

INTERNATIONAL PEN
Writers in Prison Committee

HALF-YEARLY CASELIST

To 30 June 2007

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INTERNATIONAL PEN Writers in Prison Committee

International PEN is the leading voice of literature worldwide, bringing together poets, novelists, essayists, historians, critics, translators, editors, journalists and screenwriters. Its members are united in a common concern for the craft and art of writing and a commitment to freedom of expression through the written word. Through its Centres, PEN operates on all five continents with 138 centres in 101 countries.

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

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

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

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

INTERNATIONAL PEN CHARTER

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

PEN affirms that:

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

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

INFORMATION SOURCES

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

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

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

Explanation of Terms Used

Important: Please Read

Main Cases

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

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

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

Judicial concern

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

Investigation case

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

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

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

*' by a name indicates that the case is new to the Committee's list since the last Writers in Prison Committee report. The last report was dated December 2006.

AFRICA

ANGOLA

Brief detention/facing charges

Raul DANDA: journalist and member of the banned human rights organization Mpalabanda – Associação Civica de Cabinda (Mpalabanda - Civic Association of Cabinda), was arrested on 29 September 2006 on arrival at the airport in the Cabinda province of Angola. He was charged on 3 October and released on 27 October pending trial proceedings. Danda is charged with “instigating, inciting and condoning crimes against the security of the state”. He returned home to Luanda but cannot leave there without permission from the authorities. The charges apparently stem from several opinion pieces that Danda had written for a variety of newspapers in Angola, in which he allegedly called for the secession of Cabinda (a province which, geographically, is completely separate from Angola). His trial had not started by the end of 2006. PEN is seeking further information.

BURKINA FASO

Brief Detention/facing charges

***Thierry NABYOURE:** journalist for *San Finna* newspaper, was detained on 26 March 2007 for 48 hours for allegedly defaming the chief of staff of the National Gendarmerie. The charges are related to an article in which Nabyoure reported that the officer had refused to undergo military training in France. Nabyoure was reportedly forced to disclose the source of this information and explain his motives for writing the article. He was released on 27 March pending trial, which was due to open on 4 June. He reportedly faced a possible two-week prison sentence if found guilty. PEN is seeking details of the trial hearing.

CAMEROON

Suspended Sentence

***Georges Gilbert BAONGLA:** editorial director of the Yaoundé-based tri-weekly *Le Démenti*, was arrested on 7 April 2007, after publishing a series of articles entitled ‘The biggest century scandal: a lovemaking minister’, in which some government members were accused of homosexuality. It is understood that the articles did not mention any names but feature photographs of a sexual nature. On 25 May he was found guilty of offending public morals and obscene publications and was given a six-month suspended sentence and a CFA Francs 500,000 (US\$1,000). The court described Baongla’s campaign against homosexuality as “noble” but deplored his methods.

CENTRAL AFRICAN REPUBLIC

Sentenced

***Michel Alkhaly NGADY:** editor of private weekly *Les Temps Nouveaux* and president of the Association of Private Independent Press Editors of Central Africa (GEPPIC). Sentenced to two months in prison on 2 April 2007. He was detained on 12 March over his criticism of the official media regulator, the High Communication Commission (HCC). In January, the GEPPIC was among several media bodies which denounced the HCC’s appointment of several new members who did not meet the professional standards specified in the government agency’s bylaws. In early March Ngaby published a statement on behalf of GEPPIC criticising HCC’s decision to impose a one-month ban on weekly newspaper *Le Centrafriqu’Un* for publishing an article entitled ‘Chadians Boast of Killing with Impunity’, which HCC deemed to be “dangerous”. On 2 April he was sentenced to two months’ imprisonment and fined 300,000 CFA (US\$636) on charges of “resistance and disobedience to public authorities and contempt for the laws” and was returned to prison pending an appeal. PEN is seeking confirmation that he has been freed at the end of his sentence that should have expired in June 2007.

CHAD

On Trial

Evariste NGARALBAYE: journalist for the N’djamena-based weekly *Notre Temps*, was detained for four days, from 27 to 31 October 2006, at the national department of Judiciary investigations (Section nationale de recherches judiciaires, SNRJ) of the N’djamena police headquarters. He was held in the wake of an article in the 30 October issue of *Notre temps* entitled “The Eastern Conflict: a useless war”, in which he alleged that the Chadian army had recruited children to fight against the Union of forces for Democracy and Development (Union des forces pour la Démocratie et le Développement, UFDD). Ngaralbaye was provisionally released on 31 October. The National Gendarmerie was reportedly suing him for “defamation” and “damage to the reputation and morale of the troops”. He was due to make his first appearance in court on 2 November 2006. PEN is seeking an update.

Suspended Sentence

***Adji MOUSSA:** director of the satirical bi-monthly *Le Miroir*. On 14 March 2007 Moussa was handed a six-month suspended prison term and large fines on criminal defamation charges. He was freed pending an appeal. The ruling stemmed from a complaint by Father Michel Guimbaud, head of a disability centre in the southern town of Moundou, over a May 15 2006 article alleging that Guimbaud had embezzled charity donations. Guimbaud denied the allegations and demanded that the paper reveal its sources. PEN is seeking an update.

DEMOCRATIC REPUBLIC OF CONGO

Killed: murderers convicted

Franck Ngyke KANGUNDU: political columnist for the Kinshasa-based daily newspaper *La Référence Plus* and his wife Hélène Mpaka (f) were shot and killed on 3 November 2005. According to reports, Kangundu and his wife were fired on by three masked men in civilian

clothes who forced their way into the couple's house shortly after they returned home in the early hours of 3 November 2005. Hélène Mpaka was reportedly killed as she tried to escape. Kangundu then pleaded for his life, offering his assailants his money and his car. The killers had reportedly told Kangundu that they had orders to kill him. As the head of the political section of *La Référence Plus*, Kangunda covered a variety of economic and political issues, including relations between political parties in the power-sharing government. On 10 March 2006, it was reported that second lieutenants Joël Mungande Kimbao and Didier Awatimbine and warrant officer Munongo Muyika had been detained as suspects and that Col. Mputu Mpende, a member of the Kinshasa-Matete military inspectorate, had said that in the course of their initial enquiries the police discovered that these three soldiers had used the victims' mobile phones during the 12 hours following the double-murder. **Trial of suspects:** The first public hearing in the trial of the three suspects took place on 12 July 2006, amidst calls from human rights organisations, notably Journaliste en Danger (JED), that an independent investigation take place. The military tribunal conducting the trial has been unable to guarantee its independence, particularly in light of an investigative report published by JED in February 2006, which implicated leading members of President Kabila's ruling party in the deaths. The police had been acting on the theory that the double murder was a common-law crime, despite evidence suggesting that the motives may have been political. **New information:** In early 2007 JED noted that out of 20 scheduled hearings due to take place since the trial began in July 2006, only eight had actually occurred, five of which focussed on procedural matters. **Verdict:** Joël Mungande Kimbao, the main defendant, and Munongo Muyika, were both sentenced to death on 13 April 2007 by the military court of the Kinshasa/Matete garrison. The third defendant, Didier Awatimbine, was sentenced to life imprisonment. All three were found guilty of murder, attempted murder, extortion and violation of prison regulations. The court also condemned a fourth man, Serges Kabungu Obez, in absentia, to five years in prison for having purchased a phone belonging to the victim. Paulin Kusungila, the uncle of Joel Mungande Kimbao, was acquitted. There have been widespread concerns that major procedural failings and governmental obstruction have undermined the trial and prevented the true motives of the crime from being revealed.

Killed: trial of killers under way

Bapuwu MWAMBA: freelance print journalist, was shot dead by unidentified gunmen who stormed his home on 8 July 2006. An investigation into the possible motives for his murder has been opened. In late August 2006, police revealed that they were holding a former soldier and two civilians whom they believed killed Mwamba in a botched robbery attempt. On 1 June 2007 the trial of the presumed assassins began at the Kinshasa/Matete Military Tribunal. Four people were facing charges of "murder, illegal possession of firearms, criminal conspiracy and armed robbery". The next hearing was scheduled for 13 June 2007. PEN is monitoring the case.

Investigation

***Bosange MBAKA ("Che Guevara"):** reporter with the magazine *Mambenga*, was arrested on 21 November 2006 following a fire at the Supreme Court during clashes between police and supporters of presidential candidate Jean-Pierre Bemba. Mbaka was charged by a military court with "theft of military property" for retrieving a mobile phone that was left in the courtroom when the fire broke out, despite the fact that he reportedly handed it over to a guard outside the court of his own accord

the same day. Mbaka was detained in secret for 36 days in a cell at the Special Services Unit of Kinshasa police headquarters, during which time he was only questioned once. On 27 December 2006 he was transferred to Kinshasa's Central Penitentiary (CPRK), where he remains in custody. According to JED, in mid March 2007 Mbaka had been held under special confinement measures for more than a week, meaning that he could no longer receive visitors, including his lawyer. As of 23 May 2007 Mwamba was reportedly still being detained at the CPRK. PEN is seeking further information.

Sentenced in absentia

***Popol Ntula VITA:** local correspondent for the Kinshasa private weekly newspaper *La Cité Africaine*, was sentenced to three months in prison and a fine on charges of defamation on 26 February 2007. The ruling followed the public prosecutor's request for a 12-month prison sentence. Vita was convicted for an article published on 6 January 2007 in which he accused the head of the local tax office and three other treasury officials of corruption. The article in question stated that the four had overcharged for motor vehicle licence plates and had taken the extra money for their own use, reportedly a common embezzlement practice in the Congolese civil service. Vita was sentenced in his absence and is understood later to have gone into hiding. [RAN 16/07 - 22 March 2007]

Brief detention/ Released on bail

Jean Pierre Phambu LUTETE: publisher/ managing editor of the Kinshasa-based bi-weekly newspaper *La Tolérance*, was arrested by agents of Kinshasa's Provincial Police Inspection (IPK) on 6 May 2007 as he arrived to interview government official Pauline Ipelueka about a criminal case against her. It is understood that the interviewee had alerted the police after being told that Lutete intended to blackmail her. Lutete had reportedly been preparing an article criticising the official's appointment to a high-level post despite the fact that she had been facing "breach of trust" charges since the beginning of 2007. The official has since withdrawn her complaint but Lutete remained in detention on charges of "threatening and attempting extortion". He was released on bail on 11 May. This is the third time in two years that Lutete has been jailed in relation to his professional activities. He was last detained for a month in 2006.

Brief Detention

***Rigobert Kwakala KASH:** chief editor of the biweekly *Le Moniteur*, was sentenced on 6 January 2007 to 11 months in prison on charges of defamation for a series of articles published in November and December 2006 reporting on alleged corruption by the governor of Bas-Congo province. He was freed on 16 February on payment of a fine of 30,000 FC (c. \$60).

Attacked

***Faustin Bela MAKO:** publisher of the small circulation newspaper *Congo News* and assistant secretary for communications for the Lubumbashi section of the National Union of Congolese Federalists (UNAFEC), a political party that formed part of the coalition that assisted the presidency of President Joseph Kabila. On 2 March 2007 Mako was reportedly set upon in Katanga by men said to be in association with Gabriel Kyungu wa Kumwanza, president of the Katanga section of UNAFEC. He required hospitalisation. It is thought that the attack may relate to an article by Mako published in *Congo News* on controversy within the party.

Case closed

Feu d'Or BOSANGE: editor of the weekly *Tapis Rouge*, was detained for 14 days on charges of “defamation and damaging allegations” against the head of the public tax office (DGI), Sam Bokolombe. Bosange, who was released from the Centre Pénitentiaire et de Rééducation de Kinshasa (CPRK) on bail on 25 September 2006, was ordered to appear before the Kinshasa/Gombe High Court every Tuesday and Thursday according to his bail conditions. The charges against him were filed by Bokolombe and reportedly stem from an article published on 16 August in *Tapis Rouge* entitled “Scandal at DGI”, in which Bokolombe was accused of embezzling funds, which he allegedly used to purchase four luxurious villas in Kinshasa, amongst other things. No further news – case closed.

Michel MUKEBAYI NKOSO: publication director for the Kinshasa-based weekly *Africa News*, appeared before the Gombe Deputy Public Prosecutor on 16 June 2006 following a law suit for “defamation” brought by Jean-Pierre Bemba, one of the DRC’s four vice-presidents. The legal action stems from a 20 April 2006 *Africa News* article entitled “ICC [International Criminal Court], business, Caesarism: the end of Bemba”. In the article it was alleged that the ICC suspected Bemba of having business relations with Charles Taylor whilst the latter was still in power. Mukebayi was ordered to return to the Public Prosecutor’s office on 20 June with the journalist responsible for the piece. No further news – case closed.

ERITREA

Reportedly died in custody

Said ABDELKADER (writer and editor of *Admas* and owner of a press that printed a number of independent newspapers in Eritrea – born c. 1969), **Medhanie HAILE** (deputy editor-in-chief of *Keste Debena* – born c. 1970), **Yusuf MOHAMED ALI** (editor-in-chief of *Tsigenay* – born c. 1958), **Feshshaye YOHANNES “Joshua”** (co-owner of *Setit*, playwright and poet – born c. 1957). **Date of arrest:** in the days following 23 September 2001. Detained along with a number of other journalists and former members of parliament as a part of a large scale crackdown on government critics calling for democratic reforms. On 18 September 2001, known as “Black Tuesday”, the government closed down all independent media outlets indefinitely (see *Main cases* entry below for more details). **Sentence:** None of the men are believed to have been brought to trial. **Reports of deaths in custody:** In November 2006 Reporters San Frontières (RSF) asserted the credibility of reports of the deaths of Said Abdulkader (March 2005), Medhanie Haile (February 2006) and Yusuf Mohamed Ali (13 June 2006), which had been circulating for some time (e.g. www.aigaforum.com, www.awate.com and www.asmarino.com). The men’s deaths were attributed to harsh conditions and lack of medical attention in Eiraeiro, a secret prison in the northern Red Sea desert province and accessible only by foot. In February 2007, a number of reports strongly suggested that Feshshaye Yohannes “Joshua” had also died in Eiraeiro on 11 January 2007. Yohannes had “disappeared” after taking part in a hunger strike in April 2002. He is thought to have been detained in an underground prison in Dongolo, to the north of Asmara, before being transferred to Eiraeiro. Yohannes was paralysed in one hand and had been walking with difficulty for many years. He is thought to have died as a result of severe ill treatment and denial of medical care. Some sources indicate that that he had suffered torture prior to his death, including having his fingernails

ripped out. Media censorship and the fact that Eritrea is closed to human rights investigators means that these reports remain unconfirmed. PEN is continuing to monitor these cases. **Honorary Members:** American PEN. [RAN 18/07 – 23 March 2007]

Main cases

Emanuel ASRAT (editor-in-chief of *Zemen*), **Temesken GHEBREYESUS** (*Keste Debena* – born c. 1967), **Mattewos HABTEAB** (editor-in-chief *Meqaleh* – born c. 1973), **Dawit HABTEMICHAEL** (reporter *Meqaleh* – born c. 1973), **Dawit ISAAC** (co-owner of *Setit*, writer – born 1964), **Date of arrest:** in the days following 23 September 2001. **Sentence:** not yet sentenced **Details of arrest and charges:** According to news reports, presidential adviser Yemane Gebremeskel stated that these journalists (and the four listed in the entry above) may have been arrested for avoiding national service. The detentions came in the wake of the closing down of all eight independent newspapers by the authorities on 18 September 2001 (these include the weeklies *Meqaleh*, *Setit*, *Tsigenay*, *Zemen*, *Wintana*, and *Admas*). Since then, only the state newspaper, *Hadas Eritrea*, has been published. The authorities have either denied that a clampdown has taken 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 failure of the newspapers to comply with laws covering media licences. However, a more likely explanation is that the crackdown was an attempt to stamp out criticism of the Eritrean government’s treatment of students and political dissenters, and its prosecution of the war against Ethiopia. All those detained have had their bank accounts frozen and assets confiscated. On 5 April 2002, the journalists started a hunger strike to protest against their detention. All were said to be refusing food until they were released or tried fairly. In April 2003, Eritrean president Isaias Afewerki told Radio France Internationale that the journalists listed as arrested or missing had been bribed by forces opposed to the government to cause division. He stated, “You cannot say a spy is a journalist...In the middle of the war we had to check them. We had to say enough is enough.” It was reported in April 2004 that the journalists were being held in secret security sections of the 2nd and 6th police stations in the capital Asmara. In 2006 CPJ noted that a recent anonymous report which first appeared on www.aigaforum.com paints a picture of the brutal prison conditions in which the jailed journalists live. It claims that jailed opposition leaders and journalists were moved to the remote Eiraeiro prison in 2003. CPJ’s sources said they believed that the description of the place was credible but some of the report’s details were inaccurate. The report has also been posted on <http://www.awate.com> and <http://www.asmarino.com>. There are ongoing concerns about severe ill treatment, poor health and lack of access to medical care, as highlighted by the four reported deaths above. PEN is seeking further information. **Honorary Members:** American PEN.

Mahmud AHMED SHERIFFO, **Haile WOLDETESNAE**, **Petros SOLOMON**, **Saleh Idris KEKIA**, **General Ogbe ABRAHA**, **Astier FESHATSION**, **Berhane GHEBRE EGHZABIHER**, **Hamid HIMID**, **Estifanos SEYOU**, **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 eleven were members of the so-called G-15, a group of fifteen PFDJ senior officials who signed the letter. They were arrested in Asmara on 18 and 19 September 2001 and accused of crimes against national security and sovereignty. A twelfth G15 member was also arrested but was released when he recanted. The three remaining members were abroad at the time of the arrests and have not returned to Eritrea. In February 2002, in the first parliamentary session since 2000, President Issayas Afewerki declared that the G-15 members had "committed treason by abandoning the very values and principles the Eritrean people fought for". The National Assembly therefore "strongly condemned them for the crimes they committed against the people and their country". After such statements it seems highly improbable that the eleven currently held will receive a fair trial. The eleven are held incommunicado and it is not known whether they have been formally charged. All believed still detained as of 30 June 2007.

Disappeared/possibly imprisoned or conscripted

Akhader AHMEDIN (*Tsigenay*), **Omer "ABU AKLA"** (*Tsigenay*), **Amanuel GHEBREMASKEL** (*Mana*), **GHEBREMEDHIN** (*Millennium*), **Yebio GHEBREMEDHIN** (*Mekalih*), **Daniel HABTE** (*Eri-Tempo*), **Muluberhan HABTEGEBRIEL** (*Setit*), **Zemenfes HAILE** (*Tsigenay*), **Meles NIGUSSE** (*Tsigenay*), **Paolos ZAID** (*Eritrean Profile*): all journalists with Eritrean publications (as indicated), are missing presumed imprisoned or forcibly conscripted into the army and sent to the front line in the conflict with Ethiopia (a cease-fire declared in December 2000 is still in force). Zaid was arrested at his home in late April 2001. His current whereabouts are unknown, as is the reason for his arrest. Haile was reportedly captured by security agents early in 1999. He is said to have been tortured before being transferred to Zara hard labour detention centre. Towards the end of 2000 Haile was reportedly transferred to an unknown location, before being released from prison in 2002. He is believed to have been sent into the army immediately and is apparently still carrying out his national service even though he reportedly fulfilled his duties in this regard in 1994. On 15 June 2001, Eritrean Justice Minister Foazia Hashim wrote that five of the fifteen journalists initially reported as missing were employed with non-governmental organisations or local publications and that "the remaining journalists are performing their obligations in the National Service Program". All are still missing presumed imprisoned or forcibly conscripted as of 30 June 2007. **Honorary Members:** Ghanaian PEN

ETHIOPIA

Main Cases

Leykun ENGIDA: former editor-in-chief of the now defunct weekly newspaper *Dagim Wonchif*, appeared at the Second Criminal Bench of the Federal High court on 1 July 2004 to face charges of "violating article 10/1-20/1/ of Press Proclamation no. 34/1985" by "disseminating false information through the newspaper". The charges stem from a *Dagim Wonchif* article published on 15 June 2000 entitled, "Ato Siyom Mesfin appeals for resignation." Engida was released on bail of 5000 birr (US\$600). On 9 December 2005, Engida was given a 15-month sentence for "fabricating news that could have negative psychological effects and cause disturbances in the minds of the people". He was sent to prison to serve his sentence on 27 December 2006. PEN is seeking confirmation that he is still detained.

Abraham GEBREKIDAN: editor of the now-defunct Amharic weekly *Politika*, was sentenced on 8 March 2006 to 12 months' imprisonment for publishing "false news". The charge stemmed from a 2002 report that alleged that the Ethiopian authorities were training rebels in Eritrea. PEN is seeking confirmation that he is still detained.

Wesenseged (or Wondwossen) GEBREKIDAN: former editor of the weekly *Ethiop* and current editor of the weekly *Addis Zena*, was arrested on 9 November 2005 and convicted of "defamation" on 6 December 2005. He was given an eight-month prison sentence with immediate effect. The charge stemmed from a 2002 *Ethiop* article about former diplomat Habtemariam Seyoum. Although Gebrekidan did not write the piece himself, he was found guilty on the grounds that he had been the editor responsible for that edition of the newspaper. The journalist also faces treason charges against him in connection with the November 2005 clashes between demonstrators and the police (see *Detained/facing charges* entry below for further details). Other charges pending: faces trial on five separate charges levied between March 2002 and December 2004 for articles criticising the Ministry of Justice and the military (for further details see previous case lists). Most recently he was sentenced to a further 16 months' imprisonment for "criminal defamation" on 18 April 2006. The sentence stemmed from a 2002 *Ethiop* article in which the editor of *Abyotawi Democracy*, a publication owned by the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF), was apparently defamed. PEN is seeking further information.

Tesehalene MENGESHA: a former editor of the defunct weekly *Mebruk*, was reported on 12 May 2006 to have been sentenced to 18 months' imprisonment. The exact date of the trial at which Mengesha was found guilty is unclear. The "criminal defamation" charge for which he was tried stemmed from an article published during the 1998-2000 border conflict between Ethiopia and Eritrea. The piece – not believed to be penned by Mengesha himself – named a person believed to be working as a double agent. The individual denied the allegation and filed the charge against Mengesha on the grounds that Ethiopian law holds editors responsible for the content of their newspapers. The journalist is being held at Kality prison on the outskirts of Addis Ababa. Still detained as of 31 December 2006. PEN is seeking further information

Abraham RETA: journalist with the independent weekly *Addis Admas*, was reported to have been handed down a one-year prison sentence for libel on 24 April 2006. The charge is believed to have stemmed from a 2002 article published in the defunct weekly *Ruh* in which he reportedly linked three senior officials to a corruption case. He was conditionally released after serving three months in prison pending the outcome of his appeal. On 26 January 2007 his appeal was rejected by the Ethiopian Supreme Court and he was returned to jail to complete the remaining nine months of his sentence.

Detained/ facing charges

Solomon AREGAWI (weekly newspaper *Hadar*), **Andualem AYELE** (editor of the weekly newspaper *Ethiop*), ***Dawit FASSIL** (deputy editor of *Satanaw*), **Dawit KEBEDE** (editor-in-chief of *Hadar*), **Goshu MOGES** (publisher and contributor to *Lisane Hezeb* – a weekly newspaper and monthly magazine), **Dr Berhanu NEGA** (economist and vice chairman of the opposition Coalition for Unity and Democracy (CUD)), **Mesfin TESFAYE** (editor of *Aday*), **Professor Mesfin WOLDE MARIAM** (75, author and former chair of the Ethiopian Human Rights Council), **Wonakseged ZELEKE** (editor of *Asqual*). Arrested between 1 and 29 November 2005 in the aftermath of clashes between security forces and demonstrators protesting against supposed irregularities in the

May 2005 parliamentary elections. The Ethiopian authorities published a list of 58 opposition leaders, independent newspaper publishers and editors, and other individuals wanted for alleged incitement to insurrection. Prime Minister Meles Zenawi announced that those on the list would be charged with treason (specifically, “violently undermining constitutional order in the country”), an offence that carries the death penalty in Ethiopia. In the event, the defendants were charged on 21 December 2005 on a variety of charges. Of the 58 individuals named, seventeen were newspaper publishers or editors. **Health concerns:** Reports in 2006 suggested that **Dr Berhanu Nega** is in ill-health and receiving insufficient medical treatment. Dr Nega suffers from high blood pressure and cardiomyopathy and was hospitalised in June 2006 due to severe shortness of breath. On 19 July 2006, following a High Court ruling, he was moved to a less crowded and better ventilated cell in Kaliti prison, where it was hoped that his health will stabilise. However, prison conditions are reportedly very bad. **Professor Wolde Mariam** was hospitalised on 18 August 2006 after collapsing in his cell from pneumonia, however he reportedly consented to being returned to his cell in Kaliti prison at the end of August, believing that he should remain with the other opposition leaders, human rights defenders and journalists standing trial with him. It is feared that the cramped, cold and unsanitary prison conditions will cause his health to drastically deteriorate. **Trial proceedings.** All the defendants are being held in custody since their application for bail has been rejected by the Federal High Court. The trial opened against all the above at the High Court on 23 February 2006 (there were originally a total of 131 defendants, around 40 of whom were being tried in absentia). All the journalists on trial refused to enter a plea and are also declining to present a legal defence on the grounds that they do not accept the legitimacy of the court. **Charges:** The charges include conspiracy, armed insurrection, attempting to subvert the constitution, high treason and genocide, though it is not clear which of these charges was applied to which defendants. The prosecution grounds for the charge of “genocide” (which most of the defendants face) include “allegations of causing fear and harm to an ethnic group, and harming members of the Tigrayan-led ruling party by excluding them from social events and funerals”. **New information:** on 11 June 2007, **Andualem Ayele** and **Mesfin Tesfaye** were convicted of “outrages against the constitutional order” and are understood to face possible execution or life imprisonment. It was reported that **Wonakseged Zeleke** could be sentenced to up to 10 years in prison on similar charges and that **Dawit Fasil**, who has been returned to jail after being temporarily released in April, faces a sentence of up to three years on charges of “inciting the public through false rumours”. PEN is seeking confirmation of reports that **Solomon Aregawi** was also released in April 2007. Some recent reports suggest that all of the convicted prisoners may be released as part of a secret deal with the government, however these remain unconfirmed as of 30 June. **Honorary Member of Scottish PEN:** Professor Mesfin Wolde Mariam. [Update #3 to RAN 49/05 – 26 April 2007; Update #4 to RAN 49/05 – 29 June 2007]

Sentenced/free pending appeal

Getachew SIMIE: a journalist with the weekly *Addis Admas*, was sentenced to three months’ imprisonment on 7 December 2005 for not submitting a copy of *Addis Admas* to the Ministry of Information by the due deadline. He was released pending appeal. His conviction came in the wake of a generalised clampdown of the independent press. Simie, who used to be the deputy editor of the now defunct Amharic weekly *Enat Agerie*, also faces charges of “defamation”. His trial opened at the

Addis Ababa 2nd Criminal Bench of the High Court on 21 March 2005. The charges, under press proclamation No 34/85 (1992), Article 20/1 and Criminal code 580/1, stem from an August 1999 *Enat Agerie* article that alleged corrupt practices at a government-owned textile factory. Simie spent a day in custody whilst he raised bail. Believed still to be awaiting the appeal as of 31 December 2006. PEN is seeking an update.

