively of the daily newspaper *Sharq*. Reportedly arrested on 7 December 2010. On 8 December, Tehran’s General Revolutionary Courts Prosecutor announced that the arrests were based on “security charges” but did not provide any additional details. WiPC seeking further details.

**Nader KARIMI JUNI:** Journalist and chief editor with publications *Gozareh*, *Fekr*, *Jahan Sanat*, *Siasat Rooz*. **Date of arrest:** November 2008 **Sentence:** 10 years in prison. **Details of trial:** Reportedly sentenced to ten years imprisonment in January 2009 by Branch 28 of the Revolutionary Court of Tehran for acting against national security, conspiracy and spying. **Place of detention:** Section 209 of Evin prison **Previous political imprisonment/problems:** He was reportedly previously detained twice due to his press activities. **Health concerns:** Said to be in need of constant medical supervision due to the injuries that he sustained during the Iran-Iraq war. WiPC seeking further details of the reason for the charges against him.

\*Aziz NASERI: A well-known Kurdish poet, writer, and translator from the city of Mariwan. Reportedly arrested at the Department of Education on 9 September 2010 by the Iranian security forces. He was transferred to an unknown location. The reasons for his arrest are not clear, however, social activists are stressing that his imprisonment is one of many recent arrests of literary and cultural activists in Kurdistan. No further information as of 31 December 2010.

### \*Mohammad POUR ABDOLLAH

**Profession:** Freelance journalist, Tehran university student and a blogger. **Date of arrest:** 13 February 2009 **Sentence:** Six years in prison, reduced to three years on appeal. **Expires:** 12 February 2012 **Details of trial:** In December 2009, a Revolutionary Court convicted Pour Abdollah on charges of “illegal congregation, actions against national security, and propagating against the Islamic Republic of Iran”. In April 2010 his

sentence was reduced on appeal to three years. Known for his critical writings posted on his blog about the political, social, and economic conditions in Iran and elsewhere. **Treatment in prison:** Reportedly tortured while in custody at Ghezel Hesar Prison, a facility that houses hardened criminals. WiPC seeking further details about the reason for his arrest.

**Keyvan SAMIMI-BEHBEHANI:** Editor of the banned *Nameh* magazine and human rights defender, reportedly arrested at his home on 14 June 2009 and held in Section 209 of Evin prison. Said to have been ill-treated in detention. Reportedly sentenced to six years imprisonment and life-long deprivation of political activities on 2 February 2010 on charges of 'Propaganda against the system, congregating and conspiracy to undermine the national security'. Reportedly granted 10 days' leave from prison on 9 December 2009 in order to attend his daughter's wedding. He has since returned to Evin Prison where he is held in solitary confinement in Section 209. WiPC seeking further details of the reason for the charges.

#### **Sentenced, free on bail**

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

**Jila (Zhila) BANIYAGHOUB (f):** Editor-in-chief of the *Iranian Women's Club*, a news web site focusing on women's rights, has been reportedly sentenced to one year in prison and 30-year ban from journalism on 8 June 2010. She was arrested on 19 June 2009, with her husband journalist Bahman Ahmadi Amoue, who is serving a five-year prison sentence on security charges (see above 'main cases'). Baniyaghoub was released on bail on 19 August 2009; however, the trial against her continued on charges of 'propaganda against the regime', for her reports in relation to the June 2009 presidential elections in Iran and the protests that occurred afterwards. Her defence filed an appeal on 27 June 2010 and she remains free. No further information as of 31 December 2010.

**\*Shiva Nazar AHARI (f):** Reporter for the Committee of Human Rights Reporters. Aged 26. Reportedly arrested on charges of 'moharebeh' ('waging war against god'), 'propagation against the regime' and 'actions against national security' for her alleged participation in political gatherings in 2009. She claims she was covering the demonstrations for the Committee of Human Rights Reporters. She was reportedly jailed for four months shortly after the disputed June 2009 presidential elections, before being released on bail. She was reportedly re-arrested in December 2009. According to her mother, in April 2010, Shiva Nazar Ahari was charged with "causing unease in the public mind through writing on the CHRR's website and other sites" and "acting against national security by participating in [anti-government] demonstrations on 4 November 2009 and 7 December 2009." Shiva Nazar Ahari denied attending the demonstra-

tions, saying that she had been at work on those days. She has been held in solitary confinement for much of the time since her arrest, with only limited access to her family. Released on bail, date not known. [Reported in January 2011 to have been sentenced to four years in detention and 74 lashes but she remains free on bail.]

**\*Ahmad GHABEL:** Iranian religious scholar and writer. Reportedly arrested on 20 December 2009 en route to the funeral of the late Grand Ayatollah Montazeri. Reportedly released on bail on 10 June 2010 and re-arrested on 8 September 2010 after being summoned to the Mashhad Revolutionary Courts for questioning about his activities since his release. It is believed he was arrested in response to published reports and interviews he had given since his release regarding his trial, prison and interrogations. Ghabel also published information regarding alleged secret mass executions in Vakilabad prison. Said to be held in solitary confinement and to be denied medical care for heart disease, for which he was being treated prior to his arrest. Tried on charges of acting against national security in November 2010 and sentenced to three years imprisonment, three years of exile from his city of residence and a three-year ban on speeches. **Previous political imprisonment/problems:** Known for his strong criticism of the conservatives, Ghabel was also imprisoned in 2001 and spent 125 days in solitary confinement in Tehran's Evin prison after writing an open letter critical of Supreme Leader Ayatollah Ali Khamenei. [Ghabel was released on \$50,000 bail by Branch 5 of Mashad Revolutionary Courts on 4 January 2011 pending appeal.]

**\*Badressadat MOFIDI (f):** Journalist who was formally the secretary-general of the banned Association of Iranian Journalists in Tehran. On 3 August 2010, she was reportedly sentenced to 6 years in jail and banned from working on 'press activities' for 5 years. She was sentenced by Iran Revolutionary Court for "assembly and collusion to commit a crime" and "propagating against the regime" for her work with the Association of Iranian Journalists. Mofidi was arrested on 29 December 2009 after she discussed the government's press policies in an interview with the Persian service of the German public broadcaster Deutsche Welle. She was held in Evin Prison until her release on bail pending trial in June 2010. Thought to remain free on bail pending appeal as of 31 December 2010.

#### **On trial**

**\*Mehdi KHAZALI:** Blogger. Editor of website *Baran* ([www.drkhazali.com](http://www.drkhazali.com)). Reportedly arrested on 13 October 2010 after responding to a summons. Thought to be charged with 'activities contrary to national security' and 'publishing false information aimed at disrupting public order' for articles critical of President Ahmedinejad and his government published on his website *Baran*. Reportedly released on bail pending trial on 12 November 2010.