Brief detention

***Jeffrey GETTLEMAN:** Nairobi bureau chief for *The New York Times*, was arrested by the Ethiopian military in the town of Degeh Bur on 16 May 2007 while covering the conflict in the eastern Ogaden region. He and two *NYT* colleagues were interrogated at gunpoint and their equipment was confiscated. They were detained for five days, during which time they were moved to three different jails. They were released without charge from a prison in Addis Abba on 21 May.

Released:

Sisay AGENA (managing editor of *Ethiop* and head of the Ethiopian Free Press Journalists Association); **Serkalem FASIL (f)** (editor of *Menelik* – wife of Eskinder Nega - gave birth in prison in June 2006); **Dereje HABTEWOLDE** (deputy editor of *Netsanet*); **Nardos MEAZA** (editor-in-chief of the weekly *Satanaw*); **Eskinder NEGA** (owner of Serkalem Publishing Enterprise - publisher of *Asqual*, *Menelik* and *Satanaw* – husband of Serkalem Fasil); **Zekarias TESFAYE** (publisher of the weekly *Netsanet*); **Feleke TIBEBU** (deputy editor of *Hadar*); **Fasil YENEALEM** (publisher of the weekly *Addis Zena*). Among those arrested in November 2005 in the aftermath of clashes between security forces and demonstrators protesting against supposed irregularities in the May 2005 parliamentary elections and charged with “treason” (see *Detained/facing charges* entry above). The eight journalists were acquitted by Ethiopia’s High Court on 9 April 2007 and released from Kaliti prison on the outskirts of the capital, Addis Ababa, after spending 17 months in prison. The acquitted journalists had been charged with “outrages against the constitution or constitutional order,” “impairment of the defensive power of the state” and “attempted genocide” following the publication of editorials critical of the government’s conduct around the May 2005 parliamentary elections. The Court also acquitted 17 other individuals of similar charges. However on 11 June three publishing houses were convicted on similar charges: Serkalem (which owns *Asqual*, *Menelik* and *Satanaw*); Sisay (*Ethiop*); and Fasil (*Addis Zena*). The companies, owned by Eskinder Nega, Sisay AGENA and Fasil Yenealem respectively, could now face heavy fines or be dissolved. The conviction could have onerous implications for the owners. **Honorary Members of USA PEN:** Eskinder Nega and Sisay AGENA. [Update #3 to RAN 49/05 – 26 April 2007; Update #4 to RAN 49/05 – 29 June 2007]

In hiding

Abey GIZAW: editor-in-chief of the weekly *Netsanet*, was reportedly arrested on 6 July 2005 and charged with “defamation of the Ministry of Defence”. The charge stems from three *Netsanet* articles. The first claimed that high ranking officials in the Ethiopian Air Force had disagreed about how to deal with post-election protests; the second dealt with a separatist movement in Ogaden; whilst the third was a reprint of a statement made by some Ethiopian air force pilots who defected during a training course in Belarus. Gizaw was released the same day on bail of 500 birr (c. US\$55). Also featured on the November 2005 list published by the Ethiopian government of journalists wanted for “treason” (see above).

GAMBIA

Disappearance

“Chief” Ebrimah MANNEH: journalist with the pro-government *Daily Observer*, was reportedly arrested on 11 July 2006 and has been held in uncommunicado detention at the National Intelligence Agency (NIA) headquarters ever since, seemingly without having been charged with any offence. The NIA has repeatedly denied that they have the journalist in their custody. It is believed that the reason for the arrest of Manneh – known as “Chief” Ebrimah B. Manneh – is that he is alleged to have had contact with a foreign journalist before the July 2006 African Union Summit, held in the Gambian capital Banjul, to whom he passed on “damaging information”. Manneh apparently gave this journalist information deemed by the Gambian government to have been damaging to the country’s image. On 12 January 2007, it was reported that Manneh had been located at a police cell in Fatoto, about 500 km from Banjul. However the NIA denies this. According to PEN’s sources, Manneh has been moved around the country throughout his detention and although the local media has reported seeing him on several occasions, the government has remained silent on the subject. On 21 February 2007, the Assistant Superintendent of Police, Ebrima Bah, once again denied that Manneh was being detained at any police station, but, in an acknowledgement that he had disappeared, appealed to the public to furnish him with any information they may have of his whereabouts. On 20 June 2007 the Media Foundation for West Africa (MFWA) reported that the Community Court of Justice of the Economic Community of West African States (ECOWAS) in Nigeria had issued a hearing notice for a suit filed against the Republic of Gambia by MFWA on Manneh’s behalf. The aim of the hearing, due to take place on 10 July 2007, is to force the authorities into releasing and compensating Manneh, who will have been missing for one year on that date. PEN is seeking an update.

Brief detention/ Death threat

***Fabakarr CEESAY:** reporter with the pro-opposition bi-weekly newspaper *Foroyaa*, was detained and threatened with death by an officer of the Police Intervention Unit (PIU), said to be a paramilitary wing of the Gambia Police Force, on 18 May 2007. Ceesay was arrested while covering a student demonstration and detained for about 45 minutes. The students were said to be protesting the arrest of some of their colleagues.

On Trial

***Fatou Jaw MANNEH (f):** Gambian freelance journalist (contributor to the US-based opposition website AllGambian.net, former reporter for the private *Daily Observer*), and pro-democracy activist, living in exile in the United States since gaining political asylum in 1994 following the coup that brought President Yahya Jammeh to power. **Arrest:** Manneh, who is understood to have returned to Gambia to pay tribute to her late father, was arrested by National Intelligence Agency (NIA) officers on her arrival from the USA at the international airport in the capital Banjul on 28 March 2007. She was detained for a week, during which time she was denied access to a lawyer or her family. **Charges:** She finally appeared before a court in Kanifing, 12 km from the capital, on 4 April where she was charged on three counts of sedition under Gambia’s criminal code: “intention to commit sedition”, “publication of seditious words” and “publication of false news intended to cause public fear and alarm to the Gambian public”. Each count carries a maximum prison term of two years or a fine or both. Manneh is being prosecuted for articles critical of

President Jammeh, particularly an interview with her in which she accused President Yahya Jammeh of “tearing our beloved country to shreds” and calling him a “bundle of terror”. The interview was first published in the now defunct bi-weekly *The Independent* in June 2004 and later published on several websites, including AllGambian.net in October 2005. **Trial:** Her lawyer, Lamin Jobarteh, argued that the court did not have jurisdiction to hear the case as the alleged offences took place when she was outside Gambia. However Manneh pleaded not guilty and was released on bail of 25,000 dalasis (US\$900) and the trial date was set for 11 April. NIA was reported to have confiscated Manneh’s travel documents. On 13 April the defence’s application for a trial within a trial (voir-dire) on the grounds that Manneh had been forced to make a statement to NIA under duress was reportedly turned down and the court was adjourned until 20 April. By 16 June the hearings had been continually delayed, most recently because the state counsel reportedly claimed that the date had “slipped his mind” and the defence counsel failed to appear in court. On 20 June the prosecutor reportedly introduced a fourth charge against Manneh, that of “uttering seditious words”. The trial continues; PEN is monitoring the case. [RAN 22/07 – 20 April 2007]

Sentenced – appeal lodged

Lamin FATTY: reporter for the Banjul-based bi-weekly newspaper *The Independent*, was arrested on 10 April 2006 in the wake of an article on the arrest of a number of alleged coup plotters which erroneously implicated a former government minister. On 24 March 2006, *The Independent* had run a piece that included a list of 23 well known figures supposedly arrested in connection with an abortive coup plot three days earlier. Samba Bah, former interior minister and former head of the National Intelligence Agency, was mistakenly named. The 27 March issue carried an article in which Bah refuted the assertion that he had been arrested and an apology by the newspaper. The editor and managing director of *The Independent* were arrested on 28 March and were released without charge on 20 April. Several other members of staff were also detained during the armed raid but released later the same day, also without charge. *The Independent* was forcibly closed by security services on 28 March 2006 and remains banned. Fatty was held incommunicado for two months, eventually being released on bail on 12 June 2006. During his time in custody it is understood that he was denied access to a lawyer. He faced charges under section 181 of the Gambian criminal code for publishing “false news”. His trial was extremely protracted due to its frequent adjournment, sometimes for apparently trivial reasons. On 5 June 2007 the Kanifing Magistrates’ Court found Fatty guilty as charged and sentenced him to a D50,000 (US\$1,850) fine or by default one year in prison. Fatty was jailed immediately but was released soon after when the Gambia Press Union (GPU), the country’s largest journalists’ union, paid the fine. It is understood that Fatty has filed an appeal. PEN continues to monitor the case. [RAN Update #2 to RAN 14/06 – 13 June].

GUINEA

Attacked

***Abdallah BALDÉ:** reporter with the privately owned Conakry-based newspaper *Guinée-News*, was reportedly attacked on 27 March 2007 by members of the presidential guard after taking photographs of President Lansana Conté and his wife during a news conference. Baldé was also beaten by some supporters of the President who chased him off the

premises. His camera was snatched from him by a guard and returned to him the next day, damaged.

IVORY COAST

Disappeared – presumed killed

Guy-André KIEFFER: writer and independent reporter who holds joint French and Canadian nationality, disappeared on 16 April 2004. Kieffer was last seen at a shopping centre in Abidjan and has made no contact with anyone since that time. According to RSF, he was “abducted from the car park of an Abidjan supermarket, at around 1pm on 16 April 2004 after falling into a trap set for him by a member of President Laurent Gbagbo’s entourage”. **Background:** The journalist and writer, who had lived with his family in the Ivory Coast for several years, was the Abidjan correspondent for the French publication *La Lettre du Continent*, had written for French business publication *La Tribune* and contributed occasionally to several magazines. He also reportedly wrote for the Ivorian press under a pseudonym and was collaborating on a book with Louis-André Dacoury-Tabley, foreign affairs coordinator for the Patriotic Movement of the Cote d’Ivoire (*Mouvement patriotique de Cote d’Ivoire* – 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 has conducted numerous investigations into the coffee and cocoa sectors, some of which have exposed corruption. **Investigation:** Following Kieffer’s disappearance, rumours circulated in the Ivory Coast that the body of a white man had been found in a suburb of Abidjan. Michel Legré, the brother-in-law of President Gbagbo’s wife, Simone Gbagbo, was reportedly the last person to have seen Kieffer before his disappearance. Legré named eight suspects whom he claimed had kidnapped Kieffer on behalf of the head of presidential security. However, the examining magistrate complained to the public prosecutor that he found that he was blocked in his attempts to interview them. Legré was subsequently charged with ‘accessory to kidnapping’, ‘unlawful confinement’ and murder. He was also charged with defamation. Non-governmental organizations such as Reporters without Borders (RSF) are accusing the judicial authorities in the Ivory Coast of making a scapegoat out of an accomplice ‘to avoid going after those who are really responsible’. On 13 December 2004, the French investigating judge Patrick Ramael requested that the main suspect in the case, Michel Legré, be transferred to France for two months of questioning as an attempt to counter the lack of progress. Arrest of new suspect: On 11 January 2006, Jean-Tony Oulaï, an Ivorian army captain who claims to have belonged to the Ivorian special services, was arrested outside Paris and the French judicial authorities announced that he is to be formally investigated on suspicion of kidnapping and illegally detaining Kieffer. According to reports, Oulaï has contradicted himself many times in his statements and evidence suggests he could have been the head of a commando group that kidnapped and eliminated Kieffer. In a joint statement issued in February 2006 by the two judges in charge of the French investigation, Patrick Ramael and Emmanuelle Ducos called upon the Ivorian government to agree to Michel Legré’s transfer to France as soon as possible, claiming that Legré is a key witness whose transfer has been awaiting Ivorian approval for more than a year. Legré was held in an Abidjan detention centre for a year and half before being granted a provisional release in October 2005. In October 2006 some 30 activists staged a protest at the Côte d’Ivoire stand at the Chocolate Exhibition in Paris with the aim of drawing attention to the case and its relation to the chocolate industry

On trial

Edouard GONTO and Coulibaly SEYDOU: political reporter and managing editor respectively of the privately-owned daily *Le Jour Plus*, were reportedly arrested on 12 September 2006 and subsequently charged with “offences against the head of state” before their release the following day. The detention came just after *Le Jour Plus* published an article written by Gonto that claimed that President Laurent Gbagbo’s wife Simone was partly responsible for the offloading of toxic waste in various parts of Abidjan. The issue of the newspaper that day was entitled “Toxic waste: Mme Gbagbo at the heart of the scandal”. On 15 September 2006, Gonto, Seydou and colleague **Frédéric Koffy**, who was in charge of the editorial team on 11 September, the day the article was published, appeared before an Abidjan court and were fined 500 million CFA francs (approx. US\$1 million in damages). **New information:** On 13 March 2007, it was reported that Gonto, Seydou and Koffy would again be put on trial on 16 March on new charges of criminal defamation. Marcel Gossio, director general of the Abidjan Port, brought the charges on the basis that the article had linked the President’s wife and himself to the 2006 toxic waste scandal that resulted in the deaths of at least 10 people. The State Prosecutor had first rejected Gossio’s new complaint on 2 February, saying it contradicted a provision of the Criminal Code, which no longer allows for libel complaints. However, on 16 February the State Prosecutor reversed his decision. *L’Inter* newspaper editor-in-chief **Charles d’Almeida** and journalist **Hippolyte Oulaï** were also questioned in February 2007 for having reported on the same story. PEN is seeking further information.

Brief detention

***Denis KaAH ZION and André SILBER KONAN:** editor and journalist respectively of the daily *Le Nouveau Réveil* newspaper. Arrested and questioned for over five hours on 28 February 2007 as a result of a 21 February article entitled ‘The seven-year record of the FPI Party: the 100 Crimes of Gbagbo’, which referred to alleged political assassinations and other scandals under former president Gbagbo’s rule. The journalists’ refusal to issue a public apology, as suggested by the prosecutor, led to their being jailed for six hours. They were provisionally released after supporters picketed the police station where they were held and were due to face charges of “offending the head of state” on 30 March. PEN is seeking further information.

KENYA

Investigation

***Mburu MUCHOKI:** editor of the private tabloid weekly *The Independent*, was sentenced by a court in Nairobi on 6 March 2007 to one year’s imprisonment for libelling the Kenyan Justice and Constitutional Affairs Minister, Martha Karua. The conviction related to a 2004 story entitled ‘Karua’s father in abortion scandal’ that also alleged an affair between Karua and a Catholic priest. Muchoki was fined 500,000 shillings (5,500 Euros) - 25 times the maximum allowable fine for libel – or one year in prison. He was unable to pay the fine and is now being held in a prison in an industrial zone in Nairobi. Muchoki’s lawyer claimed that the outcome of the trial was influenced by the fact that the presiding judge is a close friend of the justice minister and says he intends to appeal. Karua has reportedly never denied the allegations made against her by *The Independent*. It is understood that she won an earlier ruling against Muchoki for the same story, but the judgment of 25

million shillings (US\$361,000) in civil damages was later invalidated because the prosecution did not follow proper procedure. .

Case closed

Johnstone MATIVO: journalist at *The Weekly Citizen*, was arrested along with four other members of staff when police raided the offices of the Nairobi-based newspaper on 20 February 2006. The action apparently came in the wake of a *Weekly Citizen* article that alleged that President Mwai Kibaki had lost control of his government. On 23 February, Mativo, Alwaka, Chimazi, Matende, Ong'aro and six other *Weekly Citizen* employees were charged with "publishing an alarming story". Seven of the 11 appeared in court and were freed on police bond; the four in hiding were charged in absentia and warrants were issued for their arrest. A further hearing was held on 9 May 2006. Case closed due to lack of further information.

LESOTHO

Case closed

Khutliso SEKOA: reporter with the weekly *Public Eye*, summoned to appear before the High Court on 4 September 2006 to demonstrate why one of his articles, published in the 14 July edition of *Public Eye*, should not be withdrawn. The article in question, entitled "Judges in line as targets of corruption", addresses a government scheme of which Sekoa has been highly critical, in which ministers and principal secretaries can buy luxury cars for very little money, as part of a deal between the government and a car rental company Sekoa had also been summoned to court in early 2005 on charges for defamation in another article published that year. No further information – case closed.

LIBERIA

Threatened

***Liberian Express:** a member of the Liberian House of Representatives threatened the management of this bi-weekly newspaper with legal action on 3 May 2007. Ruling Unity Party representative Dusty Wolokollie reportedly accused the newspaper of libel after publishing "false information" about him and said that he would take it to court to seek damages of US\$20,000. The newspaper had reportedly published a story linking Wolokollie to a meeting in London to strike an oil deal with a UK-based company which has an offshore concession agreement with the Liberian government. The managing editor of *Liberian Express*, James Kiazolu, has reportedly stated that the newspaper stands by the story. PEN is monitoring the case.

MALAWI

On trial

Robert JAMIESON, Dickson KASHOTI and Arnold MLELEMBWA: owner, editor and reporter respectively for the newspaper *Chronicle*, were reportedly arrested in Lilongwe on 8 May 2006. The detention stemmed from a *Chronicle* article that claimed that Attorney-General Ralph Kasambara and Charles Simango, Director for the Media Institute of Southern Africa (MISA) in Malawi, had taken part in a deal involving a stolen computer. The three were granted bail on 9 May and ordered to stand trial on criminal charges for the defamation of Kasambara. PEN is seeking further information.

Case closed

Jika NKOLOKOSA and Maxwell NG'AMBI: Blantyre Newspapers Ltd (BNL) general manager and *Malawi News* journalist respectively, were tried on charges of criminal libel brought by Health Minister Hetherwick Ntaba. The trial opened on 29 May 2006 with both men pleading 'not guilty'. The charge related to a December 2005 *Malawi News* article penned by Ng'ambi in which it was claimed that an auditor's report Ntaba had mismanaged public finances. Three days after the trial opened, Ntaba became the ex-Health Minister on being sacked by President Bingu wa Mutharika. According to Amnesty International, the charges against Nkolokosa were dropped but Ng'ambi was convicted and fined.

MALI

Attacked

***Ibrahim Famakan COULIBALY:** President of the Malian Journalists' Association and the West African Journalists' Association. Reportedly assaulted by security forces on 22 June 2007, during a protest by journalists calling for the release of some of their colleagues who were arrested on 14 June (see entry for Cisse, Diarra, Fall, Kalambry and Touré below). Allegedly, the security forces fired tear gas at the protesting journalists and Coulibaly's legs were reportedly seriously injured during the attack.

Suspended sentence

***Diaby Makoro CAMARA and Oumar BOUARÉ:** director and editor respectively of the private monthly *Kabako*, were handed criminal defamation convictions on 5 March 2007 by a court in the capital, Bamako, as a result of a December 2006 story that criticised a government minister. They were sentenced to four-month suspended terms, fined 50,000 CFA francs (US\$100) and ordered to publish the court decision. The charges stemmed from a defamation suit brought by Planning and Land Development Minister Mariamantia Diarra on 19 February 2007 over a story headlined "Consumed by jealousy: Marimantia Diarra raids his ex-fiancée with the police," which described Diarra's alleged attempts to stop the wedding of his former fiancée, to another man by sending policemen to surround her house with the intention of assaulting her. It has been reported that the ruling was politically motivated due to the influence of Diarra, secretary-general of the former ruling party ADEMA and an ally of President Amadou Toumani Tour. Camara and Bouaré reportedly planned to appeal. PEN is seeking further information.

***Hameye CISSE, Seydina Oumar DIARRA, Ibrahima FALL, Alexis KALAMBRY and Sambu TOURE:** editor for *Le Scorpion*, journalist for *Info-Matin*, editor for *Le Républicain*, editor for *Les Echos* and editor for *Info-Matin* respectively. On 14 June 2007 Diarra was arrested along with a teacher on charges of 'offence against the head of state'. The charges followed the publication of an article by Diarra published in *Info-Matin* on 1 June and entitled 'Lycée Nanaïssa Santara: the President's Mistress', on an essay topic set relating to a hypothetical presidential sex scandal. Following the detention of Diarra and the teacher, other newspapers reprinted the story and on 20 June, Cissé, Fall, Kalambry and Toure were summoned to the state prosecutor and immediately arrested on charges of 'complicity in an insult against the president'. The five journalists and the teacher appeared at a closed trial on 26 June where they were given suspended prison sentences and fines (Diarra 13 days – equivalent to the time he had spent in detention; Touré eight

months and a fine; Cissé, Fall and Kalmabry three months and a fine). The journalists planned to appeal against their sentences.

MAURITANIA

Briefly detention

***Abdel Fettah Ould ABEIDNA:** Managing editor of the daily Arabic-language newspaper *Al-Aqsa*, was imprisoned in Nouakchott between 24 and 28 May 2007 as a result of defamation charges brought against him by businessman Mohamed Ould Bouammatou. In a 16 May article, Abeidna had linked Bouammatou to a recently uncovered large-scale cocaine racket in which a number of politicians had been implicated. According to RSF, the article did not present very firm evidence. Abeidna was granted bail on 28 May. On the same day, three other newspaper journalists, **Oumar Mouctar** (managing editor of the daily *L'Authentique*), **Tah Ould Ahmed** (managing editor of *Al Vejr*) and **Mohamed Mahmoud Ould Bakar** (managing editor of the daily *Al Alem*), were also questioned by police in connection with another defamation suit linked to the same drugs scandal. The complaint against them was reportedly withdrawn on 4 June.

Case closed

Abdel Ould SEJAD: journalist with the newspaper *Points Chauds* was arrested and imprisoned on 19 October 2005 for allegedly publishing pornographic pictures taken at Nouakchott Civilian Prison. The pictures were of a prisoner who had been sentenced to a 21-year prison term for murder. According to information received by PEN, the photos had been printed in *Points Chauds* to denounce the practice in the prison of prisoners being photographed naked. Another journalist arrested in the case, Moulaye Najim has been released. Case closed due to lack of further information.

NAMIBIA

Possible trial

***Gwen LISTER:** in April 2007 editor of *The Namibian* newspaper and its owner, The Free Press of Namibia, were reportedly issued with a summons instructing them to pay US\$1 million in damages to the Palazzolo (or Von Palace-Kolbatschenko) family or face five defamation lawsuits. The suits were triggered by various reports in *The Namibian* and the free newspaper *Informanté*, particularly a 23 March *Namibian* story entitled "Mafia linked to Namibian gems", in which some members of the plaintiff family are described as mafia members. The article, written by freelance journalist John Grobler, reports that the Sicilian mafia is involved in the country's diamond cutting industry through the use of front companies. PEN is seeking further information.

NIGERIA

Death threats

***Adeola BALOGUN (f):** contributor to the *Saturday Punch* (Saturday supplement of *The Punch*). On 23 May 2007 it was reported that she had been receiving repeated death threats by telephone since the *Saturday Punch* published an article by her the day before. The article, entitled "Whose baby is this?" about a possible case of kidnapping led to the arrest of a woman who had falsely claimed to be the woman's mother. PEN is seeking an update.

Harassment

***Kola OLABISI** and **Sola JACOBS:** editor and reporter of the privately owned weekly *Osun Defender*, went into hiding after arrest warrants were issued against them by Judge Jide Falola on 16 May 2007. The warrants were issued in response to a 14 May report in the *Osun Defender* entitled "Osun Police Arrest 762 Over Election Process" about a news conference where human rights activist Amitolu Shittu condemned irregularities in the trial of some demonstrators who had protested against the alleged rigging of the 14 April Presidential elections. The article also accused Judge Falola of accepting bribes in order to release demonstrators. Shittu was also the subject of an arrest warrant and went into hiding. PEN is seeking an update.

Case closed

Rotimi DUROJAIYE: a senior correspondent with the *Daily Independent*, has been taken to court, along with Mike Gbenga Aruleba, a presenter of a political programme on Africa Independent Television for "sedition" for "conspiring to bring into hatred or contempt or excite disaffection against the person of the president or the government of the federation". The charge stems from a report published by Durojaiye on 12 June 2006 alleging that President Olusegun Obasanjo's new jet was actually five years' old and purchased from the German airline Lufthansa rather than a brand new one bought from Boeing as the government had claimed. Durojaiye faces a minimum two-year sentence if convicted. The date for the next hearing is 27 July 2006. Despite the charges against Gbenga Aruleba being dropped in October 2006, prosecutors vowed to continue the trial against Durojaiye, who they claimed hadn't shown "sufficient remorse" for the report published. Durojaiye has reportedly remained defiant in the face of the trial, having expressed his intention of standing by his story. No further information as of 30 June 2007 - case closed.

Imo EZE and **Oluwole ELENYINMI:** editor and reporter respectively for *Ebonyi Voice*, reportedly made a court appearance on 14 June 2006 to answer charges of "conspiracy", "sedition" and "libel". The charges were brought by the governor of Ebonyi, Sam Ominyi Egwu, for whom Eze was a former press secretary, after the publication on 16 April 2006 of a piece entitled, "Is Ebonyi A Failed State?" in which accusations of mismanagement and corruption were made against the state's government. Eze and Elenyinmi were released provisionally on 25 August 2006. It is believed that their release was in accordance with an agreement previously made between Governor Sam Egwu and the Nigeria Union of Journalists. No further information - case closed.

RWANDA

Disappeared

Bonaventure BIZUMUREMYI: editor of the independent weekly *Umuco*, reportedly disappeared following a police summons and official criticism of articles printed in his newspaper in August 2006. It was reported that Bizumuremyi went into hiding 24 hours after police appeared at his newspaper to arrest him on 4 August 2006. On the previous day, Bizumuremyi had appeared before the High Council of the Press on charges of publishing "sensationalist" articles "violating the privacy of certain political leaders"; the council reportedly ruled that several articles were "unethical" and needed correcting. It appears that the articles in question were highly critical of President Kagame and of

Rwanda's judicial system, referring particularly to the trial of Colonel Patrick Karegeya, a former spy chief now in prison. Following a police summons to which Bizumuremyi reportedly didn't respond, and the appearance of the police at the *Umuco* offices, it is believed that the journalist tried without success to find a lawyer to defend him. He disappeared on 5 August and friends and family have been unable to contact him. Bizumuremyi had reportedly received a warning in January 2006 to stop writing articles criticising the government and subsequently went into hiding for a period of time. PEN is seeking further information.