**Abdolreza TAJIK:** Political editor of many banned reformist newspapers, including *Fateh* (banned in 2000), *Bahar* (banned in 2001), *Bonyan* (banned in 2002), *Hambastegi* (banned in 2003) and *Shargh* (banned in 2008). Known for his articles critical of the state of freedom of expression in Iran and the arbitrary arrests of journalists. Member of the Human Rights Defenders Centre founded by Nobel laureate Shirin Ebadi. Reportedly detained on 12 June 2010 for his human rights activism. Previously briefly detained on two occasions in the past year. Recipient of the Reporters Without Borders 2010 Press Freedom Prize. Released on bail on 22 December 2010.

## Conditional release

### Siamak POURZAND

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

### Dr. Kian TAJBAKHSR

**D.o.b.:** c.1962 **Profession:** Iranian-American scholar, sociologist and urban planner. **Date of arrest:** 9 July 2009 **Sentence:** 15 years in prison, reduced to five years on appeal. **Expires:** 8 July 2014 **Details of arrest:** According to PEN's information, Dr Tajbakhsr was arrested on charges including 'acting against national security' and espionage for his subscription to *Gulf/2000*, a cultural and academic internet organization sponsored by Colombia University's School of International and Public Affairs. The organization reportedly aimed to increase the availability of information about countries in the Gulf region, and is run by Gary Sick, who the prosecution claims to be a CIA agent. The indictment also cited Dr Tajbakhsr's previous position as a consultant for the Soros Foundation's Open Society Institute (OSI), which was formerly approved by the Iranian authorities but which he discontinued following his 2007 arrest. **Details of trial:** Among over 140 defendants including prominent politicians, writers, academics and journalists to be tried for allegedly 'fomenting a velvet revolution' in a widely-condemned mass-trial which began on 1 August 2009. All the defendants had been detained in a mass crackdown following the disputed 2009 presidential elections. On 20 October 2009, he was sentenced to 15 years in prison on charges of espionage, "contacting foreign elements" and acting against national security. Initially denied a request to file an appeal. On 10 February 2010 his lawyer reported that his sentence had been reduced to five years on appeal. He was released on bail on 14 March 2010 and remains free on 'temporary release' from prison, but is prohibited from leaving Iran. **Other information:** Tajbakhsr's academic research reportedly examines Iranian state institutions and the policy-making process in Iran. In 2006, he completed a three-year study of the local government sector in Iran. He is the author of two books, *The Promise of the City: Space,*

*Identity and Politics in Contemporary Social Thought* (Berkeley and Los Angeles: University of California Press 2001), and *Social Capital: Trust, Democracy and Development* (Tehran: Shiraze Publishers 2005, in Farsi). He has also published numerous scholarly articles, as well as non-academic writings on cinema and culture. **Previous political imprisonment/problems:** Previously arrested at his home in Tehran on 11 May 2007, one of four Iranian-American scholars to be detained in that year. Believed to be targeted for his work as an advisor to the Open Society Institute (OSI). He was held without charge in Evin Prison for more than four months before being freed on 19 September 2007.

**Mashallah SHAMSOLVAEZIN:** Prominent Iranian journalist. Editor of many of Iran's first independent newspapers, including *Jame'eh*, *Neshat*, and *Asr-e Azadegan*, all closed between 1998-2000; editor of daily Kayhan throughout the 1980s. He currently serves as the spokesman for the Iranian Committee for the Defense of Freedom of the Press, and also as vice president of the Association of Iranian Journalists. Reportedly arrested at his Tehran home on 28 December 2009, in the aftermath of the 2009 Ashura protests. Released on bail on 28 February 2010. Sentenced to sixteen months in prison on 7 December 2010 on charges of insulting President Mahmoud Ahmadinejad and undermining the Islamic regime. According to Shamsolvaezin, he was sentenced to one year in prison on the charge of undermining the establishment for giving interviews to foreign TV networks and news agencies and also four month- sentence for calling the president a megalomaniac in an interview with Al-Arabiya TV. Shamsolvaezin has been imprisoned multiple times for his journalism, including a sentence of thirty months in April 2000 for article criticising the death penalty. Remains free on bail as of 31 December 2010.

## Released

Javad MAHZADEH: Journalist and novelist. Arrested on 22 October 2010 and sentenced to four years in prison on 4 February 2010. No formal charges were disclosed. Mahzadeh, a political analyst and a literary critic who wrote for the web sites *Iranian Diplomacy* and *Baran*, was well-known in Iran for the novel *Take Away My Laughter*. Released on 25 November 2010 as part of an amnesty to mark Eid-al-Ghadir.

## Case closed

**Mohammad Ali ABTAHI:** Well known blogger. Reportedly arrested from his home in Tehran on 16 June 2009. Reportedly sentenced to six years in prison at mass trials of opposition activists. Released on bail on 22 November 2009. Case closed for lack of further information.

**Sassan AGHAE:** Freelance journalist, contributor to a number of newspapers including *Farhikhtegan*, *Etemad*, *Tose'eh*, *Mardom Salari*, and *Etemad e Melli*. Also author of the blog *Free Tribune*. Reportedly arrested on 22 November 2009 and held at Evin Prison. Reportedly released on bail 28 March 2010. No further information as of 31 December 2010, case closed.

**Seyyed Massoud HOSSEINI LAVASSANI:** Journalist with Mehr News Agency and blogger, reportedly detained on 26 September 2009 and sentenced to eight and a half years' imprisonment. Reportedly detained in Evin prison as of 9 March 2010. Case closed.

**Omid MAMARIAN, Roozbeh MIREBRAHIMI, Shahram RAFIZADEH and Javad GHOLAMTAMIMI:** Internet writers. Reportedly sentenced to three years imprisonment, fines and flogging by Tehran Judiciary Court on 3 February 2009, on charges which include 'propaganda against the state', 'disseminating lies, 'disturbing public order', and 'membership of illegal organisations'. They were arrested

in September and October 2004, and were allegedly ill-treated while interrogated, spent time in solitary confinement and did not have legal council or family visits. By the end of 2004 the writers were free on bail. Mamarian, Mirebrahimi and Rafizadeh are currently living overseas, only Golamtamimi remains in Iran. Case closed for lack of further information.

**Kaveh MOZAFARI and Jelveh JAVAHERI (f):** Journalists for the *FeministSchool.com* and *4equality.info*, both websites dealing with issues regarding women's rights. Mozafari was reportedly detained on 1 May 2009. Both were eventually released on bail. Case closed for lack of further information.

**Fariba PAJOOH (f):** Freelance journalist. Reportedly arrested at her home in Tehran on 22 August 2009. Held at Evin Prison in Tehran and said to be in poor health. Pajooch worked for reformist news outlets such as *Etemad e Melli* and the Iranian Labour News Agency, and for the Persian service of Radio France Internationale (RFI) and Spain's *El País*. Reportedly charged with "propagating against the regime" and to have been pressured to make a false confession. Released on bail on 23 December 2009. Case closed for lack of further information.

**Reza RAFI'EE-FOROUSHANI:** Freelance journalist, was reportedly sentenced to 7 years imprisonment and 5 years of suspended sentence on charges of espionage. A confession reportedly extracted under duress is said to have been used as evidence against him. Case closed for lack of further information.

**Bahman TUTUNCHI:** Journalist and former member of the editorial board of the banned Kurdish weekly *Krafto*. Reportedly detained on 18 November 2008 at his home in Sanandaj, Iranian Kurdistan. Reports suggest that he has been subject to harassment since the closure of *Krafto* in December 2007. On 9 April 2009 it was reported that Tutunchi remains detained without charge. Case closed for lack of further information.

## IRAQ

### *Killed: investigation*

\***Kamal Qassim MOHAMED:** Editor of the magazine *Al-Mustaqila*. Reportedly found shot dead in Baghdad on 24 August 2010 six days after his abduction by gunmen. His killers have not been identified and the motive for the murder is not known.

### *On trial*

\***Ziyad AL-AJILY:** Reporter and head of the Journalistic Freedom Observatory (JFO). Reportedly charged with libel on 25 September 2010 for an article he wrote for the newspaper *Al-Aalam* in July 2010. The article detailed alleged problems in the construction of a major sports complex in the southern city of Basra. The Ministry of Youth and Sports brought the case under Article 111 of the criminal code. Al-Ajily and the publisher of the newspaper are reportedly being tried before a special court for publication and communication offences. The first hearing was scheduled for 21 October 2010. No further information as of 31 December 2010.

**Shwan MOHAMED and Rebwar Karim WALI:** Editor and reporter respectively of the independent weekly *Awene*. Reportedly on trial for criminal defamation after charges were filed against them by the Kurdistan Prime Minister on 10 February 2010. The case is linked to an article published in the weekly which allegedly is critical of the Prime Minister. Mohamed and Wali remain free as of 31 December 2010 while the trial is ongoing.

### *Brief detention*

\***Hemn KARIM:** Editor of weekly magazine *Fshar*. Reportedly arrested after participating in a news conference at the Palace Hotel in Sulaymaniya on 18 September 2010. He was released on 19 September 2010 after paying (\$215) in bail. Police said he was arrested for failing to respond to court summons but Karim denies this.

### *Death Threat*

\***Shwan AHMED:** Freelance journalist and writer based in Sulaymaniyah. Reportedly received death threats on 5 July 2010 after the publication of two articles in the Kurdish independent weekly *Awene* on 8 and 15 June 2010 alleging corruption within the Serdam publishing house ([www.serdam.org](http://www.serdam.org)), founded by the main Kurdish political party the Patriotic Union of Kurdistan (PUK).

## ISRAEL

### *Imprisoned: Investigation*

**Anat KAMM (f):** Journalist with the Israeli news portal Walla. Reportedly charged in December 2009 with espionage after she allegedly leaked classified evidence of illegal assassination orders by the Israeli army to journalist Uri Blau of the newspaper *Haaretz*. The charges against Kamm include two counts of aggravated espionage, including passing classified information with the intent to harm state security, which is punishable by a life sentence, and collecting and holding classified material with the intent to harm state security, for which she could receive up to 15 years in prison. The charges derive from Kamm's military service, when she allegedly copied over 2,000 classified military documents and leaked them to *Haaretz* reporter Uri Blau. Blau used the documents to publish a report in October 2008 that found that the army had carried out targeted killings against three wanted terrorists in the West Bank, in violation of a 2006 Supreme Court ruling that said wanted men must be taken into custody if there were a possibility of doing so. Although the article was apparently cleared for publication by the army censor, Kamm was arrested by the Shin Bet (secret police) and placed under house arrest. Blau has since been living in London while his lawyers negotiate a way for him to return to Israel without facing charges. Kamm's trial started on 20 July 2010. In September 2010 it was reported that negotiations between Kamm's lawyer and the prosecutors in her case were underway to arrange a plea bargain. Trial ongoing as of 31 December 2010.

### *Case closed*

**Ata FARAHAT:** Golan Heights correspondent for the daily newspaper *Al Watan*, and a Syrian broadcaster, was reportedly arrested for 'espionage' and taken to Al-Jalama prison, southeast of Haifa, on 30 July 2007. Farahat is a Syrian national. In early October 2008 Farahat's family reported that he was being held in Al-Jalbou prison, in Beit Shean, 120 kilometres from Jerusalem. The trial against him opened on 2 March 2008 in a court in Tel Aviv, behind closed doors. On 1 February 2009 Farahat was sentenced to six years in prison, three of which were suspended. The media, defence lawyers and Farahat's family were banned from providing information on the trial because the case was designated a 'defence secret'. It is not known whether Farahat was charged for his writings. Case close, presumed freed in July 2010 when his custodial sentence expired.

# KUWAIT

## Main case-Imprisoned

### Mohammed Abdulqader AL- JASSEM

D.o.b.: c.1956. Profession: Founding editor of the Arabic editions of *Newsweek* and *Foreign Policy*, and well-known journalist and blogger. Date of arrest: 11 May 2010. Sentence: 1 year in prison. Expires: 10 May 2011. Details of arrest: Reportedly arrested in May 2010 and held for several weeks for “attacking national unity” and defaming the Prime Minister in an article published in his blog *Al-Mizan* in 2009. The case is among eighteen filed against him by the Prime Minister, Shaikh Nasser al-Mohammad al-Sabah, in recent years and he was on bail at the time of his arrest. He was freed on bail on 28 June 2010. Sentence: A criminal court in the capital, Kuwait City, sentenced al-Jassem on 22 November 2010 after he was convicted of criminal defamation. Place of detention: Kuwait Central Prison. Other information: The case is among eighteen that the government has reportedly filed against the journalist for his writings, four of which were brought by the Prime Minister in the last year. Al-Jassem was acquitted in two out of the four cases. According al-Jassem’s lawyer, he faces charges ranging from defamation to “instigating to overthrow the regime.” A special section has been set up within the Ministry of Justice to look exclusively into the cases against al-Jassem. Previous political imprisonment/problems: Jassem is facing five other complaints brought by the Prime Minister and the Information Minister for his articles critical of the government, and on 1 April 2010 was sentenced to six months in prison for slandering the Prime Minister. He is appealing the sentence. [Acquitted on 23 January 2011 and released, but still faces other charges.]