Investigation

***Agnès NKUSI-UWIMANA (f)**: director of the Ligali-based bi-monthly journal *Unurabyo*, was sentenced on 20 April 2007 to one year in prison on charges connected to her publication of a letter which criticised the government. Nkusi-Uwimana was convicted of divisionism, sectarianism and libel after publishing an unsigned letter in January 2007 comparing ethnic killings during President Paul Kagame's Tutsi-dominated administration to those of the previous Hutu regime. She had been imprisoned since 12 January 2007 on the charges. She was also ordered to pay 400,000 Rwandan francs (US\$760) in damages. Nkusi-Uwimana, who reportedly pleaded guilty in exchange for a reduction of her sentence from five years to one, reportedly intended to appeal the decision. PEN is seeking further information.

Attacked

***Jean Bosco GASASIRA**: editor of the private bi-monthly *Umuvugizi*, was the victim of an attack in Kigali on 9 February 2007 which left him hospitalised and in a coma. Gasasira was reportedly attacked by three men with iron bars, one of whom is believed to be a demobilised soldier and has apparently been arrested. Local journalists have linked the attack to a series of articles recently published in *Umuvugizi*, which expressed criticism of officials in the government of President Paul Kagamé. In August 2006, Gasasira allegedly received threatening phone calls after publishing an article comparing nepotism under the present Rwandan government to that of the pre-genocide regime of Juvénal Habyarimana. He had claimed to be under police surveillance prior to the attack. PEN is continuing to monitor the case.

Brief detention

***Prof Idesbald BYABUZE KATABARUKA**: Congolese university professor and director of *Mashariki News*, was arrested on 16 February 2007 while teaching at a university in Kigali and held in pre-trial detention before being released and deported on 21 March. Professor Katabaruka was accused of "segregation", sectarianism and threatening national security as a result of a June 2005 article entitled "Rwanda Alert", published by the Missionary Service News Agency (MISNA) and co-authored by an Italian nun and a Congolese nun, which was highly critical of the Rwandan authorities. He faced up to 20 years in prison if found guilty. Professor Katabaruka claimed that he did not write the article and that his name had possibly been added to the article because he had been supervising the two nuns who were based at a Catholic mission in the DRC at the time that the article was published. On 19 March all charges against him were dropped and he was released on 21 March. However, he was declared 'persona non grata' by the State prosecutor and was immediately escorted to the border with DRC and Rwanda.

Jean Léotard RUGAMBAGE: reporter with the independent Kigali-based newspaper *Umuco*. Detained on 6 March 2007 by police while covering a hearing of a traditional "gacaca" court at Nyamiyaga, but

managed to escape. He was detained along with two North American journalists, reporter **Kevin WHITELAW** and photographer **Kevin HORAN** of Washington DC weekly *US News and World Report*. The police reportedly accused the journalists of not having accreditation to cover the hearing. Whitelaw and Horan were taken to a police station and were released three hours later following intervention by the American Embassy in Kigali. Their memory card containing photographs of the trial was confiscated. Rugambage was imprisoned for eight months in 2006 on charges of contempt of court. He had also been charged "planning genocide" whilst an army corporal in 1994. He was provisionally released in July 2006 after the court cited trial irregularities (see previous case list).

SENEGAL

Sentenced

***Ndiougou WACK SECK**: director of the pro-government tabloid daily *Il Est Midi*, was sentenced on 18 April 2007 to six months in prison and a US\$41,000 fine on charges on criminal defamation. He was convicted as a result of a November 2006 article accusing two close relatives of President Abdoulaye Seck of accepting bribes from the former Prime Minister Idrissa Seck, then imprisoned on embezzlement charges, to negotiate for his release, which occurred suddenly and without explanation. Wack Seck was also barred from working as a journalist for three months and his paper banned from publication for the same period. He was sentenced in absentia and an arrest warrant has been issued against him. According to CPJ, at least two other journalists have been harassed, prosecuted or jailed in connection with reporting on the ex-prime minister scandal. On 21 April it was reported that Wack Seck had gone into hiding to avoid imprisonment. PEN is seeking further information.

Suspended Sentence

***Jean Meïssa DIOP and Faydy DRAMÉ**: director and reporter respectively of the daily *Walf Grand-Place*, published by leading independent Wal Fadjri media group. On 8 March 2007, Diop and Dramé were sentenced to six-month suspended prison sentences and 10m CFA francs (US\$21,000) in damages on criminal defamation charges. The ruling stemmed from a complaint filed by Matforce, a local Hyundai car dealership, in connection with two articles relating a dispute between a business executive and Matforce over the sale of allegedly defective vehicles. The June 10-11 2006 articles, respectively entitled "Feeling swindled in a car sale, Technobase/ Alcom group will sue Matforce (. . .)" and "Rebuttal to complainants: dealer denounces blackmail (. . .)" were allegedly published on the same page, meaning that Matforce had had the opportunity to respond. Matforce alleged it was defamed by comments of the business executive. Diop and Dramé were freed pending an appeal. PEN is monitoring the case.

Case closed

Moustapha SOW: publication director of the daily *L'Office*, was conditionally released on 14 July 2006 pending the result of his appeal against conviction on defamation charges. He had been sentenced to six months' imprisonment in February 2006. However, he was not immediately called upon to begin this sentence and was not detained until 29 June 2006. The conviction for "defamation" stemmed from a slew of *L'Office* articles regarding businessman Bara Tall. *L'Office* claimed that Tall had been implicated in a trial for embezzlement at building sites in the town of Thiès. No further information - case closed.

SIERRA LEONE

Killed – official investigation under way

Harry YANSANEH: acting editor of the daily *For Di People*, died of kidney problems in hospital on 27 July 2005. His death was apparently a direct result of an assault he suffered on 10 May 2005. In a letter that Yansaneh (34) sent before his death to the Sierra Leone Association of Journalists (SLAJ), he explicitly accused member of parliament, Dr Fatmata Hassan, of ordering the 10 May attack. According to Yansaneh, one of Hassan's sons threatened him and vandalised the *For Di People* office – of which Hassan is reportedly the landlady – in the early evening of 10 May 2005. When the editor was on his way to the police station to make an official complaint about the incident, he claimed he was set upon by a group including Hassan's two sons. Yansaneh also accused Hassan herself of being present during the attack. The motives for the assault appear to be Hassan's apparent desire to evict *For Di People* from their offices, coupled with the member of parliament's dislike of the newspaper's criticism of the government. Harry Yansaneh took over the editorship of *For Di People* in October 2004 when former editor Paul Kamara was imprisoned for "seditious libel". After the attack, Hassan's sons are alleged to have returned to London, UK, where they are apparently resident. A coroner's inquest into the killing of Harry Yansaneh announced its findings on 26 August 2005 concluded that the killing amounted to "involuntary manslaughter". The coroner issued arrest warrants the same day against suspects Fatmata Hassan and three of her children and two others subsequently freed. In August 2006 the director of public prosecution requested the extradition of Hassan's three children from the UK following a flurry of media attention centring on Yansaneh on the anniversary of his death. It has been confirmed that an investigation into the case is still underway. **New Information:** On 18 January 2007, Sierra Leone's Ministry of Foreign Affairs was reportedly instructed to officially request the British Government to extradite Hassan's children, Ahmed Komeh, Bai Bureh Komeh and Aminata Komeh, who are still residing in the UK. As of 20 April 2007, no action had been taken.

Investigation

***Philip NEVILLE:** Publisher and editor of privately owned *Standard Times*. Arrested on 28 June 2007 and detained at the Criminal Investigations Department (CID) Headquarters in Freetown for allegedly publishing subversive materials. No charges have yet been made against Neville but he was refused bail on the grounds that the case involves state affairs. His detention appears to be linked to a 27 June *Standard* article which claimed that the Sierra Leonean government had received gifts from the president of Libya about which it had not informed the public.

SOMALIA

Detained - released

***Ali Abdi DINI** (editor of the independent *Haatuf* [Messenger] Media Network), **Yusuf Abdi GABOBE** (editor-in-chief of *Haatuf*), and **Mohamed Omar Sheikh IBRAHIM** (*Haatuf* journalist). Arrested in January 2007 and detained in connection with the publication of articles alleging corruption by the President and his family; pardoned and released at the end of March. Gabobe and Dini were arrested in Hargeisa on 2 January 2007 and charged with various criminal offences, while Ibrahim was arrested on 14 January and held incommunicado, also in

Hargeisa. A fourth *Haatuf* journalist, **Mohamed Rashid FARAH**, said to have been the author of the articles, reportedly went into hiding and was charged as for Gabobe and Dini. On 4 March Gabobe was sentenced to two years' imprisonment for obstruction of a police officer. Dini and Ibrahim were each sentenced to 29 months' imprisonment for "reporting false information about the government, discrediting the president and his family and creating inter-communal tension." It was reported that Gabobe and Dini were in poor health, the latter too unwell to attend court, but were refused access to medical treatment. Farah was convicted in absentia of the same offences as Dini and Ibrahim, and also sentenced to 29 months' imprisonment. The journalists were tried under the supposedly superseded media offences section of the Somaliland Penal Code rather than the 2004 Somaliland Press Law. The men's lawyer was reported to have withdrawn from the case in protest when the court was transferred to the Mandera prison, where the men were being held, and because he did not believe they would receive a fair trial. Following the widespread expression of concern about the case within Somaliland and internationally, on 29 March 2007 the President of Somaliland issued a decree pardoning all four men. [RAN 14/07 - 15 March 2007; Update #1 to RAN 14/07 - 20 April 2007]

SUDAN

Killed: investigation ongoing

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

Investigation

***Raafat Hassan ABBAS:** freelance journalist, arrested on 13 June 2007 along with a number of other journalists and media workers who were on their way to cover a protest against the construction of the Kajbar dam, where four people had been killed and at least 10 others wounded during police violence. Most of the detainees were released on the same day or a few days later (see *Brief detention* entry below), but Abbas is still being held incommunicado. As of 22 June, his location is not known and he is thought to be at risk of torture. PEN is seeking further information.

Charged

Noureddin MADANI and Zuhayr AL-SARRAJ: respectively deputy

editor-in-chief and columnist for the Arabic language daily *Al-Sudani* and former editor and columnist of the private daily *Al-Sahafa*. Convicted on 26 December 2006 of slander and inaccurate editing in connection with a column written by al-Sarraj for *Al-Sahafa* two years before. The column, entitled “Dividing the Spoils”, criticised the perks that parliament and President Omar Bashir approved for high-level government officials. Al-Sarraj was ordered to pay a fine of 5 million Sudanese pounds (US \$2,500) or spend one year in prison and Madani was fined 2 million Sudanese pounds (US \$950) or faced six months in prison. Both journalists reportedly intend to appeal the conviction. Al-Sarraj also faces trial over another column, published in *Al-Sahafa* in January 2006, which criticised Bashir for failing to address the many problems facing the people of Sudan. Following his 60 hour detention in a Khartoum jail, he was charged with “insulting the president”. If convicted, he risks losing his license to practise journalism in Sudan. PEN is seeking an update.

Brief detention

***Alfatih ABDULLAH** (*Al-Sudani*), **Qazafi ABDULMOTALAB** (*Al-Ayam*), **Abuobaida AWAD** (*Rai-Alshaab*) and **Abulgasim FARAHNA** (*Alwan*): journalists with Khartoum-based daily newspapers, were arrested in Dongola, Shamiliyah state, in northern Sudan, on the evening of 13 June 2007. The journalists were detained while on their way to cover a fatal protest against the construction of the Kajbar dam. The journalists were questioned about the purpose of their trip and were then detained at a police station in Dongola before being transferred to Khober prison in Khartoum. They were all released without charge on 20 June 2007 after having been held incommunicado for a week.

***Mahgub ERWA** and **Osman MIRGHANI**: publisher and editor respectively of the privately owned Arabic-language daily *Al Sudani*. Arrested on 17 May 2007 after publishing an editorial in which the justice minister was accused of lying in a money-laundering case. Erwa was freed on 19 May while Mirghani was released on 20 May after a court rejected a detention extension requested by the public ministry. The newspaper is still subject to a ban under Article 130 of the criminal code. On 1 February *Al Sudani* had been banned “indefinitely” for referring to the 2006 murder of the editor of the daily *Al-Wifaq*, Mohamed Taha Mohamed Ahmed (see entry above).

UGANDA

On trial

James TUMUSIIME and **Semujju Ibrahim NGANDA**: editor and reporter respectively for the independent *Weekly Observer*, have been charged with “promoting sectarianism” following an article which criticised government persecution of the opposition leader Kizza Besigye published on 1 December 2005. The article, which preceded a presidential election in February won by President Yoweri Museveni, claimed that the president and a small group of army generals from his Bahima ethnic group organised “an operation to keep Besigye in jail”. At the time of the article’s publication, Besigye was imprisoned facing charges of treason, terrorism and rape. Although a ruling by a civilian court had granted him bail, he remained in prison as a result of a warrant issued by the military, later declared illegal. Besigye was released in early January. The date for Tumusiime and Nganda’s trial to begin was given as 15 June 2006 and the journalists reportedly intended to plead not guilty. If convicted, they face up to five years in jail. The charge brought against them falls under article 41 of Uganda’s penal code, criminalising any

statement likely to promote “feelings of hostility among or against” any group on ethnic, regional or tribal lines. The Committee to Protect Journalists (CPJ) protested the decision to prosecute the journalists, claiming that it “smacks of political retribution” and calling for the criminal charges to be “dropped immediately”. In January 2007 it was reported that petitions challenging the “promoting sectarianism” provision of Uganda’s penal code were pending before the Constitutional Court. PEN is seeking further information.

Harassment

***Chris AHIMBISIBWE**: journalist for *New Vision* newspaper. Reportedly “roughed up” at Bushenyi High Court while covering a trial of individuals suspected to be part of the rebel group People’s Redemption Army (PRA) and detained by police in early March 2007. According to IFJ, this case forms part of a series of incidents of police harassment of journalists covering court cases against opposition politicians and groups in the country.

ZIMBABWE

On Trial

***Gift PHIRI**: chief reporter of the independent exile newspaper *The Zimbabwean*, is on trial for working as a journalist without official accreditation and “publishing false news” following a death threat and four days’ detention during which time he was allegedly tortured. **Arrest and detention**: Phiri was arrested in Harare on 1 April 2007 and initially accused of a number of offences, including involvement in bombings and “publishing falsehoods” in connection with his reporting on government activities. Access by lawyers and doctors was restricted. On 4 April, lawyers acting on Phiri’s behalf filed a High Court application seeking to have his detention declared illegal and his immediate release. **Charges**: On 5 April, Phiri was brought before a judge and charged with working as a journalist without official accreditation and publishing false news under sections 79 (1) and 80 (1) (b) of the Access to Information and Protection of Privacy Act (AIPPA). According to *The Zimbabwean*, the charge of publishing false news stemmed from two stories by Phiri in 2006. The first story was on a \$2 billion lawsuit filed against police by labour leaders following a ruthless clampdown on a labour protest last September. The second was a story revealing details of a Joint Operations Command meeting that informed President Robert Mugabe of the need to appoint a successor to ease the bloody succession race in Zanu (PF) ahead of the ruling party’s December Goromonzi Convention. **Conditional release**: Phiri was released on bail of 100,000 Zimbabwean dollars (US\$400) and stringent reporting conditions and set a trial date of 25 April. On his release he was hospitalised for five days to receive treatment for injuries sustained from the beatings he received in police custody. It is alleged that he was tortured and forced to sign a confession (the judge has ordered the state to investigate the torture allegations). **Death threat**: Phiri’s arrest and detention followed a death threat against him on 30 March 2007, when a list of 29 individuals allegedly targeted for execution by the Zimbabwe Intelligence Corps and the “Zanu PF Security hit squad” was sent to *The Zimbabwean*’s London office. The list included Phiri and the UK-based editor of *The Zimbabwean*, **Wilf Mbanga**, whose names were circled. **Previous attacks**: Phiri has suffered previous harassment due his work as a journalist: on 16 February 2006 he was attacked by men who accused him of working for the US radio station Voice of the America and the privately owned Zimbabwean Voice of the People, which broadcasts from outside the country. **New information**: The charge of publishing

false news has been dropped and the trial is proceeding only on the basis that Phiri practised journalism without official accreditation. [RAN 21/07 - 19 April 2007]

Iden WETHERELL, Vincent KAHIYA and Dumisani MULEYA: managing editor, news editor and chief reporter respectively for the newspaper *Zimbabwe Independent*, were arrested on 10 January 2004 on charges of “criminal defamation” under Section 80 of the Access to Information and Protection of Privacy Act (AIPPA). The three were released on bail of Z\$20,000 (c. US\$25) each on 12 January 2004. **Charges:** The charges stem from a 9 January 2004 *Independent* article in which it was alleged that President Robert Mugabe had commandeered an *Air Zimbabwe* Boeing 767 in order to take his family and some aides for a holiday in Asia. Passengers booked on the plane, which was apparently intended for a scheduled flight to London, were temporarily stranded at Harare airport. Wetherell (56), Kahiya and Muleya face two years’ imprisonment if convicted. The three were ordered to appear in court on 10 January 2005 to face trial. The then Minister of Information and Publicity, Jonathan Moyo, confirmed that the article itself was “not fictitious” but rather “blasphemous”, a statement which implies that the former minister believed President Mugabe was God or, at very least, a sacred being, a claim that even the Zimbabwean president has yet to make in public. The *Air Zimbabwe* managing director, Rumba Change, has also declared that the article was accurate. **Trial:** On 10 January 2005, Wetherell, Kahiya, Muleya and Dzamara were all removed from remand. As of March 2007 a trial date had still not been set. PEN is seeking an update.

AMERICAS

ARGENTINA

Case closed

Angel RUIZ: journalist with the weekly *El Este Rionegrino*, was reported in February 2006 to be facing criminal charges of ‘libel’ and ‘insult’ which allow for a prison sentence of up to three years. The charges stemmed from an *El Este Rionegrino* report regarding the smuggling of fossils between Argentina and Italy. The article accused Marcelo Solorza, the provincial official for culture, and other government officials of involvement in the smuggling. Ruiz was reportedly subjected to a great deal of harassment from the local authorities in the wake of the article, and when he refused to reveal his sources for the piece, he was threatened that the newspaper would be closed down. The first hearing in the trial occurred on 28 February 2006. No further news – case closed.

BRAZIL

Killed

***Luiz Carlos BARBON FILHO:** investigative journalist for *Jornal do Porto* and *JC Regional* newspapers, was shot dead by two masked men on a motorbike as he sat with friends on a bar terrace in Porto Ferreira, São Paulo state, on 5 May 2007. Barbon (37) was shot twice at close

range, wounded in his leg and abdomen and later died in hospital. It is thought that his death was related to his reporting on political corruption. In 2003 Barbon had uncovered a child sex abuse ring, which led to the arrest and sentencing of four businessmen, five local politicians and a waiter. Despite receiving long jail sentences, the businessmen and politicians have reportedly been freed. According to Barbon’s wife, he had been receiving frequent death threats by telephone and mail. An 8 June report in *Folha de São Paulo* newspaper reported that members of the local military police were involved in the murder. The allegation was reportedly denied by a regional military police commander. The Department for General Enquiries has been put in charge of the investigation in an attempt to prevent the Porto Ferreira police from being subjected to local political pressure.

Main case

Fausto BRITES: editor of the *Correio do Estado* newspaper, was sentenced on 31 October 2006 to 10 months in prison and a fine of US \$875 for publishing an allegedly defamatory article. The sentence came in the wake of a lawsuit filed by André Puccinelli, former mayor of Campo Grande and governor-elect of the Mato Grosso do Sul state, where the trial was held. The *Correio do Estado* newspaper published a report on money laundering in March 2005, which it linked to an accusation it had published in 1999 about alleged corruption in rubbish collecting companies in Campo Grande, in which Puccinelli was reportedly involved. PEN is seeking confirmation that Brito has been released after serving his term.

CANADA

Facing charges – charges dropped

***Derek FINKLE:** author, was issued with a subpoena in 2006 in an attempt to gain access to the notes and source materials used for his 1994 book, *No Claim to Mercy*, about Robert Baltovich, who is now appealing the murder conviction against him. Finkle’s attempt to quash the subpoena was due to return to court on 29 May 2007. Canadian Journalists for Free Expression (CJFE) and the Writers’ Union of Canada are intervening in the case. The subpoena was quashed by Ontario Superior Court Justice Watt on 28 June.

Attacked/ threatened

***Amir ARAIN and Jawaad FAIZI:** editor and journalist respectively of the Urdu-language newspaper *The Pakistan Post*. On 17 April 2007 Faizi was attacked by two men with a cricket baton in Mississauga, Ontario province, south eastern Canada.. He had just left the Arain’s home and was getting into his car when the men smashed the windscreen of his car and started beating him. They also threatened Faizi, telling him to stop writing about Islam and against the Pakistan-based religious organisation Idara Minhaj-ul-Quran and its leader, who frequently visits Canada. They men fled when they saw Faizi dialling for the police on his mobile phone. Arain, police and paramedics arrived soon after, and Faizi was taken to hospital to be treated for injuries to his left arm. He was unable to work for two days and was asked by his children’s school to keep them at home as they were seen as a security risk. Both Faizi and Arain had received telephone threats prior to the attack and had filed a complaint with police the previous day, on 16 April. Arain is reported previously to have received threats in 2004 in connection with his exposure of the involvement of some leading members of the Pakistani community in Canada in a drugs case.

COLOMBIA

Killed: Investigation

Francisco BONILLA ROMERO: journalist and founder of the Association of Foreign Correspondents in Colombia, was shot dead by two unidentified men, in Cali, western Colombia, on 12 October 2006. The Metropolitan Police Commander told the Institute for Press and Society (IPS) that Bonilla's death occurred when he tried to prevent a robbery. However it has also been reported that one of the killers identified Bonilla by saying "it's him" before shooting, suggesting the murder was targeted. There is an ongoing investigation; PEN is seeking further information.

Facing charges

Daniel CORONELL, María Jimena DUZÁN (f) and María Isabel RUEDA (f): journalists with the magazine *Semana*, were informed on 2 January 2006 that they faced charges of "injury" and "calumny" brought by former senator Carlos Náder. The charges relate to a *Semana* opinion piece written by Coronell and published on 24 June 2005 in which he claimed that he had received e-mailed death threats sent from Náder's computer. Duzán and Rueda wrote opinion pieces in support of their colleague. Daniel Coronell is currently in exile in the United States having received threats, apparently from other sources. In October 2006, it was reported that Luis Fernando Uribe Botero had been sentenced to 16 months in prison for threatening Daniel Coronell and his family. Carlos Náder, whose alleged threats against Coronell were an entirely separate matter, has yet to be investigated by the police. PEN is seeking an update.

Death threats

***Edgar BUITRAGO RICO:** director of the bimonthly newspaper *La Razón*, based in Cali, western Colombia, received an anonymous death threat by email on 8 February 2007. The email, which followed Buitrago's publication of articles on alleged corruption by Municipal Companies in Cali, warned him to stop his reporting. On 20 February unidentified armed men attacked the paper's headquarters, firing shots outside the offices and injuring three people. Buitrago believed the attack to be related to his reporting on government corruption and this to the death threat; police claimed that the attack was unrelated. Buitrago has often been the target of threats: in August and September 2006 he received repeated death threats to his mobile phone and since 2004 has been granted protection by the Justice and Interior Ministry as a result of threats received as director of the magazine *Valle 2000*.

***Germán HERNÁNDEZ VERA:** director of the *Diario del Huila* and President of the Journalists Association of Huila, in Neiva, southwest Colombia, fled his hometown with his family and went into hiding on 13 March 2007. He had reportedly received seven death threats on his mobile phone since 27 February. Hernández believes the threats to be linked to a series of articles on alleged cases of corruption at a local hospital published between December 2006 and February 2007 which led to two arrests. The Colombian Administrative Department for Security (DAS) and national police were said to be investigating the threats.

Marcos PERALES: director of the weekly Barrancabermeja-based *Portada*, reported in March 2006 that he had received a number of death threats followed by an e-mail purportedly condemning the threats but then going on to justify them. Perales was given a bullet-proof vest and a two-

way police radio for his protection. Despite this, the death threats he received are not being investigated, and have continued. The latest threat was by e-mail on 22 July 2006 in which he was reportedly offered flowers for his funeral. As a consequence his whereabouts are being kept secret.

New information: At the end of April 2007, copies of *Portada* were confiscated and burnt following its publication of a report on alleged corruption by the Barrancabermeja mayor and his alleged links to paramilitary groups. On 1 May Perales was threatened by an armed individual who warned him to stop reporting on the mayor on 1 May. Shortly afterwards he reported that his home in Bucaramanga was being watched.

***Rubén Darío VALENCIA,** editor of the Cali-based daily newspaper *Q'hubo*, was reportedly threatened with death following the publication in June 2007 of reports about the arrest and detention of an alleged leader of a drug-trafficking cartel. The threats allegedly came from another member of the cartel, who said that the leader had ordered Valencia or a member of his family to be murdered. On 22 June, *El País* publishing house, which produced *Q'hubo*, reportedly received anonymous phone calls requesting that arrangement be made for Valencia to leave the country. The police authorities stated that they would provide security for Valencia and his family.

***Diego WALDRÓN GUERRERO:** editor and owner of the magazine *Revista Gente* based in Barrancabermeja, Santander department, has reported receiving anonymous threats, apparently in connection his denouncement of alleged municipal corruption and nepotism. On 18 April 2007, shortly after his publication of a report on contracts awarded by the mayor of Barrancabermeja, apparently to the benefit of his personal associates, Waldrón's wife received a telephone call implying that he would be killed if he did not "stop talking". Waldrón claims that a councillor had offered him a bribe to refrain from publishing the report. He has filed a complaint with the police but no action has been taken. Waldrón is understood to have previously received threats as a result of his reporting on corruption in Barrancabermeja, in 1999 and 2002.

Threatened

***Carlos LOZANO:** editor of the weekly newspaper *Voz*, was accused by President Alvaro Uribe of having links with the FARC (Revolutionary Armed Forces of Colombia) guerrilla group during a radio interview on 23 February 2007. Lozano was formerly appointed by the Colombian government as a peace mediator with the FARC. The president's attack was denounced by journalist interest groups as unfounded and putting Lozano's life at risk of reprisals by extremists. In August 2006, the staff of *Voz*, along with the Medios para la Paz (Media for Peace) group and 37 other NGOs were declared military targets via an email threat from the paramilitary group 'Autodefensas Colombia Libre Mesa Nacional Unificada de Mando Broques Sur, Caribe, Llanos, Centro, Capital, Oriente, Nueva Generacion, Pacífico'. The communiqué reportedly stated that the newspaper and the NGOs would be attacked due to their alleged collaboration with guerrilla forces in Colombia.