# LEBANON

## Brief detention

\***Hassan ALLEIK:** Reporter for the *Al-Akhbar* newspaper. Reportedly detained and questioned on 11 August 2010 by the Lebanese army intelligence about an article published in the newspaper on 10 August 2010. Released without charge.

# LIBYA

## On trial

\***Atef Al-ATRASH and Khalid MOHAIR:** Journalists. Reportedly under investigation for defamation after reports were filed against them on 30 July 2010 for their online reporting on financial and administrative corruption within the company Bu Ateniy Beverages. No formal charges are believed to have been brought as of 31 December 2010.

\***Mohamed SURAITI:** Journalist for the *Al-Jeel* newspaper and Aljazeera.net. Reportedly summoned by the chief prosecutor in Tripoli on 30 July 2010 over articles exposing alleged incidents of sexual harassment at Bengazi Care House. No formal charges are believed to have been brought against him.

# MOROCCO

## Imprisoned: main case

Chehib EL-KHAYARI: human rights activist and contributor to international news media, was arrested on 17 February 2009 and sentenced on

24 June 2009 to three years in prison for ‘gravely insulting state institutions’. El Khayari (30) was also convicted of minor financial violations. He was ordered to pay a fine of approx. US\$90,000. His detention apparently came shortly after he made statements critical of governmental policy on drug-trafficking to international media. He had also recently criticised the mistreatment of migrants by Moroccan and Spanish security forces at the border with the Spanish enclave of Melilla in his capacity as activist for Amazigh (Berber) rights. El-Khayari’s conviction for infractions of currency regulations related to a payment he received from the Spanish newspaper *El Pais*, after he published an essay in the 4 July 2006 issue of the newspaper. He received 225 Euros for the essay deposited in a foreign bank account, and reportedly withdrew the money without using a Moroccan bank as an intermediary or informing the Office of Currency Exchange. It has been suggested that the allegations of financial violations, which were not added to the charge sheet until late in the process, were filed by the authorities in order to discredit the journalist and to allow for a longer prison sentence than that permitted under the main insult charge. El Khayari was being held at Oukacha Prison, in Casablanca. His sentence was confirmed by the Casablanca Appeal Court on 24 November 2009. Update: As of December 2010, El-Khayari was still serving his three-year prison sentence. Amnesty International believes that El-Khayari’s conviction is politically motivated and considers him to be a prisoner of conscience solely detained for his anti-corruption statements and his human rights activities.

## On trial

**Taufik BOUACHRINE:** editor of the independent daily newspaper *Akhbar al-Youm*, was sentenced to six months in prison on charges of real estate and sales fraud on 10 June 2010, in what was said to be a politicized trial. He was also fined 500 dirhams (US\$56) and ordered to pay 10,000 dirhams (US\$1,120) in damages. The charges stem from Bouachrine’s purchase of a house in Rabat three years before. The new owner claimed Bouachrine failed to honour the agreed price and sued. Bouachrine was reportedly cleared of the charges in 2008 and 2009 but the owner filed another complaint in April 2010, despite the fact that under Moroccan law, it is illegal to re-open a civil case that has been closed. Bouachrine was free pending an appeal. No further news on Bouachrine’s appeal as of 31 December 2010. **Background:** On 31 October 2009, Bouachrine and cartoonist Khalid Gueddar were given a four-year suspended prison sentence on charges of “disrespect to a member of the royal family” for publishing a cartoon depicting the wedding of Prince Moulay Ismail, King Mohammed VI’s cousin. They were also ordered to pay 270,000 Euros in damages to the Prince. *Akhbar al-Youm* was shut down but was re-launched in December 2009.

## Attacked

\*John THORNE: correspondent for the United Arab Emirates daily newspaper *The National*, was reportedly chased and beaten with sticks by Moroccan police officers on 8 November 2010. Thorne was covering clashes in the Western Sahara in the Saharan city of Laayoune, which is part of an ongoing territorial dispute between Morocco and the Algerian-backed Polisario Front. According to the Spanish daily *ABC*, plainclothes officers apologised to Thorne after the incident saying that they thought he was from Spain, rather than the USA. On the same day, other journalists were attacked in both Laayoune city and in a court in Casablanca, including two Spanish journalists working for TV and radio stations.



### Non custodial sentence

**Ali AMAR:** journalist and author, was found guilty on 1 July 2010 of stealing a computer and other materials in a case brought by a former business associate. Amar was given a three-month suspended sentence and ordered to pay 40,000 dirham (3,628 Euros) in damages and a 500-dirham (45 Euro) fine. He planned to appeal the verdict. Arrest and harassment: Amar was arrested in Rabat on 7 June 2010, transferred to police custody in Casablanca and released on bail the next day after being charged with theft. He had reportedly suffered harassment by the authorities in the days leading up to his arrest. On 4 June, police reportedly broke into and searched the apartment of journalist and activist Zineb El Rhazoui without a warrant before detaining her and Amar, who was present at the time, for 12 hours. The police told El Rhazoui they were investigating a complaint of theft against Amar but devoted most of the time to questioning the two journalists about their writings and private lives. The police told Amar to report to them for further questioning on 6 June but he refused to do without a written summons. Amar believes the case is retaliation for his book *Mohamed VI, Le Grand Malentendu (Mohammed VI: The Big Misunderstanding)*, a critical account of the Moroccan king's rule that was published in France in 2009 but was banned in Morocco. Both Amar and El Rhazoui worked for the outspoken weekly newspaper *Le Journal Hebdomadaire* before it closed in January 2010 following mounting government-backed pressure, including politically driven libel cases. Amar continues to write on controversial subjects. As well as a journalist, El Rhazoui is also co-founder of the Alternative Movement for Individual Liberties (MALI), and has been arrested while taking part in demonstrations.

### Case closed

**Ali ANOUZLA, Mohamed BRINI, Mokhtar AL-GHIZEAWY, Rachid NINY, and Younes MESKINI:** respectively, editor of the daily newspaper *Al-Jarida Al-Oula*, editor of the daily *Al-Ahdath Al-Magreb*, reporter for *Al-Ahdath Al-Magreb*, editor of *Al-Massae*; and former reporter for *Al-Masae*. All five are reportedly facing charges of 'publicly harming' Libyan President Muammar Qaddafi, and 'hurting his dignity', over articles published in late 2008 and early 2009. The various pieces were critical of Qaddafi, including his political paper *Green Book*. The journalists were summoned to court in Casablanca on 22 May 2009 and the trial was adjourned until late June 2009. The journalists reportedly face up to one year in prison if found guilty. On 22 June 2009 Anouzla was sentenced to a two-month suspended jail term and a fine of US\$12,484. No further news as of **31 December 2010**; case closed due to lack of information.

## PALESTINE AUTHORITY

### Imprisoned: investigation

\***Amer Abdel Halim ABU ARFA:** Correspondent for *Al-Shihab*, a Hamas-affiliated news agency based in Gaza. Reportedly arrested by the Palestinian Authority security services on 10 November 2010 in Hebron. The reason for his arrest is not known. He had only recently been released after being sentenced by an Israeli court on 27 July 2010 to three months in prison. WiPC seeking further details of the charges and whether he is targeted for his reporting.

**Farid HAMAD:** Editor of the newspaper *Al-Ayyam*. Reportedly arrested on 29 July 2008 on charges of 'possession of weapons' and 'membership of an illegal organisation', although there are fears that the charges

may be linked to his reporting. Still detained as of October 2010. WiPC seeking further details of the charges against him.

\***Waleed Al-HUSSEINI:** Blogger. Reportedly arrested by the Palestinian Authority security services at the end of October 2010 on charges of 'promoting atheism' and 'blaspheming against the Prophet and the Koran' in posts in English and Arabic on his blog and on his Facebook page. There has been no news of him since his arrest and he is believed to remain detained as of 31 December 2010.

### Attacked

\***Nufouth AL-BAKRI (f):** *Alhyat Aljadidah* correspondent based in Khanyounis, south Gaza Strip. Her house has reportedly been raided by unknown people thought to be linked to the Internal Security Services on the night of 21 September 2010.

### Death threat

\***Asma AL-GHUL (f):** Journalist, blogger and women's rights activist. Reportedly threatened with death in a comment posted on her blog in November 2010 by an unknown individual. She reported the threat to the Gaza police.

## SAUDI ARABIA

### Imprisoned: investigation

\***Mohammed Abdallah AL-ABDULKARIM:** Writer and professor of law. Known for his defense of political and civil rights. Reportedly arrested on 5 December 2010 for an article published on the Royaah.net website (<http://royaah.net>) twelve days earlier in which he discussed the health problems of the Saudi King, and also discussed his potential successors. Remains detained in Al-Hair prison, south of the capital, without any contact with his family as of 31 December 2010. No official charges have been made against him.

### Case closed

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

## SYRIA

### Imprisoned: Main cases

#### Ali al-ABDULLAH

**Professions:** Writer, freelance journalist and activist. Has written for a number of Arabic publications, including *al-Hayat*, *al-Safir* and *al-Khalije*. **Date of arrest:** 12 December 2007-3 January 2008. **Sentence:** Two and a half years in prison. **Expires:** July 2010 but remains detained on other charges. **Details of arrest:** Amongst thirteen prominent activists to be arrested after attending a meeting on 1 December 2007 of the National Council of the Damascus Declaration for Democratic Change, an umbrella group formed in August 2005 by secular opposition parties calling for 'radical democratic change' in Syria (see Fayeze SARA and Yasser al-'EITI, 'released', below). **Details of trial:** Charged on 28

January 2008 with ‘weakening national sentiment’, and ‘spreading false news’. Sentenced on 29 October 2008 by the First Damascus Criminal Court to two and a half years in prison for ‘publishing false information with the aim of harming the state’, ‘membership of a secret organisation designed to destabilise the state’ and ‘inciting ethnic and racial hatred’. Writer Ali Al-Abdullah was reportedly due to be released on 17 June 2010 after serving his sentence. However, new charges were brought against him on 18 June 2010 over a critical article about Syrian-Iranian relations written while in jail. He now faces renewed charges of ‘weakening national morale’ and ‘spoiling Syria’s relations with another country’ and remains detained pending trial. **Place of detention:** Held in ‘Adra prison in harsh conditions. **Treatment in prison:** Said to have been ill-treated, but to have access to family visits.

**\*Muhannad AL-HASSANI:**

**D.o.b.:** 1966 **Profession:** Lawyer and writer. Co-founder of the Syrian Human Rights Organisation (Sawasiyah). **Date of arrest:** 28 July 2009 **Sentence:** Three years in prison. **Expires:** 27 July 2012. **Details of arrest:** Reportedly summoned by the Military Intelligence Service and arrested after publishing information about alleged unfair trials of political prisoners and torture in Syria. He had also met with foreign embassy officials to discuss human rights. Charged under Articles 285, 286 and 287 of the Syrian Criminal Code with ‘weakening national sentiment’ and ‘spreading false information’. **Details of the trial:** Al-Hassani was sentenced on 23 June 2010 by the Damascus Criminal Court on charges of “weakening the national sentiment” and “spreading false news”. These charges are commonly used against government critics. His trial reportedly fell short of internationally recognised standards of fairness. Sentence confirmed on appeal on 29 October 2010. **Place of detention:** Adra Prison, Damascus. **Other information:** Al-Hassani was reportedly assaulted in his cell by a prisoner sentenced for a criminal offense on 28 October 2010 in an apparently orchestrated attack. Al-Hassani was seriously injured and required 10 stitches on his forehead. The assault came two weeks after Al-Hassani was awarded the prestigious Martin Ennals Award for Human Rights Defenders and the Dean Award of the Amsterdam Bar Association.

**Husam ‘Ali MULHIM**

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

**\*Tal AL-MALLOUHI (f):**

**D.o.b.:** 1991 **Profession:** student, poet and blogger. **Date of arrest:** 27 December 2009 **Details of arrest:** Al-Mallouhi was detained on 27 December 2009 after being summoned for questioning about her blog

entries. **Details of the trial:** Thought to be held on charges of espionage although no charge has officially been made known. Reportedly appeared before the State Security Court on 10 November 2010. **Place of detention:** Detained in a State Security Branch in Damascus till 30 September 2010 when she was reportedly moved to Duma Womens Prison, on the outskirts of Damascus. **Treatment in detention:** Reportedly held in solitary confinement and feared to be at risk of ill-treatment. **Other information:** Until recently Al-Mallouhi’s family have sought her release through diplomatic negotiations and therefore did not want any publicity on the case. However on 2 September 2010 her mother published an open letter to the Syrian president seeking information about her daughter’s welfare and calling for her release. On 5 October 2010 it was reported that Al-Mallouhi had been charged with spying for a foreign country. Al-Mallouhi has no known political affiliations, and sources close to the family are baffled by the charges. It is feared that she could be targeted for comments and poems published in her blog.