Attacked

***Isis BELEÑO (El Heraldo), Manuel PÉREZ FRUTOS and Saturnino VÁSQUEZ (La Libertad)** based in Baraquilla, Atlántico department, northern Colombia, were assaulted by policemen as they tried to gather information on a murder case on 12 May 2007. Beleño was insulted by policemen, who tried to remove her arrived from the crime scene even though she had reportedly not crossed the police cordon, and then pushed and punched her. Pérez, Vásquez and a photographer colleague were assaulted as they tried to protect Beleño.

COSTA RICA

Case closed

Ana María NAVARRO RODRÍGUEZ (f): director of the regional newspaper *El Norteño*. In June 2006, Navarro was charged with defaming the Mayor of Goicoechea, Carlos Murillo, in articles published in 2003, in which the journalist called into question the mayor's handling of local matters. She reportedly faced a possible 100-day sentence on the grounds that she had allegedly violated Article 7 of the Print Law introduced in May 2006. No further details – case closed.

CUBA

Main cases

April 2003 Crackdown Trials The following 24 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 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 twenty years for those found guilty of committing “acts that, in line with imperialist interests, are aimed at subverting the internal order of the Nation and destroying its political, economic, and social system.” **Appeals** All those sentenced lodged appeals with the Tribunal Supremo Popular (Supreme Popular Tribunal) in April 2003 but none were successful. However, since April 2004, 10 of those sentenced have been conditionally released, seemingly for health reasons. **Background** An official statement on the Cuban government website (www.cubagov.cu) explicitly condemns the alleged actions of James Cason and, by definition, those with whom he has allegedly conspired. The fact that the statement goes on to mention the so-called Five Heroes – Cuban nationals who infiltrated Miami-based anti-Castro organisations – suggests that the arrests may also have been made as a reprisal, and possibly as a bargaining chip to obtain their release. The Five Heroes have been detained in the US for the last four years. The name in brackets after the length of sentence denotes the prison in which each writer or journalist is being held. The Working Group on Arbitrary Detention of the United Nations Commission on Human Rights has formally declared that all those sentenced in the March 2003 clampdown are being detained arbitrarily (Category II). **Health concerns:** the majority of the writers, journalists and librarians are suffering from health complaints caused or exacerbated by the harsh conditions and treatment they are exposed to in prison. Despite their deteriorating health status, access to adequate medical treatment is often limited. (See below for individual updates).

Pedro ARGÜELLES MORÁN: director of the Cooperative of Independent Avileña Journalists (Cooperativa Avileña de Periodistas

Independientes – CAPI) **Sentence** 20 years. **Prison** Canaleta, Ciego de Ávila. **Year of birth** c.1948. Transferred in May 2003 from Santa Clara Provincial Prison, Villa Clara to Combinado del Este, Havana) – sentenced under Law 88. Argüelles reported that he was suffering from cataracts and had lost a lot of weight. Transferred in August 2004 from Combinado del Este, Havana to El Tiburón prison in the province of Sancti Spiritus, which is much nearer his home. Reported to have been freed on 29 November 2004, but it was later discovered that he had merely been transferred to the Combinado del Este prison. Reported in March 2005 to be suffering from inflammation of the liver. In July 2005, was reported to be suffering from cataracts in both eyes which had rendered him practically blind. Transferred to Canaleta prison in Ciego de Ávila in November 2005. Hospitalised in April 2007 because of cataracts in both eyes; later diagnosed with severe arthritis and a benign prostate tumour. Reportedly went on hunger strike on 16 June 2007 to gain access to the medicines brought by his family. **Honorary Member:** English PEN.

Víctor Rolando ARROYO CARMONA: author, journalist (Independent Union of Independent Cuban Journalists and Writers - Unión de Periodistas y Escritores de Cuba Independiente – UPECI - and Cubanet) & librarian (Reyes Magos Library). **Sentence** 26 years. **Prison** Holguín. **Year of Birth** 1951. **Charge** Article 91. **Prison conditions/health concerns** Arroyo has staged a number of protests against prison conditions and as a result has been held in “punishment cells” on at least four occasions since his imprisonment. Several reports received in 2005 that he had suffered threats in prison and inadequate medical care. Arroyo suffers from pulmonary emphysema. June 2007: reported to have had various skin growths surgically removed in the last year; also suffering from dental and high blood pressure problems which the prison authorities have refused to treat. **Honorary member:** Finnish PEN

Mijail BÁRZAGA LUGO: journalist (Agencia Noticiosa de Cuba) **Sentence** 15 years. **Prison** Santa Clara Provincial Prison, Villa Clara. **Charge** Law 88. Reported to have suffered from conjunctivitis after a month in a punishment cell in September/October 2003. Bárzaga (35) is the brother of well known human rights activist Belkis Bárzaga Lugo. **Honorary Member:** Netherlands PEN

Juan Adolfo FERNÁNDEZ SAÍNZ: journalist (*Agencia Patria*). **Sentence** 15 years. **Prison** Canaleta, Ciego de Ávila. **Year of Birth** 1947. **Charge** Law 88. **Health concerns** Went on hunger strike on at least three occasions in 2003 in protest of prison conditions. In September 2004 it was announced that Fernández had developed an as yet undiagnosed lump on his torso that is feared could be malignant. Reported in February 2005 to be suffering from emphysema, a cyst in one of his kidneys, a hernia, prostatic hypertrophy (Grade 1), generalised arthritis and high blood pressure. On 6 January 2006 Fernández' wife and daughter visited him in prison. They reported that he was suffering from high blood pressure and circulation problems and had lost weight. **Honorary Member:** English PEN

Miguel GALVÁN GUTIÉRREZ: journalist (Havana Press agency) and coordinator of the Varela Project. **Sentence** 26 years. **Prison** Guanajay, Havana. **Year of Birth** 1965. **Charge** Article 91 and Law 88. Sentence confirmed on 3 June 2003 by the Supreme Popular Tribunal. On or around 3 August 2003, Galván, was reportedly threatened by the Agüica prison governor with a transfer to Guantánamo prison, over 500 miles away from his family, if he continued passing news to the outside about prison conditions. Transferred in May 2004 to Block 10 of Agüica prison which houses prisoners considered highly dangerous, including those serving life sentences for murder. Reported to have a physical disability due to a road accident. On 21 May 2006 it was reported that Galván had

been kept incommunicado since October 2005, and had been deprived of numerous rights, including family visits, sunlight, letters and religious observance. On 15 June 2007 Galván was reportedly transferred from Agüica prison in Matanzas to Guanajay prison in Havana. He is reported to have suffered numerous illnesses in prison, including urinary sepsis.

Honorary Member: Sydney PEN

Julio César GÁLVEZ RODRÍGUEZ: freelance journalist **Sentence** 15 years **Prison** Combinado del Este, Havana. **Charge** Law 88. Moved from Santa Clara Provincial Prison, Villa Clara, where he had been held since July 2004, to Combinado del Este Prison, Havana, in August 2004. He is said to suffer from high blood pressure and arthritis – a degenerative disease of the joints – and high blood pressure. Received surgery for the removal of kidney stones in early 2004. Reported in June 2005 to be suffering from severe pains due to his arthritis and various other ailments. **Honorary Member:** English PEN

José Luis GARCÍA PANEQUE: journalist (Agencia Libertad press agency) & librarian (Carlos J Finlay Library) **Sentence** 24 years **Year of Birth** c. 1965 **Charge** Law 88 and Article 91. Reported to have suffered from mental illness during his imprisonment. Reported in March 2005 to have lost over half his bodyweight since starting his sentence due to intestinal problems, and to be extremely emaciated. In November 2004 he was taken to the infirmary at the Combinado del Este prison in Havana where he is said to have been held in a prison psychiatric ward and it was thought he would be released imminently. However he was transferred back to Las Mangas prison in Granma, where he was held earlier, in November 2005. Reported to be suffering from intestinal problems and internal bleeding. In early June 2007, García was taken to hospital following severe abdominal pain and was later diagnosed with a cyst on one of his kidneys. He reportedly needs surgery but there are fears that he may be too weak. He was returned to prison and it is not clear what treatment he is to receive. He is also understood to have experienced severe weight loss due to an intestinal ailment and now weighs just 50 kilos..

Honorary Member: English PEN

Ricardo Severino GONZÁLEZ ALFONSO: president, Manuel Márquez Sterling Journalists Society, director of *De Cuba* magazine, and librarian (Jorge Mañach Library) **Sentence** 20 years. **Prison** Combinado del Este, Havana. **Year of Birth** 1950. **Charge** Article 91. **Health concerns:** On 13 January 2005, González underwent a successful operation to remove some gallstones. Reported to be suffering from a variety of ailments including a cyst of the throat and a heart murmur. In April 2005 he is reported to have been transferred to a prison psychiatric ward, a move thought to signify the journalist's impending release. However González reported in June 2005 that he required a second operation, this time for Aureus staphylococcus. On 2 December 2005 this operation took place successfully at the prison hospital. In March 2007 González' wife reported that he is being denied access to required medication, both from the prison pharmacy and brought by herself on family visits to the prison. On 11 April 2007 González underwent an operation for hidradenitis perianal in the prison hospital and was returned to his cell the next day. **Honorary member:** Finnish PEN

Léster Luis GONZÁLEZ PENTÓN: independent journalist (Movimiento Democracia) and member of human rights movement ALFA-3 **Sentence** 20 years. **Prison** Prisión de Jóvenes – formerly known as Pretensado – Santa Clara. **Year of Birth** 1977 (February). **Charge** Article 91. He is the youngest of the 75 opposition members arrested in March 2003. **Health:** Reported to have received treatment in August 2004 to rectify spinal problems. Later that year also diagnosed with chronic gastritis and also operated for sinusitis. Again hospitalised, this time for

severe haemorrhoids in October 2005. **Hunger protests:** González has undertaken a number of hunger strikes in 2004, 2005 and 2006 against poor prison conditions. Reported to have staged a three-day hunger strike from 17-19 March 2006 to protest against the alleged harassment suffered by his wife Yanet Ocaña and his mother-in-law Miriam Castro, who were apparently threatened after taking part in a rally by the 'Ladies in White' (the group of wives and mothers of the so called '75' dissidents). It was reported that González Pentón had been physically assaulted by two fellow prisoners using a piece of wood on 1 August 2006. He was apparently struck several times on the chest and back. The motive behind the attack is not known. González reports being beaten by a prison official on 9 December 2006. His wife made a complaint to the authorities but did not receive a response within the stipulated period. On 10 May 2007 some medication brought for González by his wife was reportedly confiscated. **Honorary Member:** Sydney PEN.

Alejandro GONZÁLEZ RAGA: freelance journalist **Sentence** 14 years. **Prison** Kilo 7, Camagüey. **Charge** Article 91. On 15 February 2006 González published an impassioned open letter appealing for international solidarity for political prisoners in Cuba (see <http://www.cubonet.org/CNews/y06/feb06/16a2.htm>). On 14 January 2007 CubaNet reported that he was writing poetry in prison.

Iván HERNÁNDEZ CARRILLO: journalist (Agencia Patria) and librarian (Juan Gualberto Gómez Library) **Sentence** 25 years. **Prison** Guamajal Hombres **Date of Birth** 24 May 1971. **Charge** Law 88. Said to be accused in particular of possessing a computer from the USA. Reported to have started a 13-day hunger strike on 15 August 2003 with Adolfo Fernández Sañz and Mario Enrique Mayo to demand decent food and medicine for seriously ill prisoners. Reported to have been transferred from Holguín to Villa Clara Youth Prison on 9 January 2006. Reportedly began a hunger strike on 25 June 2007 in protest at mistreatment by the guards in Guamajal Hombres prison. **Honorary Member:** Catalán PEN, Scottish PEN.

Normando HERNÁNDEZ GONZÁLEZ: director of the Camagüey College of Independent Journalists (Colegio de Periodistas Independientes de Camagüey), journalist (Cubamet) **Sentence** 25 years. **Prison** Kilo 7 prison, Camagüey **Year of Birth** 1970. **Charge** Article 91 and other provisions of the Criminal Code. Reportedly for criticising the government on Radio Martí. **Prison concerns/health conditions:** Hernández has suffered numerous medical complaints since his imprisonment, including high blood pressure, heart and abdominal problems. It is also reported that he has suffered abuse in prison including assaults by staff, being held with prisoners with acute psychiatric disorders, some of whom extremely dangerous. **New information:** 2007 has brought a further deterioration in Hernández' health. In April it was reported that he was refusing to eat prison food until the prison authorities allowed him to make a formal complaint against a prison guard who attacked him on 14 February and carried out an official investigation. He was surviving on food brought by his wife and other prisoners' families. Hernández' wife had filed a complaint in March but had not received any response. Hernández was suffering severe intestinal problems and weighed just 54 kilos. On 3 May it was reported that prison guards had been refusing to let Hernández use the exercise yard for over a week; it is understood that his doctors have advised him to take daily exercise due to his tuberculosis and other ailments. In June it was reported that Hernández had suffered pneumonia and a chronic parasitic infection in May and had suffered further weight loss. His wife and mother fear for his life should he continue to be denied adequate medical care. **Honorary Member:** English & American PEN. American PEN has named Hernández the

recipient of the 2007 PEN/Barbara Goldsmith Freedom to Write Award. **Juan Carlos HERRERA ACOSTA:** journalist (Eastern Free Press Agency - Agencia de Prensa Libre Oriental or APLO) **Sentence** 20 years. **Prison** Kilo 8, Camagüey. **Charge** Law 88. Kilo 7 prison, Camagüey. Reported in May 2005 to have been transferred to the prison ward of the Amalia Simone Hospital in Camagüey. **Prison conditions/health concerns** Has staged a number of protests since his arrest including a hunger strike and in one case reportedly sewing up his mouth to protest against the miserable conditions in which he is held, the poor medical care and the physical and verbal mistreatment to which he claims he and his fellow prisoners are being submitted. Also reported that he has suffered beatings from guards.. He suffers health problems including cardio-vascular ailments and vitiligo, a disfiguring skin condition. **Recent reports:** It is reported that on 26 December 2006 he again sewed up his mouth in protest at denial of family contacts, and that he removed the stitches six days later on 1 January 2007.. On 7 March 2007, along with 17 other detainees, he reportedly began a hunger strike to protest prison conditions and draw attention to his state of health, and to that of two of his colleagues, including Normando Hernández González (see entry above). It was also reported that Herrera is still being regularly beaten by prison guards. **Honorary Member:** German PEN.

José Ubaldo IZQUIERDO HERNÁNDEZ: independent journalist (Grupo de Trabajo Decoro & CubaNet) and bookseller. **Sentence** 16 years. **Prison** Guanajay, Havana. **Charge** Article 91. Sentence confirmed on 3 June 2003 by the Supreme Popular Tribunal. **Health:** Reported to be suffering from pulmonary emphysema. On 9 February 2006 doctors confirmed that over the past months his health had seriously deteriorated after detecting a stomach inflammation and gastro-intestinal bleeding. **Recent reports:** reported to be in very poor health in early 2007. Hospitalised for two weeks in February 2007 for circulation problems that caused severe cramping. The prison authorities have refused to provide the special diet recommended by doctors.

José Miguel MARTÍNEZ HERNÁNDEZ: librarian (General Juan Bruno Zayas Library), area representative for the unofficial political group *Movimiento 24 de Febrero*, and involved in *Proyecto Varela* **Sentence** 13 years. **Prison** Guanajay, Havana **Charge** Law 88.

Héctor Fernando MASEDA GUTIÉRREZ: independent journalist (Grupo de Trabajo Decoro & CubaNet) and president of the Cuban Liberal Party (Partido Liberal Cubano). **Sentence** 20 years. **Prison** La Pre, Villa Clara. **Year of Birth** 1943. **Charge** Law 88 and Article 91. Maseda reported in January 2005 that he had been transferred without explanation to the Régimen Penitenciario Especial Incrementado (Special Heightened Prison Regime - REI) section of the La Pre prison. Maseda is the only prisoner in this section who is not a violent criminal. His proposed move to a prison near his home in Havana, which was first mooted in September 2004, has yet to take place. Maseda reported on 26 May 2005 that he had been transferred on 18 May to a cell where conditions were harder than his previous cell – it being smaller, virtually without light, and liable to flooding when washing facilities were being used. Said to be sharing the cell with a highly dangerous prisoner. On 7 March 2007, Maseda's wife made a complaint to the Interior Ministry about the inhumane way in which he had been transferred from his prison to a hospital where he was due to be undergo surgery. Despite being extremely weak, Maseda had allegedly been left in a punishment cell for three hours before being shackled for the transfer. In June it was reported that Maseda was reported had had numerous skin growths surgically removed over the past year. **Honorary Member:** Italian PEN

Pablo PACHECO ÁVILA: freelance journalist (Agencia Patria)

Sentence 20 years. **Prison** Morón, Ciego de Ávila. **Charge** Law 88. Pacheco complained on 30 October 2004 that he was not receiving the necessary medication for his high blood pressure. Reported to have been freed on 29 November 2004, but it was later discovered that he had merely been transferred from Agüica Prison, Matanzas, to Morón prison in Ciego de Ávila, his home province. **Health concerns:** Reported in February 2005 to have been diagnosed with synovitis in the knees and high blood pressure. After eight months in the Antonio Luaces Iraola hospital, Pacheco was returned to a cell in the Morón prison on 17 June 2005. Hospitalised for 52 days in 2006; returned to prison.. Underwent surgery on his right knee in April 2007 and was still in hospital at the end of June. He was also reported to be suffering from pre-existing kidney problems and high blood pressure.

Omar PERNET HERNÁNDEZ: librarian (20 de Mayo Library, Villa Clara) and leader of the unofficial Movimiento Nacional por los Derechos Humanos “Mario Manuel de la Peña” (National Movement for Human Rights) and involved in the *Proyecto Varela* **Sentence** 25 years. **Prison** Villa Clara Youth Prison **Year of Birth** 1945. **Charge** Article 91. **Health concerns** Reported to be suffering from staphylococcus in the kidneys, an inflamed bladder and high blood pressure. On 10 October 2004, Pernet was transferred to the Carlos J. Finlay Military Hospital in Havana for medical tests. Underwent a hunger strike in October 2005 to demand treatment for a fractured leg, an injury incurred when his ambulance was involved in an accident as he was being transferred from a civilian hospital to the Military Hospital a year earlier and during which two prison officials died. Reported to be in poor health in January 2007. Transferred from Carlos J. Finlay Military Hospital to Villa Clara Youth Prison on 8 June 2007. Since then he has reportedly been kept in an isolation cell in the prison infirmary and denied all visits. He believes he is being punished for the death of two prison officials during the transit accident in 2004 (see above).

Fabio PRIETO LLORENTE: freelance journalist and member of the Asamblea para la Sociedad Civil (Civil Society Assembly) **Sentence** 20 years. **Prison** El Guayabo. **Year of Birth** 1964. **Charge** Article 91. **Prison conditions/health concerns** Prieto has reportedly been held in appalling conditions since his imprisonment and has undertaken hunger strikes in protest. Conditions include being held with dangerous prisoners, overcrowding and denial of daylight. He suffers poor health including high blood pressure, chronic emphysema, haemorrhoids and coughs blood. Transferred on 18 January 2006 from Kilo 8, Camagüey to El Guayabo Prison **Recent reports:** according to his family, Prieto was hospitalised in May 2007 due to acute chest and back pains and low blood pressure, but was returned to prison before completing all the necessary medical tests. In addition, the prison authorities have reportedly been refusing to give Prieto the treatment he requires for serious pulmonary complications since 10 June. **Honorary Member:** English PEN.

Alfredo Manuel PULIDO LÓPEZ: human rights activist and freelance journalist (Agencia El Mayor). **Sentence** 14 years. **Prison** Kilo 7, Camagüey. **Charge** Article 91. Transferred in August 2004 Combinado del Este prison in Havana to Kilo 7 prison in Camagüey. **Health concerns:** on 23 May 2007 it was reported that Pulido had recently been diagnosed with tuberculosis but was being denied medical treatment. The president of the Cuban Council of Human Rights Rapporteurs (Consejo de Relatores de Derechos Humanos de Cuba) is reported to have expressed great concern for Pulido's health.

José Gabriel RAMÓN CASTILLO: journalist (Instituto Cultura y Democracia (Culture and Democracy Institute) & *CubaNet*) **Sentence** 20 years. **Prison** Boniato, Santiago de Cuba. **Charge** Law 88. **Treatment**

in Prison: said to have spent a spell in a punishment cell in November 2004, and to have undergone a hunger strike later that month in protest at conditions. Ramón also received medical treatment at the Carlos J Finlay Military Hospital for a heart disorder, high blood pressure, malfunctioning liver, and problems with his circulatory and nervous systems. In June 2007 Ramón was reported to be suffering from diabetes, cirrhosis, hypertension, stomach ulcers, circulation and other ailments that have seriously weakened him.

Blas Giraldo REYES RODRÍGUEZ: librarian (20 de Mayo Library, Sancti Spiritus) and member of *Proyecto Varela* steering committee in Sancti Spiritus (*Proyecto Varela* is a petition calling for a referendum on legal reform with the goal of greater personal, political and economic freedoms and an amnesty for political prisoners) **Sentence** 25 years. **Prison** Nieves Morejón, Sancti Spiritus. **Charge** Law 88. In October 2006 denounced flooding in Nieves Morejón prison, which was causing sanitary problems. Reportedly underwent surgery for intestinal ailments in a Sancti Spiritus hospital in July 2007. **Honorary Member:** Sydney PEN

Omar RODRÍGUEZ SALUDES: director of the independent press agency Nueva Prensa Cubana **Sentence** 27 years. **Prison** Toledo, Havana. **Charge** Article 91. In February 2007 reported to have been transferred from Agüica prison in Matanzas to Toledo prison in Havana. According to his wife, Rodríguez remains optimistic. **Honorary member:** Finnish PEN

Omar Moisés RUÍZ HERNÁNDEZ: freelance journalist (Grupo de Trabajo Decoro & CubaNet) **Sentence** 18 years. **Prison** Nieves Morejón, Guayos, Sancti Spiritus. **Charge** Article 91. **Prison conditions/health concerns** Reyes has reportedly suffered abuse in prison including solitary confinements, being held in punishment cell and harassment. He suffers poor health including high blood pressure, prostate and kidney problems, an enlarged aorta and an eye complaint. Reported in September 2006 that Ruíz Hernández and another political prisoner were being subjected to repeated theft of their belongings and food. As a result they had stopped taking the brief breaks in the prison yard that they are entitled to for fear of further thefts. In June 2007 it was reported that Ruiz was suffering from high blood pressure and circulation problems exacerbated by the severe heat and lack of ventilation in the prison. He had also been diagnosed with a detached retina but was not receiving any treatment. **Honorary Member:** Swedish PEN

Other Main Cases

Jesús ALVAREZ CASTILLO: a *Cuba Press* journalist, faces a prison sentence of between six to twelve months for his refusal to testify in the trial of the six activists who protested at the hospital on 4 March 2002. Alvarez refuses to sign a document that states that he witnessed the alleged illegal activities of the group. He claims he was only semi-conscious due to the beating he received from police and was therefore unaware of what was happening around him. He also faces a second sentence of between three and eight years for having the reported on the events that resulted in his arrest. Castillo continues to be held in prison, awaiting trial.

Jose Antonio MOLA PORRO: director of the Independent Library Pedro Luis Boitel, was rearrested on 17 November 2006, after being released conditionally on 28 February that year. In May 2005 he had been condemned to two years' imprisonment as a "pre-criminal danger to society" (peligrosidad social predelictiva). On the day of his re-arrest Mola was at home when ten police officers broke in and seized around hundred books and magazines, and various other belongings. The officer in charge has allegedly said they had received several reports of robbery

of domestic goods in the community, and that Mola was a suspect. Mola is the President of the Cuban Foundation of Human Rights and member of the Assembly for the Promotion of Civil Society in Camaguey. It has been reported that instead of being released in May 2007 at the end of his two-year sentence he was informally ordered to serve another year. As of 30 June 2007 still being detained at Cerámica Roja prison in Camagüey..

Raymundo PERDIGÓN BRITO: founder of independent news agency *Yayabo Press*, sentenced to a four-year prison sentence by a municipal court in the central town of Sancti Spiritus, on 5 December 2006. He was reportedly arrested on 29 November 2006 by the State Security, on charges on being a "pre-criminal danger to society", after denying a State Security order to cease his journalistic activities. On the day of the announcement of the sentence, around one hundred demonstrators allegedly attacked the journalist's relatives. Since his arrest Perdigón Brito's sister has taken over as the editor of *Yayabo Press*. Perdigón reported that he had suffered food poisoning in Sancti Spiritus prison on 23 April 2007 caused by negligence on the part of prison staff. He also reported that inmates were concerned about a sudden increase in kidney and cardiovascular complaints.

***Oscar SÁNCHEZ MADAN:** Matanzas correspondent for the Miami-based Cubanet website. **Year of birth:** c. 1964 **Sentence:** four years **Prison:** Combinado del Sur, a maximum security prison outside Matanzas. **Charge:** Article 72 ("social dangerousness"). **Details of arrest and trial:** arrested by the State Security at his home in Unión de Reyes, Matanzas province, on the morning of 13 April. The same day Sánchez was tried on "social dangerousness" charges by the Unión de Reyes municipal court. Family members were not allowed to attend the trial and Sánchez had no access to legal counsel. **Other details:** Sánchez had covered a local corruption scandal in March 2007, along with social problems in Matanzas. Prior to his imprisonment he had been detained twice since 2006, in September 2006 and March 2007 (see previous case lists), and had been repeatedly warned by local authorities to stop working as a journalist. [RAN 23/07 - 27 April 2007]

Léster TÉLLEZ CASTRO: director of the *Agencia de Prensa Libre Avileña* (Avileña Free Press Agency), was handed down a prison sentence on 27 April 2004, along with **Juan Carlos González Leiva** and **Carlos Brizuela Yera** both since released. At the one-day trial, Téllez Castro was sentenced to three years six months' imprisonment. The three were charged with insulting President Fidel Castro and disorderly and disrespectful behaviour under Articles 144 and 200-1 of the Cuban Penal Code. At the trial, it was apparently revealed that Téllez Castro was a state security operative but that he renounced his work for the state, stating that his experiences in prison had converted him into a genuine dissident. Téllez Castro had been detained since 4 March 2002 when he formed part of a group of human rights activists who staged a peaceful protest at a hospital in support of a reporter, **Jesús Alvarez Castillo** (above), who had earlier been assaulted by police. The Working Group on Arbitrary Detention of the United Nations Commission on Human Rights has formally adopted the case.

Alberto Gil TRIAY CASALES: correspondent for the Miami based website *Cubanet*, was arrested on 9 November 2005, and held at the Department for Technical Investigation for twenty days under charges for subversive propaganda. After several heart attacks he was hospitalised, and then, in December 2005, transferred to the Valle Grande prison, in west Havana. On 22 June 2006 his trial took place although, no verdict has yet been announced. On 13 September 2006, the journalist is said to have started a hunger strike protesting about the seven-year prison sentence he faces.