**Habib SALEH:**

**D.o.b.:** 1948 **Profession:** Internet writer and political analyst. Writes regularly for the website *Elaph.com* (<http://elaph.com>), heavily censored in Syria because of its outspoken news reporting. **Sentence:** 3 years in prison **Expires:** 5 May 2011 **Details of arrest:** Reportedly arrested on 6 May 2008. Saleh, aged 61, had recently posted online articles critical of the Syrian authorities. **Details of trial:** His trial began on 1 December 2008 on charges of ‘spreading mendacious information aimed at weakening national sentiment’, ‘inciting civil and sectarian strife’, and ‘attacking the president’, under articles 285, 374 and 277 of the criminal code, for his critical writings. On 15 March the Damascus Criminal Court found Habib Saleh guilty of “weakening national sentiments” (Article 285 of the Penal Code) and “broadcasting false or exaggerated news which could affect the morale of the country” (Article 286). The charges on which he was convicted related to several articles on domestic political issues which he had written and published on the internet and in which he had criticized policies of the Syrian government and expressed support for a prominent opposition figure, Riad al-Turk. The court dropped other charges against him. **Previous political imprisonment/problems:** Twice detained for his critical writings: sentenced to three years in prison in 2002, released on 9 September 2004; re-arrested on 29 May 2005 and sentenced to three years in prison for ‘spreading mendacious information’, released on 12 September 2007 after completing three-quarters of his sentence.

***Imprisoned – Investigation***

**\*Bassam ALI and Suhaila ISMAIL(f):** investigative journalists. A defamation case was brought against them by the Minister of Industry for publishing a report in 2005-2006 about alleged corruption in a public sector company. On 7 July 2010 the court of Appeals in Homs city reportedly transferred the case against them to a military court based on Syria’s Emergency Law. No further information as of 31 December 2010.

**Raghdah Sa’id HASSAN (f):** Writer, was reportedly arrested on 10 February 2010, after writing her first unpublished novel. Since then, Hassan, aged 38, has been held incommunicado at the Political Security Branch in Tartus. The novel *The New Prophets* is said to discuss the political situation in the country in the 1990’s through a love story involving two Syrian prisoners. She was arrested on the Syrian side of the Al’Arida border crossing with Lebanon, while travelling by car to Lebanon. There are reports that on 13 February, Hassan’s flat was ransacked by the security forces when nobody was there. There were



no signs of a break-in. A paper print-out of her unpublished novel was confiscated, as were several publications by various Syrian opposition political parties. Hassan was reportedly questioned by Political Security on several occasions during the last three months of 2009, was summoned to their branch in Tartus twice demanding she sign a statement that she would not publish the novel, but she refused. Still thought to be detained as of 31 December 2010. **Health concerns:** Hassan suffers from kidney stones, and requires daily medication. [RAN 29/10 – 1 April 2010]

**Mustafa ISMAIL:** D.o.b.: 1973. Well known poet, internet writer, contributor to various Arabic language websites and lawyer. Reportedly arrested on 12 December 2009. Ismail reportedly writes on issues about the treatment of Kurds in Syria and in Turkey. He had been summoned for questioning a number of times since 2000, particularly since October 2009, for making public statements on the situation of the Kurds in Syria. After his arrest in December 2009 the Syrian authorities did not acknowledge his detention for some months. Charged on 13 May 2010 by the Second Military Court in Aleppo with 'making plans aimed at damaging Syrian relations with foreign countries' and 'being a member of an illegal organisation aiming to divide Syria'. Held in Central Aleppo Prison. Requests for his release on bail have been denied. If found guilty he could face up to five years in prison.

#### **Released**

**Fayez SARA and Yasser al-'EITI:** Journalists for the Arabic language publications *Assafir*, *Al-Hayat* and *Al-Arab Al-Yom*, respectively. Amongst thirteen prominent activists to be arrested after attending a meeting on 1 December 2007 of the National Council of the Damascus Declaration for Democratic Change, an umbrella group formed in August 2005 by secular opposition parties calling for 'radical democratic change' in Syria. Charged on 28 January 2008 with 'weakening national sentiment', and 'spreading false news'. On 29 October 2008 the First Damascus Criminal Court sentenced the detainees to two and a half years in prison for 'publishing false information with the aim of harming the state', 'membership of a secret organisation designed to destabilise the state' and 'inciting ethnic and racial hatred'. Freed on expiry of sentence on 27 June 2010.

**Firas SAAD:** Writer and poet. Reportedly arrested in November 2006 for articles posted on various websites, in particular an article entitled 'What did the Syrian army do in Israel's war against Lebanon' dated 16 July 2006, posted on an Iraqi internet website <http://www.ahewar.org/debat/show.art.asp?aid=70127> (in Arabic). He was convicted on 7 April 2008, under Article 286 of the Criminal Code, for disseminating false or exaggerated information, which is liable to weaken national morale. Sentenced to four years in prison. Released on 9 September 2010, forty days after the expiry of his sentence.

#### **Case closed**

**Ahmed MUSTAFA (pen name: Pir Rustem):** D.o.b.: 1963. Kurdish writer, political activist and human rights defender. He is said to be the author of fourteen of novels in Kurdish and Arabic languages. Member of the 'KAD Kurdish Committee for Human Rights' and the Central Committee of the 'Democratic Kurdish Party in Syria (Alparty)', both banned in Syria. Reportedly arrested on 5 November 2009 by the Syrian security forces on charges related to articles he published online. Held incommunicado until early January 2010 when he was transferred to Aleppo Central Prison. Reportedly released on bail pending possible trial on 27 April 2010. Case closed for lack of further information.

## TUNISIA

#### **Imprisoned: main case**

**Fahem BOUKADDOUS:** correspondent for Al-Badeel news website and TV journalist was sentenced to four years in prison on 13 January 2010 for "belonging to a criminal association" and spreading materials "likely to harm public order". The charges reportedly stem from video reports he made of demonstrations in the Gafsa mining region in 2008. His lawyers appealed the ruling. **Background:** Boukkadous was previously sentenced to six years in prison on the same charges in December 2008 but was not present at the hearing, as he had been in hiding since July that year when he discovered he was wanted by the authorities. In November 2009, Boukaddous emerged to challenge the sentence on the basis that he had been tried in absentia. A court overturned the previous ruling, but said that Boukaddous would be tried again on the same charges. **Appeal:** The appeal hearing was set for April 2010 but was postponed several times due to Boukaddous' ill health: he required hospitalisation for acute respiratory problems. His four-year prison sentence was confirmed on appeal on 6 July. He was unable to attend the appeal hearing as he was in hospital, and his lawyers were reportedly denied the right to present any defence. On 15 July, the day after he was discharged from hospital, Boukaddous was arrested and taken to Gafsa prison, where conditions are said to be very poor and there is inadequate access to medical care. According to Boukaddous' wife, prior to his arrest in July the authorities offered to drop the case and grant him a national press card if he wrote a pardon request to the president. He refused to do so and was arrested half an hour later.

#### **On trial**

\***Ahmed IBRAHIM:** manager of the opposition newspaper *Al-Tariq al-Jadid* and secretary of the Tajdid opposition movement, was reportedly due to be prosecuted on charges of publishing false news on 27 September 2010. The charges stem from Ibrahim's reporting on bribery in the municipality of Qosaybet al-Madyouni, south of Tunis. The case came a few days after security personnel banned the 23 September issue of another opposition newspaper, *Al-Mowqef*, because of its coverage of the theft of journalistic equipment.

#### **Brief detention**

\***Ammar AMROUSSIA:** correspondent for the Communist newspaper *Al-Badil*, was arrested by undercover police officers in Gafsa on 29 December 2010. The arrest took place when Amroussia was in a shop belonging to the wife of journalist Fahem Boukaddous, who was then serving a prison sentence (see below). Amroussia had addressed a gathering the previous day. He was released on 18 January 2011 as part of the presidential amnesty by the interim government. Amroussia reportedly began to work for *Al-Badil*, which belongs to the illegal Communist Workers Party in Tunisia, after he lost his job as a teacher in 1997 as a result of his political activities.

**Mouldi ZOUABI:** journalist for the online magazine *Kalima* and Radio Kalima, internet writer (runs a blog named 'Pour un peuple tunisien libre', or 'For a free Tunisian people'), human rights activist, founding member of Tunisian PEN. Zouabi was arrested in Jendouba on 29 December 2010 while he was covering a gathering of lawyers in front of courthouse which was part of mass protests across Tunisia which began on 18 December. According to the journalist, the police assaulted

him and snatched his glasses. He was released a few days later. On 8 December 2010, Zouabi had been found guilty of “assault and defamation” and ordered to pay 900 dinar in damages. He reportedly also faced defamation charges relating to a 2009 story criticizing the Tunisian Boy Scouts.

### **Attacked**

**Zouhayr MAKHLOUF:** journalist (correspondent for the Tunisian news website *Assabil Online* and the opposition weekly *Al-Mawkiif*) and human rights activist, was attacked and beaten by a plainclothes policeman in front of his home in the capital Tunis on 17 December 2010. He was on his way to cover the protests taking place in the city of Sidi Bouzid at the time. Makhlof, who was attacked in view of his wife and daughter, received injuries to his face, arms and legs and had to be taken to hospital. **Previous attacks:** Makhlof was previously assaulted by the police in front of his family and neighbours on 24 April 2010 and then briefly detained. The police reportedly questioned him about his posting on the internet of an interview with the mother of an activist who was assaulted by the police and then imprisoned. Makhlof also spent almost four months in prison in 2009-10 for his reporting. (See previous case lists for more details).

### **Harassed**

**Taoufik BEN BRIK:** journalist and writer, suffers harassment by the authorities on a regular basis, both directly and via family members. On 8 December 2010, Ben Brik’s 14-year-old son Ali was reportedly approached by two police officers in uniform near a police station in the capital Tunis. The officers asked the boy to identify himself then threatened to shave his head and to force him to enroll in the military. As the officers were leaving, they warned Ali that they would wait for him the next day at the same place and time and that he had no way to escape them. After the incident, Ali was afraid to go to school on his own. Ben Brik’s wife contacted the police station to file a complaint. After initially agreeing to record the complaint, the chief of police reportedly changed his mind, denying that there were any officers in the district. On 28 July, it was reported that Taoufik Ben Brik had been under house arrest for few days after writing two articles about Tunisia’s police state for the French newspaper *Nouvel Observateur*. A permanent cordon of plainclothes police was reportedly preventing anyone from visiting his home. **Background:** Following an unfair trial, Ben Brik served six months in prison from October 2009 to April 2010 for publishing articles critical of President Ben Ali in the foreign press during the October 2009 presidential election campaign. He was held incommunicado until mid-January 2010 then detained at Siliana prison, in northwestern Tunisia. The writer has suffered further harassment since his release, including a permanent police presence outside his home.

**Mohamed el Boussaïri BOUEBDELLI:** author and founder of Tunisia’s first private university, Université Libre de Tunis (ULT), has reportedly been subject to harassment by the authorities for a number of years, in particular since his publication in July 2009 of a book critical of President Ben Ali’s regime. Bouebdelli describes his book, *Le jour où j’ai réalisé que la Tunisie n’est plus un pays de liberté* (The day I realized that Tunisia is no longer a free country), which he published on his website ([http://www.bouebdelli.org/mon\\_livre.php](http://www.bouebdelli.org/mon_livre.php)), as an analysis of the President’s regime since 1987 and the failure of his political programme. The book also includes details of the problems the Bouebdelli family have suffered at the hands of the state. Bouebdelli was abroad at the time

the book was published. When he returned to Tunisia a week before the October 2009 presidential elections, he was searched at the airport. Since then he has reportedly been subject to constant police surveillance, his internet service has been cut and his telephone lines interfered with. In December 2009, the Ministry of Higher Education (MES) sent an inspector to the ULT. According to Bouebdelli, the inspector admitted that he had been sent because of the book; however, his report stated that the university was not registered and accused it of other various other irregularities. In January 2010, the ULT’s activities were severely restricted via a ministerial edict: for example, the authorities have sacked key members of staff - including members of the Bouebdelli family -, barred ULT from accepting any new students for the next three years, and banned all new admissions to its largest faculty. As a result of this harassment, Bouebdelli went to Paris where he held a press conference with the League of Human Rights and gave interviews to international media. On his return to Tunis, he was reportedly called for questioning in Tunis. In February 2010, Bouebdelli published a report on his website detailing the state harassment his educational institutes have suffered, entitled ‘White paper on the killing of the Free University of Tunis: how the law is flouted in Tunisia’. As of late April, the harassment was ongoing. Bouebdelli says that the authorities are persecuting him for having expressed his opinions not because of any irregularity in the ULT. **Background:** Since 2007, the Bouebdellis have reportedly been denied permission to open any further educational institutions. They have also been subject to numerous audits - including for tax, health and social security - and police investigations, where the authorities have tried and failed to find evidence of fraud or other irregularities. **Update:** In mid October 2010, the Bouebdellis reported that the authorities were attempting to expropriate a piece of land in La Marsa, a suburb of Tunis, which they had bought in 2006 in order to build a new primary school. At the beginning of December they said they had been subject to further government harassment relating to another property 35 km from Tunis. The couple maintains that these problems relate to Mohamed Bouebdelli’s opinions as expressed in the two publications cited above.