***Ramón VELÁZQUEZ TORANSO:** journalist for the independent news agency *Libertad*, was sentenced to three years of supervised parole on 23 January 2007, on charges of being a “pre-criminal danger” to society. He was arrested together with his wife and daughter at the bus station in Ciego de Avila. Both women were freed later that day. The family had staged a human rights protest on 10 December 2006. The journalist was sentenced by the Tribunal in La Tunas, eastern Cuba, then transferred to El Típico provincial prison. On 30 January 2007 he started a hunger strike and on 3 March was reportedly transferred to a forced-labour camp in Las Tunas province, allegedly “on the orders of State Security.”

Brief detention/possible charges

Armando BETANCOURT REINA: journalist with the *Nueva Prensa Cubana* website and founder of the underground magazine *El Camagüeyano*, was reportedly arrested by the National Revolutionary Police (PNR) on 23 May 2006 while covering a demonstration against the eviction of a family squatting at a dump in Camagüey. He was apparently transferred from police cells to the Cerámica Roja prison in Camagüey province on 6 June. The police who arrested Betancourt stated that he would be charged with “public disorder”. On 25 May 2007 it was reported that he had been taken before a court in Camagüey on 8 February but the trial was adjourned as the judge found the statements by witnesses and the State Security to be contradictory. Betancourt’s wife has stated that although he is being held for anti-government activities, he could be convicted for a non-political offence. Still being detained without trial as of 25 May 2007.

Brief detention

***Luis Estéban ESPINOZA EHEMENDIA:** journalist for the *Jóvenes Sin Censura* news agency, was reportedly attacked on 10 January 2007 by a police officer, who punched him in his chest and stomach. According to Espinoza, around 10 a.m. that day, an officer of the Policía Nacional Revolucionaria (National Revolutionary Police) of Ciegout of the US Special Interests Section (SINA) in Havana on 10 May 2007. He was taken to the 21 and C police station in the Vedado area of the capital, where he was detained for about six hours, first in a cell and then in an interrogation room. His bag, a camera and some magazines and press cuttings were confiscated. Pérez was questioned about his acquaintance with some foreigners whom he claimed not to know. On his release, his identification card was returned and he was warned not to return to SINA.

Ahmed RODRIGUEZ ALBACIA: of the *Jóvenes sin Censura* press agency, was arrested by State Security on 2 March 2007 as he was going to an exhibition in Havana. He was threatened with imprisonment before being released. He was previously held for two days in September 2006 and detained at State Security headquarters from 4 to 12 December 2006. After the latter detention he was told that he was under precautionary measures on accusation of ‘disseminating false information threatening international peace’ (see previous case list).

***Carlos SERPA MACEIRA:** independent journalist (correspondent for *Agencia Sindical* Press, contributor to *Miscelánea de Cuba* magazine and CubaNet). Resident of Nueva Gerona, Isla de la Juventud. Briefly detained on 12 May 2007 by ferry port staff and State police while waiting to travel to Havana to cover a Ladies in White (a group of wives and mothers of political prisoners) event. Frisked and refused the release statement (comprobante del decomiso) he requested. Serpa has been detained several times before, most recently in December 2006 when he

was accused of ‘disobedience’ in Havana for refusing to return home and was fined .

Attacked

***Guillermo FARIÑAS HERNÁNDEZ:** Cubanacán Press editor, was assaulted by State Security officials in Santa Clara on 2 March 2007, leaving him with bruises to the head and face. The officials were reportedly led by a Lt. Yuniel Monteagudo Reina and four members of the Association of Combatants of the Cuban Revolution. Following the attack Fariñas was briefly held in a police station before being released.

Harassment

***Yosvani ANZARDO HERNÁNDEZ:** journalist for the *Jóvenes sin Censura* press agency, reported that his home was ransacked on 2 February 2007. The State Security agents were allegedly looking for enemy propaganda, but were unsuccessful.

***Haydee RODRÍGUEZ (f):** editor of the independent news agency *La Voz del Oriente*. On 20 January 2007, Rodríguez was stopped by State Security agents who then raided her home in Santiago de Cuba. The agents reportedly confiscated some books, magazines and pencils which she had gathered to deliver to an independent library, as well as other items including recording equipment and documents from the European Union. Rodríguez, who is a Spanish citizen, staged a hunger strike in protest at her treatment.

Temporary Release

Mario Enrique MAYO HERNÁNDEZ: lawyer, journalist (chief of *Agencia Félix Varela*) serving a 20-year sentence in Kilo 7 prison. Provisionally released for 12 months on 1 December 2005 on health grounds. Mayo has to report to state security officials in Camagüey once a month and will report back to prison at the end of November 2006 when he will be told whether he will remain free or have to recommence his term. Mayo (41), was sentenced in April 2003. During his time in prison he conducted at least three hunger strikes, the most recent being in July and August 2005. The journalist was reportedly suffering from a wide range of physical ailments including three undiagnosed lumps on his head, glaucoma, emphysema and high blood pressure. He began a hunger-strike on 21 July 2005 which he vowed to continue “until free or dead”. However, it was reported on 19 October that he had tried to commit suicide twice, once with a sheet and once with a piece of cord. He has also apparently etched the first letters of the words ‘Inocente’ (Innocent) and ‘Libertad’ (Freedom) into his skin with a nail. As of 30 June 2006 Mayo was still free but facing a return to prison at the end of November. Reportedly still free as of 16 March 2007. PEN is seeking an update. **Honorary Member:** Catalán PEN

Released

***Roberto de Jesús GUERRA PÉREZ:** independent journalist for the websites *Payolibre* and *Nueva Prensa Cubana*, received a 22-month sentence on 22 February 2007 on charges of ‘disturbing the peace’. Guerra was arrested in Havana on 13 July 2005 while participating in an anti-government demonstration. According to the Cuban Commission for Human Rights and National Reconciliation, if the time he had spent in detention is taken into consideration he should have been released on 13 April 2007. In the event he was reportedly released from Valle Grande prison on 9 May. Guerra was reported to be in poor health due to having gone on hunger strike in prison. He stated that he was beaten and subjected to psychological torture during his imprisonment and that the

prison was severely overcrowded, meaning that many inmates had to sleep on the floor.

ECUADOR

On trial

***Celio Rosario CHAMBA**: journalist for *El Correo de Machalá* daily newspaper, faces a prison sentence if found guilty on charges of “insult and calumny” brought by two Cuban veterinarians as a result of a 20 August 2005 article by Chamba alleging that they had plagiarised a Cuban book in a thesis they wrote. The vets brought a lawsuit against Chamba which they lost on 27 November 2006; they then appealed to the Quito Supreme Court, which was expected to issue its verdict in the second half of May 2007. The vets have acknowledged that they did in fact copy much of the book. Trial ongoing as of 30 June

***Francisco VIVANCO RIOFRÍO**: managing editor of the daily newspaper *La Hora*. On 10 May 2007 President Rafael Correa filed a libel suit against Vivanco over an editorial entitled ‘Official Vandalism’, which accused the President of ruling through “riots, sticks and stones” and described his behaviour as “shameful”. The editorial was published on 9 March in connection with violence around presidential attempts to schedule a referendum on redrafting the Constitution. The President is said to have demanded a retraction, which Vivanco refused to do. If convicted, Vivanco faces between six months and two years in prison and a fine, under article 230 of the criminal code. Trial ongoing as of 30 June.

On trial/ Suspended sentence

***Nelson FUELTA**: journalist for the daily newspaper *La Gaceta*, received a 60-day prison sentence and was ordered to pay US\$70 in damages for defamation by the High Court of Justice (Corte Superior de Justicia) of Cotopaxi province on 6 March 2007. The case stems from the newspaper’s publication on 2 June 2006 of comments allegedly made by a former municipal commissioner, criticising Pujilí mayor Marcelo Arroyo, who then sued Fuenta for defamation. Fuenta was initially acquitted by the local court but the decision was overturned by the High Court of Justice. The sentence has been suspended while the journalist’s appeal is considered by the Supreme Court in Quito. PEN is seeking an update.

GUATEMALA

On trial

***Ana Carolina ALPÍREZ (f) and José Ruben ZAMORA**: editor-in-chief and director respectively, of the morning newspaper *el Periódico* in Guatemala City, have been taken to court for revealing the identities of two police advisors. On 8 March 2007 an *el Periódico* editorial published the names of brothers Henry Danilo and José Luis Benítez Barrios, as former unpaid police advisors. The editorial referred to an occasion on which the brothers had allegedly entered Pavón prison, wearing police uniforms and heavily armed. According to the Benítez Barrios brothers, that night (8 March) they were victims to an armed attack while they were travelling by car, which they believe to have been provoked by the editorial. On 16 March they took legal action against Zamora and Alpírez for attempted murder. The Human Rights Procurator (Procurador de los Derechos Humanos) has reportedly stated that said that the 8 March editorial had not constituted an invitation to murder, but had “simply made known information which was later confirmed by government authorities.” PEN is seeking an update.

HONDURAS

Death threats

***Staff at the Asociación por una Sociedad Más Justa - ASJ** (Association for a More Just Society), a human rights association based in the Honduran capital Tegucigalpa that publishes an on line periodical, *Revistazo.com*, have been receiving death threats by mobile phone and email since 2006. The writers for *Revistazo.com*, including journalists **Dina Mesa** (also ASJ Project Co-ordinator), **Rubén Marín García**, **Claudia Mendoza** and **Rosa Morazán**, claim to have been threatened and followed since September 2006. The threats appear to relate to the journalists’ reporting on private security companies which had allegedly used undue influence to gain contracts with the State and were abusing their employees’ labour rights. On 4 December 2006 Dionisio Díaz García, an ASJ lawyer who had been working on the labour rights cases and receiving similar threats, was killed. On 7 December 2006, the president of ASJ **Carlos Hernández** allegedly received a text message on his mobile phone, written in English, saying that: ‘you will be the next victim, since you are the head of the institution.’ He also reported being followed by unidentified individuals on a motorcycle. The Honduran authorities are aware of these threats, but it has been claimed that they have not done enough to protect the journalists. **New information**: on 21 May 2007 it was reported that members of ASJ have continued receiving constant threats since the murder of ASJ lawyer Dionisio Díaz García, another lawyer having received a death threat by text message on 17 May.

MEXICO

Killed: investigation

***Saúl Noé MARTÍNEZ ORTEGA**: journalist for *Diario de Agua Prieta* and *El Escorpión* newspapers and *Interdiario* magazine in Agua Prieta, Sonora State, northern Mexico. Martínez (36) was abducted from outside the Public State Security Headquarters in Agua Prieta by unidentified armed men on 16 April 2007. His badly decomposed body was found in a ravine near the Chihuahua-Sonora state border a week later, on 23 April. Martínez was a crime reporter and his murder is thought to be connected to his investigation into the recent kidnapping and murder of one of his sources, a police informer and former policeman. His death is so far being attributed to organised crime. Journalists have been repeatedly attacked by drug traffickers in Sonora and other northern states. PEN is seeking further information. [RAN 54/05 – update No. 2 – 14 May 2007]

Disappeared/presumed killed

Alfredo JIMÉNEZ MOTA: crime reporter for the Hermosillo daily *El Imparcial* in the north-western state of Sonora, has not been seen since 2 April 2005. That evening he was due to meet a contact whom he had earlier described to a colleague as “very nervous”. Jiménez (26) had recently published articles in *El Imparcial* regarding local drug traffickers. The police are working on the premise that his disappearance is linked with his work as an investigative journalist. The Subprocuraduría de Investigación Especializada en Delincuencia Organizada (Subprocurator’s Office Investigation Unit Specialising in Organised Crime) opened an investigation into the disappearance on 25 April 2005. However, Jiménez Mota was still missing as of 31 December 2005 and the results, if any, from the investigation have yet to be made public. In

April 2006 it was reported that the two lines of investigation followed by the Organized Crime Special Investigation Unit (SIEDO) involve the reporting Jiménez Mota was doing on the families running the drug trade in Sonora, and possible unlawful activities of government officials. He is now presumed to have been killed. In January 2007 it was reported that Lt. Jesús Francisco Ayala Valenzuela, a municipal police officer of Navojoa in the north-western state of Sonora, had given statements to the Comisión Nacional de Derechos Humanos (National Commission for Human Rights), and the Procuraduría General de la República (Prosecutor General's Office) implicating local authorities in Jiménez' disappearance. Ayala named a former Navojoa Police Chief, two criminal investigation police officers, two local prosecutors and a brother of the governor of Sonora. He then reportedly went into hiding after receiving repeated threats. In April 2007, two years after Jiménez' disappearance, it was reported that none of the suspects named by Ayala had been questioned in connection with the case. PEN is monitoring the case.

Disappeared

José Antonio GARCÍA APAC: editor of the newspaper *Ecós de la Costa*, from Lázaro Cárdenas, Michoacán state, last seen on 20 November 2006 on his way from Tepalcatepec to Morelia, when he was reportedly intercepted by three people in a pick up truck, at 7.30 p.m., who took him with them. His car has not yet been found. His family claims that Garcia had reported being followed earlier in the year. He was reporting on cases related to drug trafficking in Michoacán. In March 2007 it was reported that García was still missing and that the state attorney general's office had made no progress in its investigation into his disappearance. PEN is seeking an update.

***Rodolfo RINCÓN TARACENA:** journalist for the regional daily *Tabasco Hoy*, disappeared on the night of 20 January 2007, in Villahermosa, Tabasco State, southeastern Mexico. The journalist's family reported the case to the Office of the General Prosecutor of the state of Tabasco (Procuraduría General de la Justicia del Estado de Tabasco) on 23 January. Rincón had recently published articles on drug trafficking and at the time of his disappearance was carrying out an investigation on places where drugs were sold, apparently naming some of the dealers. The night he disappeared he was completing an article on a gang of bank robbers. Reports in March 2007 indicated that Rincón's disappearance had not been properly investigated. PEN is seeking further information.

On trial – acquitted – remains threatened

Lydia CACHO RIBEIRO (f): author, journalist and social activist. On trial for criminal defamation throughout 2006; acquitted in January 2007. However, continues to receive constant death and other threats and is under 24-hour protection. **Details of arrest and trial:** detained on 16 December 2005 and subsequently charged with criminal defamation and "calumny" were brought against her by textile businessman José Camel Nacif Borge who is cited in her book *Los Demonios del Edén: el poder detrás de la pornografía (The Demons of Eden: the power behind pornography)* as having connections with Jean Succar Kuri, currently detained in the United States and accused of heading up a child pornography and prostitution network. Released on bail shortly after. She faced between six months and four years in prison if convicted. **Threats:** Since the publication of her book, Cacho has received the protection of bodyguards provided by the General Procurator's Office on account of the repeated death threats she has reportedly received. **Professional details:** Aside from being an author and novelist, Lydia Cacho runs a centre for

women who have been the victims of violence; she writes a political column for the newspaper *La Voz del Caribe*; she contributes to the Mexico City-based magazines *Día Siete* and *Tentaciones*; she is the editorial director of the magazine *Esta boca es mía (This mouth is mine)*; and she presents a television programme of the same name. She is also a specialist on issues of violence and gender for the United Nations Development Fund for Women (UNIFEM) and has co-founded a network of journalists in Mexico, Central America and the Caribbean. **Trial outcome:** In October 2006 Cacho's lawyers succeeded in transferring her case from Puebla to the Federal District of Mexico City, where defamation had been repealed as a criminal offence in April 2006. As a result, the court dismissed the charges against Cacho on 2 January 2007 and the trial was discontinued. Cacho has in turn successfully sought an official investigation into the violation of her constitutional rights and into those allegedly involved in her kidnapping. In mid June 2007 this investigation was before Mexican Supreme Court and it seemed likely that a number of officials allegedly involved in her kidnapping, including Puebla governor Mario Marín, would be put on trial. **New threats:** Cacho continues to receive death and other threats on a regular basis. She is under the 24-hour protection of bodyguards and travels in an armoured car. Despite these precautions, on 7 May 2007 a car in which she was traveling (reportedly the property of the Federal Attorney General's Office - PGR) narrowly avoided crashing after some wheel bolts had apparently been intentionally loosened, indicating sabotage.. Cacho and her lawyer lodged an official complaint the following day. [RAN 54/05 – update No. 2 – 14 May 2007]

Sergio SARMIENTO: journalist for the newspaper *Reforma*, is facing charges of defamation, filed in October 2003 by former general consul Humberto Hernández Haddad. Although the Federal District Attorney General's Central Prosecutor of Investigations for Civil Servants (Fiscalía Central de Investigación para Servidores Públicos de la Procuraduría General del Distrito Federal) twice decided not to proceed with the case against Sarmiento, in May 2006 Judge Jacinto Figueroa Salmorán of Mexico City's Eleventh District Criminal Appeals Court decided to grant Hernández an appeal against these resolutions. Hernández' complaint was filed nearly a year after Sarmiento had reported, in his *Reforma* column of November 2005, that Hernández had been removed from his position as general consul in 1995 for "repeated disrespect of authority". PEN is seeking further information.

Facing charges

Jesús LEMUS BARAJAS: journalist for the newspaper *La Jornada* in Michoacán, south western Mexico. Reported in late 2006 to be facing criminal charges for defamation presented by parliamentarians of the local legislature from the ruling party Partido Revolucionario Institucional. The charges followed a publication of accusations made by politicians of the opposition. PEN is seeking further information.

Brief detention

***Onésimo ZÚÑIGA FRANCO:** reporter for newspaper *El Sol de la Laguna*, was kidnapped in Torreón, Coahuila State, by three individuals after he dropped his daughter at school on 23 May 2007. He was released the same day in the neighbouring state of Durango after being held for nine hours, during which time he was beaten. The motives of the attack are unknown, although Zúñiga is in charge of the crime section of the newspaper and Coahuila's journalists and media are currently experiencing high levels of attacks by drug traffickers.

Death threats

***Evelyn HERNÁNDEZ (f):** columnist, reported in January 2007 that she had been receiving death threats for three months, after publishing articles on alleged links between a businessman, a former head of the Policía Judicial Federal (Federal Judicial Police) and an alleged kidnapper. The articles were published in various media in northern Veracruz, including the daily *Hoy Tamaulipas*. Hernández said that she had received at least 10 death threats by telephone and email and that she had decided to make a formal complaint to the authorities.

***Sanjuana MARTÍNEZ (f):** journalist and author, reported in January 2007 that she had been receiving death threats while covering allegations of child sexual abuse by a Catholic priest for the daily Mexico City-based newspaper *La Jornada* and a radio news programme. The threats reportedly began in September 2006 and increased in December that year following the publication of Martínez' book *El Manto Púrpura (The Purple Cloak)*, where she documents the alleged abuses which had apparently been covered up by the church authorities in Mexico and the United States. The journalist reported that she had not made an official complaint to the Mexican authorities because she feared that they would act against her. Besides receiving numerous death threats by telephone and email, Martínez reported having been followed by cars without licence plates on several occasions.

***Mario Renato MENÉNDEZ RODRÍGUEZ:** director and owner of "Por Esto" newspaper based in Mérida, Yucatán state, in southern Mexico. Menéndez reports being harassed and receiving death threats in Mérida on 30 June 2007. He attributes the threats to federal and Yucatán state government officials who are unhappy with his publication of articles critical of their alleged connections to drugs and people trafficking. Menéndez believes that a price has been put on his head by the head of a local criminal group. He also reports that he has previously suffered harassment, including being detained four times by members of the Attorney General's Office (Procuraduría General de la República (PGR)). In 2006 the newspaper suffered two grenade attacks, one against its Cancún branch on 23 August and another against its Mérida headquarters on 1 September, which left three journalists injured. (See also threats against *Por Esto!* journalist Jaime Vargas Chable below).

***Francisco RODRIGUEZ:** columnist with various newspapers throughout the country and host of a radio news programme, reports receiving two death threats by email in the first two weeks of June 2007. Rodriguez identified the source of the threats as an accountant employed by the National Statistics Institute. He believes the threats stemmed from the publication of articles in which he commented on the accountant's alleged corruption and use of violence.

Jaime VARGAS CHABLÉ: journalist for the *Por Esto* newspaper, has been subject to death threats and attacks since 2006. A molotov cocktail was thrown at Vargas' car in Mérida, Yucatán state, on 22 August 2006. He was accompanied by his wife and daughter at the time; the family escaped injury although the car was destroyed. Vargas had been reporting on alleged corruption in the government of Yucatán. The journalist's wife reports that her husband had received death threats prior to the attack. The journalist filed a complaint with the authorities and the case was said to be under investigation by the Attorney General office. In June 2007 Vargas, writing in *Por Esto!*, stated that he had been "condemned to death" by two drug traffickers. According to the report the two men, whom Vargas claims are in cahoots with the local authorities, have allegedly contracted several hitmen to murder him. (See also threats against *Por Esto!* director and owner Mario Renato Menéndez Rodríguez above).

***Milo VERA:** columnist with *Notiver* daily newspaper in Veracruz, eastern Mexico. On 3 May 2007 (World Press Freedom Day) a death threat was made against Vera and other journalists in the form of a severed human head left on a Veracruz street along with a message that read: "Here is a gift for journalists, and other heads will fall, as Milo Vera well knows". It was reported that the death threat was thought to be the work of drug traffickers. [RAN 54/05 – update No. 2 – 14 May 2007].

Threatened

***Heriberto DEÁNDER ROBINSON and Héctor Hugo JIMÉNEZ:** executive director and general editor of the bi-weekly newspaper *Hora Cero* in Reynosa, Tamaulipas state, northern Mexico, claims to have received five telephone calls threatening them with assault in May and June 2007. The threats followed their publication of information about alleged corruption by the mayor of Reynosa in the same months. The last call allegedly took place on 2 June and falsely claimed that a bomb had been planted at the newspaper's headquarters. On 31 May the accused mayor had publicly criticised the paper and incited assault against the journalists. The mayor's security staff reportedly also warned two of the paper's reporters to beware of reprisals. On 10 June the staff at *Hora Cero* built barricades at the entrance to the newspaper's office following new rumours, confirmed by town council staff, that they were going to be mobbed. In May Deánder and Jiménez had appealed to various authorities about the threats, including the Mexican President, the National Human Rights Commission and the office of the special prosecutor for crimes against journalists of the Procurator General's Office (Fiscalía Especial para Delitos Contra Periodistas de la Procuraduría General de la República). They also filed a formal complaint with the Public Ministry (Ministerio Público) in Mexico City. Despite these measures the threats continued.

***Tabasco Hoy** newspaper based in Villahermosa, Tabasco State, south eastern Mexico. On 26 May 2007, unidentified men left the severed head of a local official wrapped in newspaper inside a cooler at the entrance to the newspaper offices. A message attached to the head of read: "This happened to me because I made an anonymous phone call to the authorities." The head was later identified as that of local councillor Terencio Sastré Hidalgo Sastré, who was kidnapped a few days earlier, apparently by drug traffickers, who had carried out several attacks in Tabasco in the previous months. *Tabasco Hoy* would not speculate about what had caused the act but interpreted it as an attempt to silence the newspaper and the media in general. Fellow *Tabasco Hoy* reporter Rodolfo Rincón Taracena has been missing since 20 January 2007 (see entry above). In an open letter, the newspaper's directors have appealed to the President and the State Governor to protect their journalists.

Attacked

***Nadia ALTAMIRANO (f):** journalist for *El Imparcial* newspaper in Oaxaca state, reported that in early February 2007 two employees of the Oaxaca state government harassed her with intimidating comments. They allegedly told her to stop publishing stories on the risk of landslides around the Cero del Fortín resulting from road works. Altamirano stated that she will file a complaint with the Special Prosecutor's office for Crimes against Journalist.

***Misael SÁNCHEZ SARMIENTO:** political and investigative reporter for the Oaxaca-based daily *Tiempo*, was shot several times by an unidentified assailant outside his home in San Miguel Guelache on the outskirts of Oaxaca, southern Mexico, on 12 June 2007. He was wounded in his jaw and left leg but his condition was reported to be stable following

surgery in a Oaxaca hospital on 14 June. The newspaper believes the attack to be related to Sánchez's work as a journalist. In November 2006 he had received death threats in connection with his investigation of the murder of US journalist Bradley Will during month-long violent street protests in Oaxaca in October that year. *Tiempo* has reportedly criticised the local antigovernment group Popular Assembly of the People of Oaxaca (APPO) which came into conflict with the local authorities during the clashes. However, according to the *Tiempo* editor, there had been no recent threats against Sánchez. The local police and state attorney's office are reported to be investigating the attack. The latter is reported to have judged the attack to have been premeditated.

***Claudio TIZNADO**: journalist for *Generos*, a bi-monthly newspaper based in Hermosillo, Sonora state, was assaulted at the end of April 2007. Tiznado believes the attack may be linked to a series of investigative articles he wrote on drug trafficking, implicating corrupt politicians and police in the town of Cananea. He chose not to file a complaint with the police, opting instead to seek asylum in the United States because of fears for his safety.

***Cambio Sonora** newspaper based in Hermosillo, Sonora State, northern Mexico. Part of the Grupo Organización Editorial Mexicana (OEM), which owns 70 daily newspapers, 24 radio stations, a television station and 43 Internet sites in Mexico. On 25 May 2007 the management of *Cambio Sonora* decided to suspend the newspaper for one month following two fragmentation grenade attacks on it on 16 May and 17 April 2007. No one was hurt in the attacks but the building's structure was damaged. The government had promised a special guard unit on constant duty following the second attack but this was not forthcoming. The motive of the attacks is not known and the newspaper had not previously suffered any such threats.

***Diario Yaquí** newspaper. On 12 May 2007 unidentified individuals fired against the newspaper offices in Ciudad Obregón, Sonora State, northern Mexico. There were no casualties.

Suspended sentence

Isabel ARVIDE (f): journalist and author, was sentenced to one year's imprisonment and ordered to pay damages equivalent to US\$19,000 on 28 February 2006 for "criminal defamation". The judge in charge of the case immediately suspended the prison sentence and ordered that the damages be paid out of the bail that Arvide paid when initially arrested. She had originally been charged on 19 August 2002. On 2 June 2002, the journalist had published an article on her website (isabelarvide.com), and in the newspaper *Milenio*, accusing newspaper director, Osvaldo Rodríguez Borunda, of involvement in drug trafficking and money laundering. As part of her sentence Arvide has to report once a month for a year to state security officials. Case closed – sentence expired February 2007/Released on bail

Angel Mario KSHERATTO: journalist with the daily *Cuarto Poder*, was reportedly arrested in the state of Chiapas on 4 February 2006 in connection with a libel charge. The judge in charge of the case set an unconscionably high bail of 201,000 pesos (c. US\$18,400) – which was beyond the journalist's capacity to pay. On appeal, this was reduced to 126,000 pesos (c. US\$11,500), though this too was more than Ksheratto could raise. It was the third time that Ksheratto has been arrested as a result of the same case. He spent brief periods in detention in January 2003 and October 2005. He faces a maximum five-year prison sentence if convicted. The case goes back to August 2002 when Ksheratto published a report in which he claimed that Chiapas School Department Chief, María del Pilar López Hernández, had used public funds to buy a house.