\***Ismail DBARA:** correspondent with the website Elaph (<http://www.elaph.com>), was reportedly placed under police surveillance on 19 December 2010 and banned from visiting the town Sidi Bouzid to cover the riots taking place there. He was also banned from leaving his home town.

\***Zied El-HENI:** blogger and journalist, was reportedly summoned and interrogated, by Gourjani police twice in the same week, on 27 and 28 July 2010. He was apparently summoned for his articles in support of journalist Fahem Boukaddous who was then serving a four-year prison sentence (see below). The police reportedly accused El Heni of defaming the judiciary. El Heni’s blog was blocked within Tunisia at the time he was questioned.

## **UNITED ARAB EMIRATES (UAE)**

### **On trial**

\***Mark TOWNSEND:** Freelance journalist. Regular contributor to the *Washington Times* and former business editor of the *Khaleej Times*. Reportedly charged in August 2010 with defamation under article 373 of UAE penal code for a series of anonymous online postings critical of the *Khaleej Times* allegedly posted by Townsend. Townsend’s passport has been confiscated. The trial was set to begin on 29 September 2010. No further information as of 31 December 2010.

# YEMEN

## *Imprisoned: investigation*

### **\*Abdulah SHAEA**

**Profession:** Journalist at the *Saba Yemeni news agency*. **Date of arrest:** 16 August 2010 **Details of arrest:** Shaea was arrested at his home on 16 August 2010 by anti-terror police who reportedly beat him in front of his family and neighbours. Police also searched his home and confiscated his personal computer and note book. He was held incommunicado in the political security prison in Sana'a for 29 days before his first hearing on 16 September 2010. On 22 September, the Specialised Criminal Court extended his detention for an additional 30 days to complete the investigation. **Details of trial:** He appeared before court on 16 September 2010 where no official charges or sentence were given. However, his lawyer reports that Shaea is targeted for his coverage of Islamist groups in the Arabian Peninsula. **Health concerns:** Reported to be in very bad health; he suffers from anaemia for which he is not currently receiving any medical treatment. **Treatment in prison:** Said to have been tortured and ill-treated during interrogation and reported that during his hearing extensive bruising was evident on his body. It is also reported that he was subjected to long hours of harsh interrogation during which he lost consciousness at times. **Previous political imprisonment/problems:** On 11 July 2010 he was abducted by men who reportedly identified themselves as government agents. He was blindfolded and led to a basement in an unknown location where he was interrogated for a few hours about his friends and on his reporting on Al-Qaeda. Another journalist, Kamal Sharaf (see 'brief detention' below), who was arrested along side Shaea and released after 23 days, reports that Shaea could be targeted for interviews he gave to US-based media. [Sentenced to 5 years in prison on 17 January 2011].

## *Brief detention*

**\*Mohamed Al-MOQRI:** A journalist at *Al-Diyar* newspaper. He was arrested on 4 July 2010 and held for 24 hours for his critical reporting.

**\*Kamal SHARAF:** Reporter for the website *Al-Jumhuriya* and a cartoonist for the website *Al-Barakish*. Reportedly arrested by the anti-terror unit on 17 August 2010, apparently for his association with journalist Abdulalah Shaea (see above). Reportedly released after 23 days of incommunicado detention.

## *Death threat*

**\*Ahmed Al-RAMAY:** Editor of the government newspaper *Al-Mithaq.net*. Reportedly received an anonymous SMS message on 8 July 2010 threatening him with kidnapping and death. Similar threats were made against members of his family. He has asked the authorities to provide him with protection.

## *Attacked*

**\*Aref AL-SAMMAY:** Journalist with the Socialist party newspaper *Al-Thawry*. Reportedly attacked by three men as he left his office in Sana'a on 26 July 2010. The men identified themselves as security services members.

**\*Mohamed Al-SHAARBI:** Editor of the weekly *Al-Diyar*. Reportedly shot at during the night of 12 July 2010. Has been previously targeted several times before for his critical articles.

## *Threatened*

**\*Majid KAROUT:** Reporter for the *al-Masdar* online website. Reportedly threatened by the Bayda governor on 11 July 2010 for writing several articles criticising the governor for alleged corruption cases.

## *Sentenced in absentia*

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

## *Released*

**Anis MANSOUR HAMIDA:** Journalist with the independent daily *Al-Ayyan*, currently suspended. Reportedly arrested on 15 July 2009 and sentenced to 14 months imprisonment on charges of 'separatism' and 'attacking national unity'. The case was reportedly linked to Mansour's reporting of the ongoing conflict in the country between local residents and security forces in Saada, northern Yemen. Presumed freed on expiry of sentence.

## *Case closed*

**Anisa Mohammed Ali OTHMAN (f):** Journalist for the weekly *Al-Wasat*, was reportedly sentenced in absentia to three months in prison and a fine for 'insulting the president' on 16 January 2010. The charges are said to be linked to articles alleging government corruption written by Othman in July 2007. Case closed for lack of further information.

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*Vietnam*

SHI Tao  
MAUNG Thura (aka 'Zargana')  
Tran Khai Thanh THUY

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*Cuba*  
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*Vietnam*

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Blas Giraldo REYES RODRÍGUEZ  
MAUNG Thura (aka 'Zargana')  
NGUYEN Van Ly

**USA PEN**  
*Bangladesh*  
*China*  
*Uzbekistan*

Salah Uddin Shoaib CHOUDHURY  
SHI Tao  
Muhammad BEKZHON, Mamadali MAKHMUDOV

# Half Year Figures July to December 2010

Killed.....	5
Killed – Motive Unknown.....	10
Disappeared.....	11
Imprisoned - Main Case .....	140
Imprisoned - Investigation .....	71
Judicial Concern.....	4
On Trial (not imprisoned) .....	166
Non Custodial Sentence .....	9
In Hiding .....	0
Brief Detention.....	24
Death Threat.....	31
Other Threat/Harassment .....	27
Attacked/Ill-treated .....	33
Kidnapped.....	0

**Total.....532**

Released.....45

# Full Year Figures January-December 2010

Killed.....	11
Killed – Motive Unknown.....	28
Disappeared.....	11
Imprisoned - Main Case .....	148
Imprisoned - Investigation .....	71
Judicial Concern.....	4
On Trial (not imprisoned) .....	184
Non Custodial Sentence .....	22
In Hiding .....	0
Brief Detention.....	59
Death Threat.....	46
Other Threat/Harassment .....	86
Attacked/Ill-treated .....	61
Kidnapped.....	2

**Total.....733**

Released.....104