It is assumed that Ksheratto has since been able to raise sufficient funds to secure his release. On 11 November 2006 officials of the Chiapas State Investigation Agency arrested Ksheratto and sent him to the El Amate jail, again for failing to observe his bail conditions. It was reported that on 19 December 2006 a local judge released Ksheratto on bail, which was deposited by State governor Juan Sabines Guerrero. Allegedly, the governor had recently proposed to the State Congress a law which would make an exception for journalists not to be prosecuted for defamation or denigration. PEN is seeking an update.

PARAGUAY

Facing charges

***Mauricio ACOSTA**: journalist with the Pilar-based newspaper *Última Hora*. Reportedly facing legal action after he published articles that quoted social activists criticising the judiciary during a public meeting organised by the Citizens in Action alliance of popular organisations. A member of the Appeals Court of Pila reportedly issued the threats of legal action against Acosta on 26 June 2007.

Death threats

***Óscar BOGADO**: correspondent for *Última Hora* newspaper, reported on 14 May 2007 that he had been receiving telephone death threats since January 2006. Bogado said that each of the threats was made immediately after his publication of articles on drug trafficking in Itapúa department, southern Paraguay. He filed a complaint with local police on 16 May 2007. The regional Criminal Prosecutor (Fiscalía Penal) then requested the police to provide Bogado with protection on an ongoing basis.

***Clyde MARTINEZ (f)**: correspondent for *ABC Color* newspaper based in Pilar. Reportedly received death threats after reporting on mistakes in the construction of containment walls in Pilar. The legal advisor of the firm in charge of the construction reportedly threatened Martínez with legal action and on 27 June 2007 a text message was sent to her, implying a death threat.

***Javier NUÑEZ**: journalist for daily *Última Hora* newspaper. In February 2007 it was reported that Nuñez had received death threats in Coronel Oviedo, capital of Caaguazú department. The journalist had been reporting on the Prosecutor's Office's investigation of an auto wrecking shop. The shop owner, currently in prison for car theft and trafficking in stolen cars, has allegedly threatened to kill Nuñez and "his people" once he is released. The journalist had filed a formal complaint, but the prosecutor's office decided not to investigate it on the basis that it was a private matter.

Harassed

Aldo LEZCANO: correspondent for *ABC Color* newspaper in Ybycuí, Paraguari department, has reportedly been receiving threats, including death threats, for a number of years from groups associated with the Colorado Party, which currently holds power in Paraguay. It was reported in late 2006 that Lezcano's brother has been shot at on more than one occasion, thought to be linked to the threats against Lezcano. In February 2007 it was reported that Lezcano's radio programme in Paraguari had been cancelled on the order of Colorado Party Senator Julio César Fanego. According to the report, the move was seen as part of Fanego's systematic persecution of Lezcano and other journalists for questioning his powers.

PERU

Death threats

***Antonio ASALDE LLUEN**: director of the newspaper *El Guerrero*, from the north-western city of Casma, was reportedly threatened with death by the mayor's personal assistant on 26 January 2006. Asalde had published reports on alleged irregularities in the city's administration, in particular on the appointment of an employee whom Asalde considered unqualified for the position. The journalist stated that the threats were against both him and his family, and that he has asked for protection from the authorities.

Marilú GAMBINI LOSTANAU(f): journalist for the weekly paper *Investigando*, published in Chimbote, north-western Peru, reported on 14 December 2006 that she had been receiving death threats on her mobile phone. She has been in hiding since April 2006 because of death threats against her and her family. Gambini has also been assaulted on several occasions since early 2005, when she was investigating drug trafficking in Chimbote for a TV programme. The journalist has continued publishing her investigations in *Investigando*. Gambini alleges that the latest threats could be related to an order issued by the Transitory Criminal Courtroom of the Supreme Court on 27 November 2006, to reopen a case against the owners of a private fishing company, which she accused of drug trafficking. The authorities have not yet found those responsible for the threats. **New information**: It was reported that on 1 January 2007 Gambini's house was broken into by unidentified persons who rifled through materials and destroyed papers. Gambini's security guard, who was outside the house at the time of the incident, tried to report the burglary to the police station in Chimbote, but was told that only the owner of the property could make a formal complaint. During the early hours of 2 January, two men broke into the house again and beat the security guard, threatening him with a knife and demanding information on Gambini's whereabouts. As of June 2007, Gambini remains in hiding.

***Hugo GONZÁLES HENOSTROZA**: journalist for the newspaper *YA*, published in the Ancash region, north-eastern Peru. On 6 February Gonzáles reported receiving a death threat from the Secretary of the Ancash government workers' union. Gonzales has linked the threat with an article published at the beginning of February in which he accused the Secretary of insider dealing within regional government. The journalist reported the threat to the police and requested protection.

Threatened

***Karla GÓMEZ OTOYA** (f): journalist for the newspaper *Correo de Trujillo*, from Trujillo, north-western Peru, was threatened and hit in the face by the warden of El Milagro prison on 20 February 2007. The attack occurred at a restaurant where the journalist coincidentally saw the warden with other members of his staff. The warden, reportedly invited Gómez to join them on the condition that she would not reveal that she was a journalist and would only listen. Gómez has stated that during their conversation the prison staff referred to alleged bribes and agreements between the warden and the prisoners concerning drugs and alcohol. At the end of the conversation, the journalist claims that she informed the warden that she would publish what she heard, and so the warden hit her in the face and threatened to kill her if she did so.

Elías NAVARRO PALOMINO: journalist and director of the magazine *Línea Roja*, is subject to ongoing threats and harassment. In June 2006 he reported that he had received death threats a week before his magazine

published revelations on alleged embezzlement by Luis Cama Godoy, former president of the Santa María Magdalena Savings and Credit Cooperative. The anonymous calls, believed to have come from Cama Godoy or his supporters, were received at Navarro's home and via his mobile phone. Navarro has since been the victim of a bomb threat. On 30 September 2006 there was an explosion at the house next door to his, causing material damage. A message found later, which contained various threats and stated that the first to die would be Navarro's children, suggested that the intended target had been Navarro's own home. The police authorities are investigating the case. **New information**: the police reportedly provided protection for Navarro until the end of January 2007. According to The Peruvian National Association of Journalists (Asociación Nacional de Periodistas), on 24 February 2007 two strangers knocked on his neighbours' doors until they found Navarro's house, where they allegedly questioned his daughter about the people living there. The journalist believes that the intimidation is connected to his reporting.

Jorge TELLO and Segundo INFANTE: journalists for the weekly newspaper *D-Bate* have reported harassment by a candidate for election to the municipal Council of Piura, northern Peru. According to the journalists, this is related to the publication of various articles related to the financing of the electoral campaign. The first threat occurred on 6 October 2006, when the offices of the weekly paper were searched by members of the Special Electoral Tribunal (JEE), as a consequence of Aguilar's accusation that the paper was published with funds of the regional government. On 10 and 17 October unidentified individuals covered the front wall of the printing facilities with excrement. On 20 October, Tello and his wife reportedly received a phone call threatening attacks against him and his family if he did not stop his investigations. As of 30 June 2007 Aguilar was pursuing his allegations that *D-Bate* is funded and influenced by regional government and an investigation into the matter was ongoing.

Suspended sentence

***Hugo LARA LADRÓN DE GUEVARA and Carolina ZAMALLOA** (f): editor and journalist of the newspaper *El Comercio del Cusco* respectively, received a one-year suspended sentence on 10 November 2006. Judge Aníbal Paredes of Cusco's Sixth Tribunal also imposed a fine of approximately US\$620 as civil reparation for defamation. This followed a publication in September 2005 on sexual harassment at the Fine Arts School following allegations by students. The newspaper later published a letter from the person accused in the article responding to the allegations. The sentence will be reviewed by the Third Tribunal of Cusco's Superior Court. PEN is seeking further information.

***Rocío VÁSQUEZ GOICOCHEA** (f): editor of the weekly newspaper *Investigando*, in Chimbote, north western Peru, was convicted of "aggravated slander" on 22 May 2007. Vásquez received a one-year suspended sentence and was ordered to pay US\$900 in damages to businessman Samuel Dyer Ampudi, who sued her in March 2005 after she implicated him in alleged corruption in Chimbote's fishing business. Vásquez has lodged an appeal with the Supreme Court of Justice.

Threatened/ attacked

***Alcides PEÑARANDO OROPEZA**: director of daily newspaper *Integración*, based in Huaraz, north eastern Peru, received a threatening telephone call on 8 May 2007 immediately following an attack against the newspaper's premises. A group of unidentified individuals threw rocks and bottles against the building, damaging its windows and doors.

Ten minutes later Peñarando received a call stating: “if you don’t shut up, worse will befall you”. The next day he received a similar call. He believes the attack and the threats to be connected to a report he published on alleged corruption involving a local mayor.

VENEZUELA

Killed: investigation

***Nelson ÁLVAREZ NARVÁEZ:** columnist for the daily newspaper *El Siglo de Maracay*, was murdered in the city of Maracay in Aragua state, central Venezuela, on 19 May 2007. Álvarez was at a birthday party at his mother’s home when an unknown person entered the building and shot him six times. The hitman then fled in a car with another man. The criminal investigations unit was said to be looking into the matter and not ruling out any motive, including vengeance.

Sentenced: appealing

Julio BALZA: columnist for the daily *El Nuevo País*, was due to begin trial on 10 May 2006, facing accusations of defamation and slander by the Infrastructure Minister Ramón Carrizales. Having made critical remarks about the minister in his column “Arroz con Mango”, Balza is now being accused of having damaged his reputation and infringing upon his “right to live with honour”. On 15 December 2006 the two year and eleven months sentence against Balza, passed by the Tribunal Noveno de Juicio (Ninth Court of Justice), was confirmed by the Sala Sexta de la Corte de Apelaciones (Sixth Bench of the Appeals Court). The ruling also ordered civil reparations of nearly US\$12,500. Balza’s defence announced that they will be appealing the sentence. The journalist reportedly could not be imprisoned until the sentence is evaluated and confirmed by another court. PEN is seeking an update.

On trial

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

***Teodoro PETKOFF:** publisher of *Tal Cual* newspaper, was threatened with legal action on 23 April 2007 by former finance minister Tobías Nóbrega over a 12 April editorial alleging Nóbrega’s involvement in corruption along with other public officials. The editorial, which was based on a document written by staff at the Banco Central de Venezuela (Central Bank of Venezuela), claimed that Nóbrega was representing the current finance minister, Rodrigo Cabezas, in negotiations to print banknotes in anticipation of the change in national currency planned for 2008. Nóbrega asked the Prosecutor General (Fiscalía) to take legal action against Petkoff for having “damaged the honour” of the individuals and institutions mentioned in the editorial. In another recent incident, on 9 February *Tal Cual* was ordered by the Court for the Defence of

Children and Adolescents (Tribunal de Protección del Niño, Niña y Adolescente) to pay a US\$18,000 fine for a November 2005 opinion piece that made humorous reference to the daughter of President Hugo Chávez.

***Roger SANTODOMINGO:** director of the interactive news website Noticiero Digital (<http://www.noticierodigital.com>). On 22 and 23 May, Santodomingo was among a group of anti-Chávez journalists accused by state owned media of receiving money from the American government/ the CIA in order to destabilise the State. The other journalists were from TV stations Globovisión and Radio Caracas Televisión. They are said to have received money in 2003 under the guise of professional courses and cultural exchanges financed by US cooperation agencies, which they have denied. Santodomingo has reportedly stated that he was a correspondent and producer for the BBC in the USA from 2003 to 2005 but did not participate in any workshops. He was expected to appear at the Prosecutor’s office (Fiscalía de la Nación) on 14 June 2007. On 28 May 2007, the Minister of Communication and Information filed a suit with the Prosecutor General accusing Santodomingo of attempting to instigate the assassination of President Hugo Chávez and of receiving funding from the US State Department to destabilise the government. The lawsuit comes in the wake of Santodomingo’s publication of an opinion poll where assassinating the President was offered as a possible response to the question “What is the way out of this crisis?” and received 30 percent of readers’ votes.*Death threats*

***José Gregorio MESA:** news director of the newspaper *La Verdad*, from Maracaibo, Zulia state, west Venezuela, reported receiving a telephone death threat on 18 March 2007. He believes the threats were related to the publication on 14 March of articles related to child pornography occurring in the city of Maracaibo. Meza said he would continue reporting on this matter despite the threats.

Threatened

***Jaime PRATO:** of the newspaper *El Impulso*, was threatened by a group of students who were protesting against a march in support of RCTV organised by other students from the same university in the town of Barquisimeto on 31 May 2007. The students threw canisters of tear gas into the building where the journalists were with the demonstrators. Prato stated that his attackers warned him that if he published the information he would never be allowed back on to the campus. Prato was with a photographer colleague who was slightly injured.

Attacked/threatened

***Werner CÓRDOBA:** political news journalist for the daily *La Prensa del Llano* based in San Juan de los Morros, has received threats presumed to be in connection with his reporting on local government corruption. On 3 May 2007 his car, which bore a press decal, was set alight while parked outside his home in Aragua state, central Venezuela. Córdoba believed the arson attack may have been related to threats by the Governor of neighbouring state Guárico two weeks previously to take legal action over Córdoba’s reporting on his alleged involvement in corruption, embezzlement of public funds and human rights violations. Córdoba filed a complaint about the arson attack with the office of Aragua state’s superior prosecutor (Fiscalía Superior) and stated that he intended to request protection for himself and his family from the Guárico state ombudsmen’s office (Defensoría del Pueblo). In 2002 Córdoba reportedly moved from San Juan de los Morros to Aragua when he realised he was under surveillance.

Attacked

***José PALMAR**: columnist for the newspaper *Reporte*, reported that unidentified gunmen shot three times at the front wall of his home, located in the Maracaibo neighbourhood, state of Zulia, west Venezuela, on 15 March 2007. The journalist, who is also a priest, has been reporting since 2006 on alleged administrative irregularities at the state petroleum company Petroleos de Venezuela S.A.. He has therefore not discarded the possible link between the attacks and his reporting. Police authorities are investigating the case.

***Gina REYES**: correspondent for *El Carabobeño* newspaper, was struck and detained by members of the National Guard while covering a protest march in the state of Aragua, central Venezuela on 24 April 2007. She was detained at the local National Guard headquarters for six hours and her tape-recorder and mobile phone were confiscated. Before being released she claims she was forced to sign a document falsely stating that she had been detained by mistake because she had failed to identify herself to the authorities. The commander of the third Company - La Victoria, of Aragua state reportedly apologised to Reyes for the incident.

Harassed

***José ANSELMÍ**: journalist with the newspaper *Correo del Caroní*, was threatened with violence by a group of university students in the town of Puerto Ordaz, Bolívar state, southern Venezuela, on 30 May 2007. The students, who were unhappy about of Anselmi's publication of information on their attempts to stop other students protesting against the non-renewal of RCTV's frequency concession, entered the newspaper's headquarters and threatened to hit him. The students stated that they were in favour of the non-renewal of RCTV's concession. The same day the newspaper suffered a power cut which lasted more than four hours long and damaged its computers. According to its editor, the paper has suffered more than 30 power outages in the last year. One recent power cut coincided with a series of journalistic accusations about the lack of investment in the region's electrical infrastructure. The regional electricity company, Eleoriente, has reportedly stated that the cuts are chance occurrences

***Luis Felipe COLINA**: journalist with the weekly newspaper *La Razón*. On 31 May 2007 the 21st Prosecutor of Caracas' Metropolitan Region (Fiscal 21 del Área Metropolitana de Caracas) requested permission from the Prosecutor General's Office to ask the newspaper for Colina's personal identification, as well as notes, data, documents, physical documentation and tapings used for his political column. In September 2006 and April 2007 the column had revealed alleged corruption in the state-owned petroleum company Petroleos de Venezuela S.A.. The prosecutor also requested personal identification information for the paper's chief editor and manager as well as three other staff members. *La Razón* has recently undergone a series of law suits against its journalists and government pressure on its advertisers, which it believes to be a campaign of harassment against it.

Case closed

Jorge CHÁVEZ: journalist with *Ultimas Noticias*, was informed on 7 April 2006 that he was being charged with "defamation" and "slander" by the former official of the Metropolitan Police Foundation Director's Office, Óscar Arapé. Chávez believed that the action was probably related to an 8 January 2006 *Ultimas Noticias* report in which two people accused Arapé and two of his guards of murdering a Metropolitan Police official. Arapé's denial of the accusations was also included in the report, and he was given the right to reply in the 12 January edition of the newspaper. Case closed due to lack of further information.

Marianella SALAZAR (f): journalist and columnist for *El Nacional*, faced charges of slander for having reportedly stated, when summoned by the Prosecutor's Office, that there should be an investigation into Vice-President José Vicente Rangel for allegedly directing a campaign to discredit her. The case stemmed from articles the journalist published in her column on 11 and 18 June 2003 in which she stated that Rangel and the governor of the state of Miranda were allegedly involved in administrative irregularities. No further information – case closed.

Asia Pacific

AFGHANISTAN

Killed

***Ajmal NASQHBANDI**: Translator and journalist. Abducted by the Taliban on 4 March 2007 with Italian journalist Daniele Mastrogiacomo (see below) and his Afghan driver. Reportedly killed by his kidnappers around the 8 April 2007.

Killing: Investigation

***Rahman QUL**: Editor of the government-run magazine *Andkhoy*. Shot and killed by two armed motorcyclists on 17 February 2007. It is not known whether he was targeted for his work as a journalist. The police have reportedly arrested someone in connection with the murder.

Brief Detention

***Daniele MASTROGIACOMO**: Italian journalist for *La Repubblica*. Reportedly abducted by the Taliban on 4 March 2007 with his Afghan driver and his translator, Ajmal Nasqhbandi (see above) in southern Afghanistan. The Taliban accused the men of espionage on behalf of British forces, and later demanded the release of several of its leaders in exchange for the men. It was reported on 16 March 2007 that Mastrogiacomo's driver had been executed. Mastrogiacomo was freed on 19 March 2007.

Case closed

Sayed Ahmed QAANE: Poet. Reportedly arrested in January 2006 by American soldiers in Kandahar city. The reason for his detention is not known. Case closed for lack of further information.

AUSTRALIA

Facing charges:

***Jess MOORE (f)**: Editor of the student magazine *Tertangala* in the coastal town of Wollongon, in south-eastern Australia. She is under investigation under a federal anti-terror law after being denounced on an 'anti-terrorist hotline'. She was accused of attending a meeting in support of the Islamist movement 'Hamas' on 18 October 2006. In Australia Hamas and the Lebanese-based 'Hezbollah' are considered terrorist organizations and support for them is punishable under anti-terror laws. Moore was reportedly attending a meeting with other students about

homophobia and not Hamas. While the authorities have acknowledged there may be irregularities, they have informed Moore that the investigation against her is continuing.

Sentenced

Michael HARVEY and Gerard McMANUS: Journalists with the *Herald Sun*. Charged in August 2005 with contempt of court for refusing to reveal their sources for a story about a federal government plan to cut benefits to war veterans. In February 2004 Harvey and McManus exposed government plans to reject a promised A\$500 million boost to war veterans' pension benefits. On 23 August 2006 the Supreme Court rejected their appeal, and they were convicted of contempt of court on 25 June 2007 and each fined \$7,000 for refusing to reveal their sources.

BANGLADESH

President Iajuddin Ahmed announced that he would step down as leader of Bangladesh's caretaker government, and declared a State of Emergency on 11 January 2007, which remains in force. The 22 January 2007 general elections have been postponed until 2008. This move follows several months of political upheaval and violence.

Killing: Investigation

***Jamal UDDIN:** Correspondent for the Dhaka-based news agency *ABAS*. Jamal Uddin reportedly left his home on 5 March 2007 and went missing. The police found his body on 6 March 2006 in the Rangamati Tourist Complex, and he was initially thought to have been murdered. However, on 18 March 2007, the results of his post-mortem were revealed and concluded that Jamal Uddin probably took his own life. Uddin's colleagues, who insist that the circumstances surrounding his death are suspicious, are vigorously denying claims of suicide. No official investigation into the matter has been launched.

Investigation

***Tasneem KHALIL:** Investigative journalist for the Dhaka-based *Daily Star* and part-time Human Rights Watch consultant. Reportedly detained by security forces on 11 May 2007. He was arrested at his home and taken to the Sangsad Bhavan army camp, which is outside of Dhaka. Khalil's house was searched and some of his belongings were confiscated, including his passport. The charges against him are unknown and Khalil is said to suffer from poor health. Khalil is a noted investigative journalist who has published several articles on official corruption. He also assisted Human Rights Watch in 2006 in investigating allegations of torture and extrajudicial killings by Bangladesh security forces.

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, the next hearing is scheduled for 18 July 2007. Choudhury continues as editor of *Blitz* and remains under pressure from the government and extremist groups for his critical writings. **Honorary member of:** USA PEN.

Investigation

***Atiqullah Khan MASUD:** Publisher and editor of the daily *Janakantha*. Reportedly arrested at his home on 7 March 2007 by the army in Dhaka. Reportedly accused of 'corruption', 'criminal activities' and 'tarnishing the country's image abroad'. Detained under a one-month detention order under the Special Powers Act of 1974, and denied an application for bail. Held in Dhaka central prison and is allowed family visits. WiPC is seeking further details and checking whether still detained.

Brief detention

***E.A.M Asaduzzaman TIPU:** Reporter for the *Daily Star*. Reportedly arrested on 21 March 2007 after reporting on official mismanagement. Released on 27 March 2007 without charge.

Threatened

***Jahanara FERDOUS (f):** Correspondent for the *Weekly Zohur*. Reportedly accused of drug trafficking and prostitution by the head of the local BNP student wing at the beginning of September 2006, and said to have been threatened. There are some fears for her safety and the police have not given her any protection.

***Subrata Deb Roy SANJAY:** Correspondent for the dailies *Dainik Khabor* and *Sylheter Dak*. Reportedly forced to flee the Sylhet region in the northeast of the country after receiving death threats on 20 November 2006 from a businessman who supports the ruling BNP party. Before fleeing he was allegedly beaten and his home was ransacked.

CAMBODIA

Sentenced in Absentia

Dam SITHEK: Publisher of the Khmer language *Moneakseka* newspaper. Dam Sithek is facing charges of publishing false information. The Deputy Prime Minister Sok An through a government lawyer filed the charges in early July 2006. Dam Sithek published an article on 13 June 2006 that accused the government of corruption and claimed that a dispute over resources had sparked a power struggle inside the ruling Cambodia's People's Party, according to the Alliance for Freedom of Expression in Cambodia. Sok An denies all claims of corruption. The charges were filed under the UNTAC Penal Code instead of the super-seding and more liberal 1995 Press Law. On 15 September 2006, the Phnom Penh Municipal Court sentenced Dam Sithek in absentia to a fine of USD 2,000 for disinformation and USD 2,500 for defaming the government. Dam Sithek was not at the trial and nor was his attorney. He left the country soon after the charges were filed against him. His article was based on accounts from anonymous sources and Dam Sithek has refused to reveal the name of his source as a matter of journalist ethics.

Facing charges

***Teang NARITH:** Lecturer in Law and Politics at the Sihanouk Raj Buddhist University in Phnom Penh. Teang Narith was dismissed from his post of lecturer on 22 August 2006 and was reportedly arrested on 4

September 2006. He was charged under the UNTAC Penal code the next day with the criminal offence of disinformation. The charges appear to have been based on Teang Narith's unpublished critical writings on Cambodia's current leadership. Thought to have been since released, WIPC seeking further information.

Threats

***Chim CHENDA:** Reporter with local newspaper *Kampuchea Thmey*. Reportedly threatened by a high-ranking military official on 2 May 2007, after Chenda addressed him by his name. The incident happened in Battambang. The official later retracted his words. No action has been taken against him.

CHINA

Killed

***LAN Chengzhang:** Journalist for Beijing-based newspaper *Zhongguo Maoyi Bao (China Trade News)*. On 10 January 2007 Lan Chengzhang went with two colleagues to some allegedly illegal mines in Huiyuan, in the northern province of Shanxi to report on the situation of miners. Lan was reportedly attacked while waiting in a car outside the mine owner's office by a group of assailants allegedly on the orders of a local coal mine owner. He was taken to hospital in Datong and died the next day from a brain haemorrhage. Following an official investigation, seven men were convicted in connection with the killing, including the mine's owner who was sentenced to life imprisonment.

Main cases

***CAI Zhuohua**
D.O.B: 10 April 1971. **Profession:** Independent publisher, manager of *Maizi Culture & Art Company* and pastor of the house church. **Date of arrest:** 20 October 2004. **Sentence:** 3 years in prison and a fine. **Expires:** 10 September 2007. **Details of arrest:** He was first detained on 11 September 2004 and only formally arrested over a month later. It is thought that he was arrested for printing bibles and other Christian books. He was charged with 'illegal business practices' and sentenced on 8 November 2005 by Haidian People's Court. **Place of detention:** He is held at Haidian Detention Centre, Haidian District, Beijing City. **Conditions of detention:** No information is known on his situation in prison. WIPC seeking further details.

CHEN Shuqing: **D.o.b.:** 26 September 1964. **Profession:** Dissident writer and leading member of Zhejiang Branch of the banned Chinese Democratic Party (CDP). **Date of arrest:** 14 September 2006. **Details of arrest:** He went voluntarily to the Dagan Police Station, Hangzhou City, Zhejiang Province, after being summoned the previous day. He was detained on suspicion of inciting subversion, after which police raided his home and took away his computer and some documents. On 17 October 2006 he was formally charged on inciting subversion for his critical articles published on various overseas Chinese websites such as Boxun, Minzhu Luntan, Dajiyuan, Yi Bao, Guancha, and Xin Shiji, and for his alleged coordination of a chain hunger-strike in Zhejiang Province initiated by Gao Zhisheng, a banned lawyer and civil rights activist (see above). His case has twice been handed back to the police for lack of evidence. Remains detained pending trial as of 31 June 2007. **Place of detention:** Detention Center of Hangzhou City, Zhejiang Province. **Previous political imprisonment/problems:** Previously detained in 1999 for 4 months for his role in the setting up the banned Chinese Democratic Party. After his release, he trained to become a lawyer, but in

2005, after passing his exams, he was refused a lawyer's licence by the Justice Bureau of Zhejiang Province, who alleged his articles published online had violated China's Constitution. Chen challenged this ruling in court, but lost the case in both the lower and the appeal courts. He has since been subject to police harassment.

*CHING Cheong

D.O.B: 3 December 1949 **Profession:** Hong Kong-based correspondent for Singapore's *The Straits Times*. **Date of arrest:** 22 April 2005. **Sentence:** 5 years imprisonment. **Expires:** 4 August 2010. **Details of arrest:** Reportedly detained in Guangzhou, southern China, then transferred to Beijing where he was held under a form of detention known as 'residence under surveillance' until his formal arrest on charges of espionage on 5 August 2005. Sources familiar with the case claim that Ching Cheong had been sent to Guangzhou to obtain a manuscript of secret interviews with the late Zhao Ziyang, former Premier and Secretary-General of the Communist Party, who opposed the government clamp-down on the Tianmen Square protestors in 1989, which led to his downfall. It has been reported that the publication of the interviews would be extremely damaging to the Communist regime in China. Ching was formally charged on 5 August 2005 for allegedly selling economic, political and military information to Taiwanese agents between 2000 and 2005. **Place of detention:** It has been reported that Ching Cheong have been held in Beijing, incommunicado since his detention. WIPC is seeking further information. **Details of trial:** His trial was adjourned for lack of evidence on 22 February 2006 but he remained detained. Ching Cheong was convicted of espionage and sentenced to five years' imprisonment, one-year deprivation of his political rights and expropriation of his property of 300000 CNY on 31 August 2006. His sentence was upheld on appeal on 24 November 2006. **Honorary member:** Independent Chinese PEN

GUO Qizhen

D.O.B: 10 May 1958. **Profession:** Cyber-dissident. **Date of arrest:** 12 May 2006 **Sentence:** 4 years in prison **Expires:** 11 May 2010 **Details of arrest:** Guo Qizhen was arrested at his home on 12 May 2006 and charged with 'inciting subversion of state power' on 6 June 2006. His arrest appears to be linked to his participation in a rotating hunger strike, which has been held by pro-democracy activists since 4 February 2006 to protest against human rights violations in China. The charges are based on his 34 articles attacking at the leadership of the Chinese Communist Party and government that were published on overseas websites. **Details of trial:** Guo Qizhen was sentenced to 4 years imprisonment on a charge of 'inciting subversion' and a three-year deprivation of his political rights on 17 October 2006. **Place of detention:** Cangzhou detention centre No.2 in Hebei Province, Northern China. **Treatment in prison:** Guo is currently held without access to his family. **Health concerns:** There are reports that he has a broken leg and is in a fragile psychological state. The detention centre where he is held is said to lack the medical facilities required to give him adequate treatment. **Honorary member:** Independent Chinese PEN

HADA

D.O.B: 13 February 1955 **Profession:** Owner of the Mongolian Academic bookstore and founder and editor-in-chief of *The Voice of Southern Mongolia* **Date of Arrest:** 10 December 1995 **Sentence:** 15 years in prison **Expires:** 9 December 2010 **Details of Arrest:** Arrested because he was a founder and chair of the southern Mongolian

Democracy Alliance and founder and publisher of the underground journal, *The Voice of Southern Mongolia*. **Details of trial:** Hada was sentenced to 15 years in prison and 4 years deprivation of political rights on a charged of “inciting separatism and espionage” on 6 December 1996. **Place of Detention:** No.4 Prison of Inner Mongolia in Chi Feng City. **Health Concerns:** stomach ulcer and coronary heart disease **Honorary member:** PEN Canada, Independent Chinese PEN

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 the open letter of 20 November 2002 calling for political reform (see **JIANG Lijun**, and **ZHAO Changqing** below). **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. Reportedly beaten by a fellow prisoner in April 2007, possibly orchestrated by the prison guards. **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.

HU Shigen

D.O.B: November 1954 **Profession:** University lecturer, political activist and dissident writer. **Date of arrest:** 27 September 1992. **Sentence:** 20 years in prison and a subsequent five-year deprivation of political rights. **Expires:** 26 October 2011. **Details of arrest:** Hu Shigen was detained in Beijing on 27 May 1992 and formally charged on 27 September 1992 with ‘counterrevolutionary crimes’. He was amongst dozens of China Freedom and Democracy Party (CFDP) and China Free Trade Union (CFTU) members to be detained in April and May 1992 for planning 4 June memorial activities in many of China’s major cities. As a founding member of both the CFDP and CFTU, Hu Shigen drafted a number of key documents for both parties and was active in calling for government accountability for the violent suppression of the Democracy Movement in June 1989. **Details of trial:** He was convicted on 16 December 1994 by the Beijing Intermediate People’s Court of ‘leading a counterrevolutionary organisation’ and ‘counterrevolutionary propaganda’. As a senior member of the CFDP, Hu received the heaviest sentence of 20 years in prison and five years’ subsequent deprivation of political rights. His sentence was upheld on appeal by the Supreme Court on 15 June 1995. He reportedly received a seven-month reduction to his sentence on 16 December 2005, after being interviewed by the UN Special Rapporteur on Torture. **Place of detention:** Beijing No.2 Prison. **Treatment in prison:** The conditions of Hu Shigen’s detention are

reportedly very harsh, and his health is said to have deteriorated greatly since his incarceration. He is denied medical care and suffers from a number of medical conditions, including a back condition which it is feared could lead to paralysis if left untreated. His refusal to show remorse for his political activities has reportedly contributed to his poor treatment in prison. He is currently held under Class Two Close Supervision and is constantly monitored by fellow prisoners, who record his activities and prevent him from talking to anyone. He has very limited contact with his family, and an inadequate diet. **Health concerns:** Hu Shigen reportedly suffers from intestinal and heart problems, malnutrition and chronic migraines. He is said to require a hearing aid and to be extremely weak. He also has back problems caused by the dislocation of several vertebrae, which remain untreated. Requests for medical parole by his family have been ignored by the authorities. **Professional details:** Hu Shigen graduated with a degree in Chinese from Beijing University. He subsequently became a lecturer at the Beijing Language and Culture Institute. In January 1991 Hu Shigen co-founded the China Freedom and Democracy Party (CFDP). He also participated in the Chinese Progressive Alliance, established by former PEN main case Kang Yuchun, and in December 1991 joined other political activists, including former PEN main case Liu Jingsheng, to establish the China Free Trade Union (CFTU) Preparatory Committee. **Honorary member of:** English PEN, Independent Chinese PEN, PEN Canada.

HUANG Jinqiu (aka Qing Shuiju)

D.o.b.: 3 September 1974 **Profession:** Internet essayist, writer and journalist. **Date of arrest:** 13 September 2003 **Sentence:** 12 years in prison. **Expires:** 12 September 2015 **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, where he became 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). According to his articles, which he continued to post on Boxun.com throughout his journey across China, he began to be followed by the secret police on 15 August 2003, first in Yunnan Province, then in Sichuan and through to Shanghai. In early September 2003, Huang Jinqiu visited his parents in Shandong Province; his last article was published on 10 September 2003, entitled ‘Me and My Public Security Friends’. It was not until January 2004 that his family was officially notified by the authorities of his arrest on 13 September 2003 in Lianyungang, Jiangsu Province. **Details of trial:** Huang’s trial began on 22 June 2004 at the Changzhou Intermediate People’s Court on subversion charges. It is reported that the court was unable to reach a verdict initially because of lack of evidence, but after the case was referred back to the prosecution further evidence was submitted and he was convicted on 27 September 2004 of ‘organising, planning and performing subversion of state power by publishing a large number of reactionary articles on the Internet in his capacity as member of the preparatory committee of the China Patriotic Democratic Party’. He was sentenced to a twelve-year in prison and four-year deprivation of political rights. His sentence was upheld on appeal on 9 December 2004. **Professional details:** Huang Jinqiu trained at the Lu Xun Literature Institute, a leading writing school. His writings have been well-recognised from an early age, and at the age of twenty he published his first book. He has worked as a journalist and editor of several newspapers and magazines since the age of eighteen, including the Guanzhou daily *Yangcheng Wanbao*. His essays have been collected into two publications, one that is non-political and published

under his real name, and one collection of political commentaries published for security reasons under his pen-name Qing Shuijun. **Place of detention:** Pukou Prison, Nanjing City, Jiangsu Province. **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 of:** German, American and Independent Chinese PEN

KONG Youping and Ning Xianhua

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

LI Changqing

D.o.b.: 1965 **Profession:** Deputy news director of the *Fuzhou Daily*. **Date of arrest:** 16 December 2004 **Sentence:** Three years in prison. **Expires:** 2 February 2008 **Details of arrest:** First allegedly detained in connection with the investigation of Huang Jingao, a Communist Party official in Fujian province who wrote an open letter to the *People’s Daily* newspaper in December 2004 alleging corruption among local officials. On 3 February 2005 Li was initially charged with inciting subversion for helping Huang write the letter and supporting him in articles published in his newspaper and on-line, but this charge was later dropped for lack of evidence. The authorities then filed a new charge for an article Li published on 13 October 2004 on the banned Chinese-language Web site Boxun News exposing an outbreak of dengue fever in Fujian province before the authorities officially announced it. **Details of trial:** Sentenced to three years in prison on 24 January 2006 by the Gulou district court in southern China’s Fuzhou city for “spreading false and alarmist information” and his sentence was upheld on appeal on 31 March 2006. **Place of detention:** Yong-an Prison, Yong-an City, Fujian Province. **Health concerns:** Suffering from stomach inflammation. **Honorary member:** Independent Chinese PEN

LI Yuanlong

D.o.b.: 24 August 1960. **Profession:** Reporter for the daily *Bijie Ribao*. **Date of arrest:** 9 September 2005 **Sentence:** 2 years in prison. **Expires:** 8 September 2007 **Details of arrest:** Arrested by members of the security bureau in Guizhou province in southwest China, after posting articles online critical of local living standards and calling for democracy. The prosecution cited recent articles he had written under the pen name Ye Lang (Night Wolf) for U.S.-based Chinese language Web sites banned in China, including Boxun News, Epoch Times, ChinaEWeekly and New Century Net. Two articles entitled “In my mind, I am an American” and “Common birth, tragic death” were said to be viewed by the Chinese authorities as particularly “serious”. Li Yuanlong is known for his reporting on rural poverty in his native Guizhou Province. Li was formally charged with ‘incitement to subversion’ on 9 February 2006. Sentenced on 13 July 2006 to two years in prison and two-year deprivation of political rights. His sentence was upheld on appeal on 13 December 2006 **Place of detention:** Bijie Detention Centre **Treatment in prison:** Held without access to family visits. **Health concerns:** Said to be in very poor health. **Honorary member:** Independent Chinese PEN

LI Zhi

D.o.b.: 14 November 1970. **Profession:** Internet writer and financial official in the Dazhou municipal government, Sichuan Province. **Date of arrest:** 11 August 2003 **Sentence:** 8 years in prison **Expires:** 10 August 2011 **Details of arrest:** Reportedly arrested by Sichuan Province State Security Police for his posting essays on an overseas website accusing Sichuan officials of corruption and his joining the Chinese Democracy Party through the Internet. Officially charged with ‘subverting state power’ on 3 September 2003. **Details of trial:** Sentenced to eight years in prison and four-year deprivation of political rights on 10 December 2003 by the Dazhou Intermediate People’s Court. The court verdict confirms that both Yahoo! Hong Kong Ltd and Sina Beijing supplied evidence to the prosecution. His sentence was upheld on appeal on 26 February 2004 **Place of detention:** Sichuan No.3 Prison, Postbox 101, Dazhu County, Sichuan Province **Honorary Member:** Canadian and Independent Chinese PEN.

LU Jianhua

Profession: Research professor at the Chinese Academy of Social Sciences, deputy director of Public Policy Research and Executive Director of the China Development Strategy. **D.o.b.:** 03/07/1960. **Date of arrest:** April 2005. **Sentence:** 20 years in prison. **Expires:** April 2025. **Details of trial:** First arrested in April 2005 on charges of ‘leaking state secrets’. Convicted on 18 December 2006 to 20 years in prison for leaking state secrets to a Hong Kong reporter (Ching Cheong) 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. **Conditions of detention:** Reportedly held incommunicado. His wife is not allowed access to him. **Other information:** Hong Kong’s Information Centre for Human Rights and Democracy reportedly said that Lu’s case seems to be connected to that of Ching Cheong (see main case). **Honorary member:** ICPC.

LU Zengqi and YAN Qiuyan

Profession: Falun Gong members and Internet writers/publishers. **Date of arrest:** Not known. **Sentence:** 10 years in prison respectively. **Expires:** 2014 **Details of trial:** Sentenced by Court No.1 in Chongqing,

western China, on 19 February 2004 to ten years in prison each for writing and publishing respectively an online publication which according to the court verdict “tarnished the image of the government by broadcasting fabricated stories of persecution suffered by cult members”. The newsletter alleged the ill treatment in prison of a fellow Falun Gong member.

MAO Qingxiang and WU Yilong

D.o.b.: 1 January 1949 and 1 May 1964 respectively **Profession:** Internet writers and China Democratic Party (CDP) activists. **Date of arrest:** June 1999 **Sentence:** 8 and 11 years’ imprisonment respectively. **Expires:** 14 September 2007 and 14 September 2010 respectively. **Details of arrest:** Arrested with fellow activists Xu Guang and Zhu Yufu (released on 14 September 2004 and 14 September 2006 on expiry of sentence, respectively) for circulating pro-democracy articles on the Internet and for their work with the magazine *Zai Yedang (Opposition Party)*. The CDP, founded in 1998, is an underground opposition party. PEN learned of this case in September 2004. **Details of trial:** Sentenced by the Hangzhou Intermediate Court in Zhejiang Province, eastern China, on charges of subversion on 9 November 1999. Their sentences were upheld on appeal on 13 December 2006 **Place of detention:** Zhejiang No. 1 Prison and No. 4 Prison, Hangzhou City, Zhejiang Province, respectively. **Honorary member:** Independent Chinese PEN

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.

SHI Tao

D.o.b.: 25 July 1968 **Profession:** Journalist and poet. Member of Independent Chinese PEN. **Date of Arrest:** 24 November 2004. **Sentence:** 10 years’ imprisonment. **Expires:** 25 November 2014 **Details of Arrest:** He was arrested without a warrant 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”. 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:** Chishan Prison, Postbox: 101, 413104 Yuanjiang City, Hunan Province. **Health concerns:** Said to be suffering from respiratory problems as a result of forced labour. His health was reported in April 2006 to have deteriorated and he is said to suffer from a heart condition, an ulcer and skin problems. **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:** Sidney, German, Canada, New Zealand, Swiss Italian, American, Independent Chinese, English and USA PEN.

TAO Haidong

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

Tohti TUNYAZ (pen-name MUZART)

D.o.b.: 1 October 1959 **Profession:** Ethnic Uighur historian and writer. **Date of arrest:** 1 April 1998 **Sentence:** 11 years imprisonment and two years’ deprivation of political rights. **Expires:** 31 March 2009 **Details of arrest:** Reportedly first arrested on 6 February 1998 in Urumchi, Xinjiang Uighur Autonomous Region, whilst on a research trip. He was charged on 10 November 1998 with “inciting national disunity” and “stealing state secrets for foreign persons” (later amended by the Supreme Court to “illegally acquiring state secrets”). Tohti Tunyaz was studying for a Ph.D. in Uighur history and ethnic relations at Tokyo University, Japan, at the time of his arrest, and the charges against him are believed to be linked to his research, and specifically a book allegedly published by Tohti in Japan in 1998 entitled *The Inside Story of the Silk Road*, which according to the Chinese government advocates ethnic

separation. No such book appears to exist. **Details of trial:** He was convicted on 10 March 1999 by the Urumqi Intermediate People's Court and, following an appeal, sentenced by the Supreme Court on 15 February 2000 to five years' imprisonment for 'stealing state secrets' and seven years' imprisonment for 'inciting national disunity', combined as eleven years' imprisonment and two years' deprivation of political rights. **Place of detention:** Xinjiang Uighur Autonomous Region Prison No.3, Urumqi. **Professional details:** Tohti graduated from the history department of the Central Institute of Nationalities, Beijing, in 1984 and was assigned to work for the China National Standing Committee. During this time he reportedly formed a close relationship with former Xinjiang governors Seyfudin Eziz and Ismail Emet, and was involved in the translation of Eziz's works. He started studying for his Ph.D. at Tokyo University in 1995, specialising in the history of Chinese policy toward minority peoples in the 19th and 20th centuries. He was still completing his studies at the time of his arrest. He has reportedly published several papers on Uighur history in Japan, and has published a book on Uighur history in 1995 in Beijing. **Other information:** Has a wife and children in Japan. Tohti Tunyaz is from Bay County, Aksu prefecture, Xinjiang Province, North West China. He adopted the name of the biggest river 'Muzart' in Bay County as his pen name. Recipient of 2002 PEN America/Barbara Goldsmith Freedom to Write Award. Adopted by the UN Working Group on Arbitrary Detention on 17 May 2001. **Honorary member of:** English, Perth, Catalan, Japan, American, Liechtenstein, Canadian and Independent Chinese PEN.

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. Wang's case has only recently come to light. **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.

XU Wei, JIN Haike, Yang Zili, and ZHANG Honghai

Profession: Reporter for *Xiaofei Ribao* (*Consumer Daily*), geologist and writer, writer and computer engineer, and freelance writer respectively. **Date of arrest:** 13 March 2001 **Sentence:** Xu Wei and Jin Haike were sentenced to ten years in prison, and Yang Zili and Zhang Honghai to eight years. **Expires:** 12 March 2011 (Xu Wei and Jin Haike) and 12 March 2009 (Yang Zili and Zhang Honghai) respectively. **Details of arrest:** Arrested on 13 March 2001 and charged with 'subversion' as a result of their participation in the 'Xin Qingnian Xuehui' (New Youth Study Group), an informal gathering of individuals concerned with polit-

ical 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 the four focusing on two essays circulated on the internet entitled 'Be a new citizen, reform China' and 'What's to be done', which allegedly demonstrated the groups' intention to "overthrow the Chinese Communist Party's leadership and the socialist system and subvert the regime of the people's democratic dictatorship". No verdict was announced at the time, and proceedings against the four writers re-commenced on 21 April 2003. Lawyers for the four men argue that the failure to issue a verdict in the case violates China's Criminal Procedure Law, which stipulates that a court must pronounce judgement within six weeks of accepting a case. On 28 May 2003 Xu Wei and Jin Haike were sentenced to ten years in prison, and Yang Zili and Zhang Honghai to eight years. Their appeal was reportedly heard on 3 November 2003, but no verdict has been announced. **Other information:** Xu Wei has been awarded one of the 2003 Canadian Journalists for Free Expression (CJFE) International Press Freedom Awards. **Honorary member of:** Ghanaian and Independent Chinese PEN.

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. **Expires:** 23 June 2013 **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. **Place of detention:** Moved to Xichun Prison, Guangzhou City, Guangdong Province. Said to be held in the section of the prison reserved for elderly and sick prisoners. **Treatment in prison:** International attention is said to have resulted in better treatment by prison authorities, including the transfer to a prison with more modern facilities. **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. **Honorary member of:** Ghanaian and Independent Chinese PEN.

***YAN Zhengxue**

D.o.b.: 1944 **Profession:** Dissident writer and painter. **Date of arrest:** 18 October 2006 **Details of arrest:** According to PEN's information, writer and painter Yan Zhengxue was arrested on 18 October 2006 after police raided his home in Jiaojiang, Zhejiang Province. They also reportedly raided his wife's home in Beijing, and took away computer equipment from both residences. Officially charged on 15 November 2006 with subversion in connection with his writings and dissident activities. **Details of trial:** His trial was postponed in February 2007. Convicted of "inciting subversion of state power" on 13 April 2007 for his critical writings published on-line on overseas websites. **Treatment in detention:** He is held incommunicado without access to family visits. **Professional details:** Yan Zhengxue is a well known artist and author of several books. His paintings have been exhibited both in China and abroad. **Previous political imprisonment/problems:** He has been briefly detained on numerous occasions for his dissident activities, and was administratively sentenced to two years 're-education through labour' in April 1994. He is also known for bringing a lawsuit against the authorities after claiming torture in custody on 2 July 1993 by three policemen at the Haidian district police station in Beijing.

YANG Maodong (aka Guo Feixiong)

D.o.b.: 1966. **Profession:** Dissident writer, independent publisher and civil rights activist. **Date of arrest:** 14 September 2006. **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). His wife claims that the charges are totally unfounded. **Treatment in detention:** There are reports that he is being ill treated in detention. His wife allegedly reported that her husband is subjected to torture. She reportedly said he had been chained to a bed and beaten for 40 days in order to make him confess. He was reportedly transferred to the Shenyang detention centre between 20 January 2007 and 27 March 2007 during which time he alleges that he was severely treated and repeatedly tortured. The police interrogation reportedly focused on his involvement in and reporting of an anti-corruption campaign by villagers in Taishi Village, Guangdong Province. This incident is not related to the charges under which Yang Maodong is currently being held. **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, most recently on 9 August 2006 when he was reportedly beaten by railway police and briefly detained for carrying an allegedly false ticket. **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.

YANG Tongyan (aka Yang Tianshui)

D.o.b.: 12 April 1961 **Profession:** Dissident writer and member of Independent Chinese PEN Centre. **Date of arrest:** 23 December 2005 **Sentence:** 12 years in prison **Expires:** 22 December 2017 **Details of arrest:** Yang Tongyan (pen-name Yang Tongshui) was detained without

a warrant on 23 December 2005 in Nanjing. His family were not formally notified of his arrest or whereabouts until 27 January 2006, when they received formal notification of his arrest dated 20 January from the Public Security Bureau of Zhenjiang City, east of Nanjing. Yang was held incommunicado at Dantu Detention Centre in Zhenjiang, Jiangsu Province, without access to his family. **Details of trial:** He was 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. He was sentenced by the Zhenjiang intermediate court in eastern China's Jiangsu province at a three-hour trial on 16 May 2006. Yang Tongyan is known for his critical writings published on dissident news websites such as Boxun.com and Epoch Times. **Health concerns:** Diabetes, reportedly worsening in prison. **Place of detention:** Nanjing Prison, Ningshuang Road 9, Box 1215-12, Nanjing City, Jiangsu Province. **Previous political imprisonment/problems:** He spent a decade in prison from 1990 to 2000 on "counter-revolution" charges for his involvement in the 1989 pro-democracy protests. He was also previously held incommunicado from 24 December 2004 - 25 January 2005. **Other information:** Recipient of ICPC's 2006 Writer in Prison Award. **Honorary Member of:** PEN Canada, ICPC.

Nurehamet YASIN and Korash HUSEYIN

D.o.b.: 6 March 1974 and 1970 respectively. **Profession:** Freelance Uighur writer and editor of the Uighur-language Kashgar Literary Journal respectively. **Date of arrest:** Yasin - 29 November 2004, Huseyin - not known. **Sentence:** 10 years and 3 years in prison respectively. **Expires:** 30 November 2014 and 2008 respectively. **Details of arrest:** Nurmehamet Yasin was arrested in Kashgar on 29 November 2004 for the publication of his short story *Wild Pigeon (Yawa Kepter)*, which was first published in the bi-monthly Uighur-language Kashgar Literature Journal, issue No. 5, November 2004. Authorities also confiscated Yasin's personal computer containing an estimated 1,600 poems, commentaries, stories, and one unfinished novel. PEN first learned of this case in September 2005. Yasin's story was widely circulated and recommended for one of the biggest Uighur literary websites in the Uighur Autonomous Region for outstanding literary award. It also attracted the attention of the Chinese authorities, who apparently consider the fable to be a tacit criticism of their government in the Xinjiang Uighur Autonomous Region. There are no details about Huseyin's arrest. **Details of trial:** After a closed trial in February 2005 at which he was not permitted a lawyer, Yasin was sentenced by the Maralbash 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. PEN learned in November 2005 that Huseyin had been sentenced by a Kashgar court to three years for publishing the story, WiPC seeking further details of his trial and charges. **Place of detention:** Yasin - Urumchi No.1 Jail. It is not known where Huseyin is held. **Treatment in prison:** Yasin has been permitted no visitors since his arrest. **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. Korash Huseyin is married with three children. *Wild Pigeon* was translated from the Uighur into English and

Chinese by Dolkun Kamberi, director of Radio Free Asia's (RFA) Uighur service. It has been adapted for broadcast by RFA's Uighur service, edited in English by Sarah Jackson-Han, and produced for the English Web by Luisetta Mudie. The English translation is available online in two parts as follows:
http://www.rfa.org/english/uyghur/2005/06/27/wild_pigeon/
http://www.rfa.org/english/uyghur/2005/06/27/wild_pigeon2/ **Honorary member of:** American and Independent Chinese PEN.

*YU Huafeng

Profession: Deputy-editor-in-chief and general manager of the Guangzhou-based daily *Nanfang Dushi Bao* (*Southern Metropolis News*). **Date of arrest:** 14 January 2004 **Sentence:** 12 years in prison, reduced on appeal to eight years. His sentence has reportedly been twice commuted by a total of 2 years and 8 months. **Expires:** 8 May 2009 **Details of arrest:** Arrested for alleged financial irregularities. Accused of embezzling 580,000 yuan (US\$97,000) and distributing it to members of the newspaper's editorial committee. He maintains that the money in question was acquired legally as staff bonuses. It is said that the evidence presented in court did not support the charges, and it is widely believed that his imprisonment is part of a targeted campaign to silence the newspaper, which is known for its aggressive reporting on social issues and official corruption. Two other *Nanfang Dushi Bao* journalists were arrested in the case in early 2004, Chen Yizhong (released without charge on 27 August 2004) and Li Minying (released in March 2007 after serving half of his six-year sentence for 'taking bribes'). Both Yu Huafeng and Li Minying's sentences were commuted after they received numerous press freedom awards. WiPC has re-opened this case in the light of the sentence reductions.

ZHAO Changqing

D.o.b.: 6 April 1969. **Profession:** Leading Xi'an-based dissident. **Date of arrest:** 7 November 2002 **Sentence:** 5 years in prison **Expires:** 6 November 2007 **Details of arrest:** Reportedly arrested after drafting an open letter to China's 16th Party Congress calling for political reform. The letter was signed by 192 opposition activists, several of whom were also detained, including **He Depu** and **Jiang Lijun** (see above). The letter reportedly included the following political demands: a reassessment of the 1989 democracy movement; the return of political exiles; the restoration of the political rights of the former Chinese Communist Party General Secretary Zhao Ziyang, who was ousted from government and placed under house arrest on 23 June 1989 for advocating a dialogue with the students demonstrating in Tiananmen Square; the release of all prisoners of conscience; China's ratification of the International Covenant on Civil and Political Rights; national elections. Charged on 27 December 2002 with inciting subversion of state power. **Details of trial:** His trial began on 10 July 2003 at the Xi'an Intermediate People's Court and he was sentenced on 4 August 2003 to five years' imprisonment. **Health concerns:** Said to be suffering from tuberculosis at the time of his arrest, and his health is thought have significantly deteriorated in prison. Transferred to a prison infirmary for several months but subsequently returned to prison. **Place of detention:** Weinan Prison, Weinan City, Shaanxi Province. **Treatment in prison:** Held incommunicado and reported to have been repeatedly ill-treated in jail, including beatings and long periods of solitary confinement. Most recently reported to have been placed in solitary confinement for three months on 18 February 2006 for refusing to participate in military drills in prison. **Previous political imprisonment/problems:** Previously served two years in prison for

endangering state security, released in February 2001; also detained in 1989 for his involvement in the Beijing pro-democracy protests. **Other information:** Adopted by the UN Working Group on Arbitrary Detention. **Honorary member of:** Independent Chinese PEN

ZHAO Yan

D.o.b.: 14 March 1962 **Profession:** News assistant at the Beijing bureau of the *New York Times* and former reporter for *China Reform* magazine. Also an activist. **Date of arrest:** 17 September 2004. **Sentence:** 3 years in prison **Expires:** 16 September 2007 **Details of arrest:** Arrested on charges of "providing state secrets to foreigners" for an article published in the *New York Times* on 7 September 2004 revealing Jiang Zemin's retirement from the position of Chairman of the Central Military Commission and the transfer of leadership to President Hu Jintao. The article preceded the official announcement about Jiang's retirement, which was made on 19 September 2004. Zhao Yan, who worked as a researcher and not a reporter for the *New York Times*, is claimed to be the source of the leak by the authorities and was formally charged on 20 October 2004. On 1 June 2005 it was reported that a new charge of fraud had been brought against him, allowing the authorities to extend the period of untried detention legally permitted in Zhao's case. He was formally charged with leaking state secrets on 23 December 2005, which carries a maximum penalty of 10 years in prison. Tried behind closed doors on 16 June 2006 at Beijing People's Intermediate Court No.2. He was acquitted of the charges of revealing state secrets on 25 August 2006 but the court convicted him and sentenced him to three years in prison for fraud. His sentence was upheld on appeal on 31 November 2006 **lace of detention:** Detention Center of National Security Bureau of Beijing City **Previous political imprisonment/problems:** Zhao began working at the "New York Times" in May after he was forced out of his job as a reporter for "China Reform" magazine. Reportedly harassed on numerous occasions in 2004 for his reporting for *China Reform* magazine alleging government abuse of peasants across China. In June 2004, police raided Zhao's family home. According to the New York-based organization Human Rights in China, the raid startled Zhao's elderly father and precipitated a decline in his health and he died a few days later. **Other information:** UN Working Group on Arbitrary Detention declared his detention arbitrary on 2 September 2005. **Honorary member of:** Independent Chinese PEN

*ZHANG Jianhong (aka Li Hong): **D.o.b.:** 2 June 1958. **Profession:** WRITER. **Date of arrest:** 6 September 2006. **Sentence:** 6 years in prison. **Details of arrest:** According to his wife, more than 20 police officers raided his home in Ningbo City, Zhejiang Province, Eastern China. His computers were seized and his wife interrogated. On 12 October 2006 Zhang was formally charged with 'incitement to subversion of state power' for his critical articles published online on overseas websites. He has been prosecuted on the same charge pending a trial. **Place of detention:** Changhu prison, Huzhou City. **Details of trial:** Sentenced on 19 March 2007 to six years in prison for writing articles criticising the government. The High People's Court of Zhejiang Province upheld the sentence on 21 May 2007, and he was immediately transferred to Changhu prison, Huzhou City. **Previous political imprisonment/ problems:** He was imprisoned from 1989-1991 for his pro-democracy activities. In August 2005 he founded the literary website Aiqinhai.org (<http://www.aiqinhai.org/>), of which he was editor-in-chief, which was banned by the authorities in March 2006. **Professional details:** Zhang Jianhong is a leading writer in the region and is known for his dissident

activities and prolific writings. He is also a regular contributor to the overseas Chinese sites Boxun (<http://www.boxun.com>) and The Epoch Times (<http://www.dajiyuan.com>). **Health problems:** Zhang Jianhong is reportedly suffering from muscle necrosis, a condition that is deteriorating due to lack of adequate medical care in jail. On his doctor's advice, he applied for medical parole on 31 May 2007, but there has reportedly been no response from the administrative authorities.

ZHANG Lin

D.o.b.: 2 June 1963. **Profession:** A dissident writer, pro-democracy advocate and member of Independent Chinese PEN. **Date of arrest:** 27 January 2005 **Sentence:** 5 years in prison **Expires:** 12 February 2010 **Details of arrest:** Arrested on 27 January 2005 at Bangbu City railway station in Anhui Province. At the time of his arrest, Zhang Lin had just returned from a trip to Beijing where he planned to pay his respects to the late Zhao Ziyang, a reformist politician who had died on 17 January 2005. Zhang Lin was not permitted to do so by the authorities and was forced to return to Bangbu. On 29 January 2005, Zhang Lin was charged with "disturbing social order", and placed in detention for 15 days. Police searched his house on 6 February. On 13 February 2005, shortly before he was due to be released, he was charged with "suspicion of endangering national security", and remains in detention. According to the official indictment issued by the Bengbu authorities on 23 May 2005, Zhang Lin was arrested because of a number of 'subversive' articles he had written and subsequently posted on the Internet between August 2003 and January 2005. The lyrics of a punk rock song by the popular Chinese group Pangu, which he quoted in an essay entitled 'Pangu – The Hysterical Ravings of the Chinese People', are said to form part of the evidence against him. The stanzas, which he reportedly quoted, are translated as follows: 'The Yellow River Should run dry, this society should collapse, this system should be destroyed, this race should become extinct, this country should perish'. **Details of trial:** Zhang Lin was convicted of 'incitement to subversion' by the Anhui Intermediate People's Court on 28 July 2005 and sentenced to five years in prison and four-year deprivation of political rights. The verdict was not formally announced, even to his lawyer, until 2 August 2005, significantly reducing Zhang Lin's opportunity to appeal his conviction. His appeal was rejected on 13 September 2005 without a hearing. **Place of detention:** Nanjiao Prison, Hefei City, Anhui Province. **Treatment in detention:** Since his imprisonment Zhang Lin has reportedly suffered harsh treatment, including long hours of forced labour, restricted access to correspondence with his wife, and denial of access to news and writing materials. **Health concerns:** Said to be very weak and suffering from minor heart problems as a result of a month-long hunger strike, which he ended on 28 September 2005. Reported in May 2006 to require urgent hospital treatment for a slipped cervical disc that is affecting his central nervous system. Prison medical facilities are said to be inadequate to treat his condition. **Previous political imprisonment/problems:** Previously detained from 1989-91, when he was sentenced to two years in prison for his involvement in the pro-democracy protests, and again from 1994-97 when he received a three-year sentence for campaigning for workers' rights. After his release in 1997 he settled in the U.S. but was re-arrested in 1998 when he re-entered China illegally, and was sentenced to three years' RTL. Since his release in 2001 he has been subject to constant surveillance and harassment, and has reportedly had to rely on publishing articles overseas to support himself and his family.

ZHENG Yichun

D.o.b.: 27 January 1959 **Profession:** Poet, professor and freelance journalist **Date of arrest:** 3 December 2004 **Sentence:** 7 years in prison **Expires:** 19 December 2011 **Details of arrest:** According to PEN's information, Zheng Yichun was detained in a form of "residence under surveillance" 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. His family were reportedly threatened with reprisals if they contacted international press or human rights organisations about his arrest. **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 web-sites. He was sentenced on 20 September 2005 to 7 years imprisonment and 3 years deprivation of political rights, and his appeal was rejected on 22 December 2005. **Place of detention:** Jinzhou Prison, Jinzhou City, Liaoning Province. **Health concerns:** Zheng Yichun is a diabetic. **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.

Sentenced, suspended

***GAO Zhisheng**

D.o.b.: 20 April 1964 **Profession:** Human rights lawyer and civil activist. **Date of arrest:** 15 August 2006 **Sentence:** 3 years in prison, suspended for five years. **Expires:** 14 August 2011. **Details of arrest:** Reportedly detained by Beijing police on 15 August 2006 when visiting his sister in Dongying city, Shandong province. On 21 September 2006 he was formally charged with 'suspicion of inciting subversion of state power'. Held in Beijing until his release on 22 December 2006. His arrest was connected to his critical writings posted online. **Details of trial:** Gao Zhisheng was sentenced on 22 December 2006 to 3 years in prison, suspended for five years, and 1 years' deprivation of political rights. According to an official statement, Gao was accused of posting 9 "seditious articles" and conducting 10 interviews with overseas media, which defamed China's central government and amounted to agitation aimed at overthrow. The statement said the court had showed leniency in the form of a five-year reprieve as Gao "voluntarily reported other people's offences and provided important clues to crack other cases." **Previous problems:** In late 2005, the operations of his law firm, the Shengzhi Law Office, were suspended and his licence to practice law was revoked after he published an open letter calling for religious freedom and an end to the 'barbaric' persecution of the banned spiritual organisation Falun Gong.

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 ethnic minority group, the Uighur. He was reportedly charged with trying to post two articles online, that he had downloaded on the Internet. According to the verdict, 'these articles distorted China' human rights and ethnic policies'. He was arrested in June 2006 and he is being held

incommunicado. WiPC seeking further info.

***SUN Lin (pen name Jie Mu):** Reporter for *Boxun News*. Reportedly arrested on 30 May 2007 along with his wife, on charges of ‘illegally possessing weapons and heading a criminal gang’. Some sources suggest that his arrest is linked to his professional activities. Sun has in the past documented police harassment. WiPC seeking further details.

ZHU Wanxiang, WU Zhengyou and WANG Xianyong (aka Pan Chunlei): Editors and journalist respectively with the magazine *Zhonghua Xin Qingnian (New China Youth)*. Arrested on 20 August 2005 and sentenced on 17 January 2006 to ten, six and one year in prison respectively for “illegal commercial activity, fraud and extortion”. The charges are said to relate their reporting on clashes in Lishui in May 2005 involving peasants who were protesting against the confiscation of their land. The peasants reportedly gave the newspaper 30,000 yuan (3,000 euros) in thanks for writing about their demands. The prosecutor alleges that the magazine had extorted the money. The journalists are appealing their sentences. WiPC seeking further information.

Released

Li Jianping: Internet dissident and head of a medical supplies business. Arrested on 26 May 2005 and sentenced to two years in prison for defamation. He was released on 26 May 2007 on expiry of sentence.

Li Minying: Former director of the newspaper *Nanfang Dushi Bao*. Arrested in January 2004 and sentenced to six years in prison on alleged ‘corruption’ charges. He was released on 12 February 2007 from Panyu prison in the southern province of Guangdong.

***YANG Xiaoqing**

D.o.b.: 4 September 1969 **Profession:** Reporter with the *Zhongguo Chanjing Xinwenbao (China Industrial Economy News)*. **Date of arrest:** 22 January 2006 **Sentence:** one year in prison and freed from criminal punishment on appeal. **Released:** 6 September 2006 **Details of arrest:** Arrested 22 January 2006 after reporting the alleged corruption of Longhui County officials. Accused of posting ‘defamatory’ articles on an “illegal Web site” after allegedly failing to extort up to 800,000 Yuan (US\$100,000) from officials. It is believed that his arrest is connected to two articles he wrote in May 2005 alleging official corruption. Sentenced to one year in prison on 15 June 2006 on charges of “Extortion and blackmail”. Freed on parole pending appeal on 6 September 2006. On 17 October 2006 the Intermediate People’s Court of Shaoyang City, Hunan Province ruled that he should be exempted from serving his sentence though he was not acquitted. Yang has resumed his post as journalist.

TIBET AUTONOMOUS REGION

Main cases

Tashi GYALTSEN and Jampel GYATSO:

D.o.b.: 1964 and 1979 respectively. **Profession:** Monks from the Drakar Trezong monastery in Qinghai province, northwestern China. **Date of arrest:** 16 January 2005 **Sentence:** Tashi Gyaltsen and Jampel Gyatso were reportedly administratively sentenced to three years RTL (“re-education through labour”) They were sentenced along with three other monks who were released on 15 January 2007 (**Lobsang DHARGAY, Tsultrim PHELGAY and Toesam ZANGDEN**) **Expires:** 15 January 2008. **Details of arrest:** Arrested in their rooms at the Drakar Trezong monastery in Qinghai province, northwestern China. They were allegedly detained for publishing a journal called ‘The Charm of Sun and Moon’ which contained poems and writings of a political nature. The

magazine was published in mid to late 2004. **Place of detention:** Said to be held in Topa Re-education Through Labour Camp at Huangzhong Dzong, near Xining in Qinghai province, northwestern China. **Professional details:** Tashi Gyaltsen is said to have edited this and other magazines at the monastery, and to have written ‘The Past and Present History of Tredzong Monastery’ and other articles. Jampel Gyatso co-edited the magazine. Lobsang Dhargay, Tsultrim Phelgay, and Toesam Zangden all vice-edited the magazine. **Honorary Member:** English PEN

Dawa GYALTSEN

D.o.b.: 1969. **Profession:** Buddhist monk. **Date of arrest:** November 1995 **Sentence:** 18 years imprisonment. **Expires:** November 2013 **Details of arrest:** Arrested for writing pro-independence pamphlets which were posted in April 1995 as part of a widespread protest against the Chinese authorities. The pamphlets reportedly contained a brief history of Tibet as an independent nation and pro-independence slogans. **Details of trial:** In May 1996, Nagchu Prefecture Intermediate People’s Court sentenced Gyalsten to eighteen years’ imprisonment on charges of carrying out “counter-revolutionary propaganda”. His brother Nyima Gyaltsen was sentenced to thirteen years’ imprisonment for leading the protest. Three other monks co-accused with the Gyaltsen brothers were sentenced to lesser terms ranging from two-six years for their participation in the protest, and have now been freed on expiry of their sentences. The case was not known to PEN until July 2004. **Place of detention:** Tibet Autonomous Region Prison (formerly Drapchi Prison), Lhasa. **Treatment in prison:** Said to have been severely tortured whilst under interrogation.

Dolma KYAB

Profession: Writer and teacher. **Date of arrest:** 9 March 2005. **Sentence:** Ten and a half years in prison. **Expires:** 8 October 2015. **Details of arrest:** Dolma Kyab was reportedly arrested in the city of Lhasa for allegedly endangering state security in his book. The charges against Dolma Kyab appear to be based on his unpublished book *Sao dong de Ximalayasha (The Restless Himalayas)*. In another book, Dolma Kyab reportedly gives sensitive information on issues such as the location and number of Chinese military camps in Tibet. Following his pre-trial detention at the TAR Public Security Bureau Detention Centre, also known as the ‘Seitru’, Dolma Kyab reportedly contracted tuberculosis and was transferred to Chushul Prison in March 2006 after receiving medical treatment for his condition. **Details of trial:** Dolma Kyab was charged with ‘espionage’, one of the most severe offences under the Chinese criminal law, and ‘illegal border crossing’. His trial was conducted in secrecy. He was sentenced to ten and a half years in prison. **Place of Detention:** Dolma Kyab was transferred to Chushul Prison in March 2006 after receiving treatment for tuberculosis.[Reported in July 2007 to have been transferred to Seilong Labour Camp in Xining, and to be seriously ill.] **Health concerns:** There are concerns over his health after he reportedly contracted tuberculosis in pre-trial detention. **Honorary member of:** English PEN.

Ven NGAWANG Pulchung

D.o.b.: c.1958 **Profession:** senior monk from Drepung monastery near Lhasa. **Date of Arrest:** 16 April 1989 **Sentence:** 19 years in prison plus nine years’ deprivation of political rights, reportedly reduced by six months on 22 September 2005. **Expires:** 18 October 2007 **Details of Trial:** Sentenced at a mass rally in November 1989 for producing politi-

ical leaflets which 'venomously slandered the people's democratic dictatorship' and for 'spying for the enemy'. **Place of Detention:** Reportedly transferred to Chusur Prison, Lhasa, in early 2005. **Previous Political Imprisonment/Problems:** Publications of Drepung printing group included a Tibetan translation of the Universal Declaration of Human Rights and a Tibetan political manifesto, 'The Meaning of the Precious Democratic Constitution of Tibet', calling for constitutional democracy. Singled out as the leader of a group of monks who were secretly producing literature critical of the Chinese govt in early 1988. Accused of setting up 'illegal separatist movement' or 'counter-revolutionary clique' and of 'collecting information and passing it on to the enemy, seriously undermining national security'. **Honorary Member of:** English, American, Canada, Sydney and Austrian PEN.

Brief detention/Harassment

Ven.Sangpo RICHEN : Monk, writer and editor. Reportedly arrested on or around 19 July 2006 and held without charge for a month, apparently for his critical writings. Said to have been repeatedly harassed and interrogated since January 2007.

Released

Lobsang DHARGAY, Tsultrim PHELGYE and Toesam ZANGDEN: Monks from the Drakar Trezong monastery in Qinghai province, north-western China. Arrested on 16 January 2005 (along with Jamphel Gyatso and Tashi Gyaltsen, see Main Cases) in their rooms at the Drakar Trezong monastery in Qinghai province, northwestern China. They were allegedly detained for publishing a journal called 'The Charm of Sun and Moon' which contained poems and writings of a political nature. The magazine was published in mid to late 2004. They were reportedly administratively sentenced two years' RTL ("re-education through labour"). They were released on expiry of their sentences on 15 January 2007.

INDIA

Investigation

Abdul ROUF: Editor of the *Srinagar News*. Abdul Rouf was reportedly arrested with his wife Zeenat on 21 November 2006 for allegedly sheltering armed separatists. On 9 December 2006, a judge ordered the release on bail of Zeenat Rouf but police have refused to release her. It is believed that the authorities are holding them under a weapons law. The couple's family denies the accusations. The authorities are refusing to give any information about the reasons for their detention. WiPC seeking further details.

Attacked/Brief detention

***Daya Ram DAHAL:** Journalist with Janaganatantra Daily. Reportedly arrested by Indian security officials at Mechi Bridge between India and Nepal on 29 May 2007. Dahal was covering the Bhutanese refugees' journey to their homeland via India. Dahal was allegedly severely beaten by the security officers and was reportedly in a critical condition following his ordeal. The Indian government has filed a writ petition against Dahal on charges of 'border encroachment'.

INDONESIA

Sentenced

***Risang Bima WIJAYA:** Former general manager and editor-in-chief of *Radar Yoga* newspaper. Sentenced to six months in prison on 11 May 2007 for violating Article 310 of the Indonesian Criminal Code by libelling the executive director of another newspaper. The Supreme Court upheld the verdict against Wijaya handed down by the District Court of Sleman on 22 December 2004, but reduced the prison term by three months. Wijaya is seeking a retrial and now works for the *Jawa Pos* newspaper. He remains free but the authorities are reportedly seeking his arrest.

MALAYSIA

Facing charges

***Ahiruddin Bin ATTAN and Jeff OOI:** Internet writers. Facing defamation charges relating to alleged defamatory entries on the writers' weblogs about Malaysia's Prime Minister and the pro-government paper *New Strait Times*. Some employees of the *New Strait Times* filed the lawsuit on 4 January 2007. It is the first time that Malaysian Internet writers have been sued on charges related to their online writings. The first hearing in the case was held on 25 January 2007. WiPC seeking an update.

***Steven GAN:** Editor-in-Chief of the web-based daily *malaysiakini.com*. Reportedly facing libel charges in a case brought by a high-ranking minister against him, his news site and two other news sites in April 2007. Gan's website Malaysiakini.com reportedly published a series of articles between 6 and 14 April 2007, that alleged corruption on the part of the government minister. WiPC is seeking an update.

Sentenced, free on bail pending appeal

Irene FERNANDEZ (f):

D.o.b.: 1948. **Profession:** Director of *Tenaganita*, a women's rights organization. **Date of arrest:** 18 March 1996 **Sentence:** 12 months' imprisonment **Details of arrest:** Charged with "false reporting" under Section 8a of the 1984 Printing Presses and Publications Act which carries a maximum three-year sentence. Charges relate to a report she issued in July 1995 entitled "Abuse, Torture and Dehumanised Treatment of Migrant Workers at Detention Camps". Govt accuses her of making false statements in the report including the numbers of people interviewed, allegations of strip-searching, poor sanitation, corruption and health problems. **Details of trial:** On 16 October 2003 Fernandez was convicted of 'maliciously publishing false news' and sentenced to 12 months in prison by Kuala Lumpur magistrate's court. Her trial began in June 1996 and is the longest trial in Malaysian legal history. She remains free on bail pending appeal but her passport was withdrawn on 4 November 2003. The case was transferred to the Kuala Lumpur High Court and remains pending. **Honorary member of:** Canberra PEN Centre.

MALDIVES

Free on medical leave

Abdullah SAEED (aka Fahala)

D.o.b.: 1964 **Profession:** Reporter with the opposition *Minivan Daily* newspaper. **Date of arrest:** 27 March 2006 **Sentence:** Life imprisonment. **Details of arrest:** Arrested and sentenced on 26 March 2006 to

two months in jail for 'disobedience to order' for refusing to submit to a urine test in the first of three drugs charges against him which are widely believed to be unfounded and politically motivated. The charges stem from Saeed's arrest in October 2005, when he was summoned to the police station and police claimed to find large quantities of drugs on his person. Saeed claims police planted the drugs on him. He is known for his critical writings, and it is feared that his arrest is an attempt to silence him. **Details of trial:** Convicted on 19 April 2006 on charges of drug possession and trafficking, and sentenced to life imprisonment. Held in Maafushi prison. **Health concerns:** Fahala was granted a special leave to visit his family in Male on 30 July 2006. His health had deteriorated and he is said to be in a debilitating mental and physical condition. There are calls to stop him from being sent back to prison on compassionate grounds. **Previous political imprisonment/problems:** He was convicted on a drugs charge in 2000 and pardoned in 2003.

Attacked

***Mohammed NASHEED:** Chair of the Maldives Democratic Party, journalist and honorary member of English PEN. Reportedly severely beaten on 15 April 2007 while paying his respects at a cemetery to a man suspected to have died in police custody. He was briefly detained for a few hours. Mohammed Nasheed was formerly under house arrest until September 2006, and was a main case of International PEN (see released below).

Sentenced in absentia

Ahmed ABBAS: Maldivian Democratic Party official. He was convicted in absentia on 1 November 2006 on charges of 'incitement to violence towards the police forces' for an article criticising the police. Reportedly sentenced to six months in prison following an article he wrote for the *Minivan Daily*, in which he reportedly accused the police of being violent. He carried on to state that 'one day someone will beat them and they will know exactly what it is like'. The government interpreted his statement as encouraging the public to fight the police. His daughter has said that her family knew nothing of the conviction until they read it on a website.

Facing charges

***Aminath NAJEEB (f):** Editor of *Minivan Daily*. Facing a charge of 'disobedience' following an article published in August 2005 quoting an opposition activist (Ahmed Abbas, see above), which the authorities claimed contained incitement to violence against the police. Najeed previously faced criminal charges of 'disobedience of an order' along with *Minivan Daily's* deputy editor Nazim Sattar. The charges against Sattar were dropped, and the charge against Najeed reduced to 'disobedience' on 3 May 2007. She could still face imprisonment if convicted.

Released

Mohamed NASHEED: Opposition politician and writer. Nasheed was among several members of the newly established opposition party the Maldivian Democratic Party (MDP) to be arrested on 12 August 2005 during a peaceful protest in Male. Nasheed was charged on 23 August 2005 with terrorism and sedition for 'inciting violence against the president' in a speech he made in July. He was released from house arrest on 21 September 2006. He is still facing charges of terrorism and treason. **Recent political imprisonment/problems:** Nasheed was attacked along with other MDP members by riot police on 4 February 2007. The attack took place during a peaceful gathering of MDP activists on a beach in

Male when the riot police came to disperse them, citing that the meeting was illegal. Nasheed and the other MDP members were reportedly struck with batons, pepper-sprayed in the face and detained in a police van for more than 40 minutes before being released without an explanation.

MYANMAR (BURMA)

Main cases

AUNG SAN Suu Kyi (f)

Profession: Leader of the National League for Democracy (NLD) and writer. **Date of arrest:** 30 May 2003 **Details of arrest:** Taken into 'protective custody' following violent clashes between opposition and pro-government supporters on 30 May 2003. The military government reported that four people were killed in the clashes, though eyewitnesses estimate the numbers killed to be over sixty. Many were also injured, including Aung San Suu Kyi, who is believed to have suffered cuts to the face and shoulder when the window of her car was shattered by a brick. Her injuries are not thought to have been serious. Her house arrest order was extended for a year on 30 May 2006. The military authorities announced on 27 May 2007 that her detention order was being renewed for another year and that she was to remain under house arrest. **Place of detention:** Held in 'protective custody' at her home in Yangon. **Previous political imprisonment/problems:** Daw Aung San Suu Kyi was held under de facto house arrest for six years from July 1989-July 1995, and again from September 2000 until May 2002, when she was released as part of UN-brokered confidential talks between the State Peace and Development Council (SPDC) and the NLD which began in October 2000. **Professional details:** Daw Aung San Suu Kyi was awarded the Nobel Peace Prize in October 1991. She is the author of many books, including *Freedom From Fear* (1991), *Letters from Burma* (1997), *The Voice of Hope* (1997). **Honorary member of:** Canadian and English PEN.

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

Profession: Student activist and NLD member, student, publisher and distributor respectively. **Date of arrest:** 29 March 2006 **Sentence:** 19 years in prison (Aung Than and Zeya Aung), 14 years in prison (Maung Maung Oo) and seven years in prison (Sein Hliang). **Expires:** 28 March 2025 (Aung Than and Zeya Aung), 28 March 2020 (Maung Maung Oo) and 28 March 2013 (Sein Hliang). **Details of arrest:** Reportedly arrested with 6 others near the Thai-Burmese border town of Myawaddy for publishing an 'anti-government' book of poems entitled *Dawn Mann (The Fighting Spirit of the Peacock)*. The peacock is the symbol of the pro-democracy movement in Myanmar. Six others also detained in connection with the publishing of the book were freed after a brief detention. Also charged with associating with outlawed organisations and illegally crossing an international boundary. **Details of trial:** Convicted by a criminal court in Pegu, north of Rangoon, on 9 June 2006 under the Printers and Publishers Registration Act. **Place of detention:** All transferred to Insein jail, Rangoon except Sein Hliang, who is still held in Pegu jail. **Honorary member of:** American PEN. **Update:** 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.

Ko AUNG Tun

D.o.b.: 1967. **Profession:** Student activist and writer. **Date of arrest:** February 1998 **Sentence:** 13 years in prison. **Expires:** February 2011 **Details of arrest:** At a 1 March 1998 press conference the SPDC

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

KYAW Sein Oo

Profession: Assistant to the head of the information department of the National League for Democracy (NLD). **Date of arrest:** 14 September 2000 **Sentence:** Seven years' imprisonment. **Expires:** 13 September 2007 **Details of arrest:** Accused with Aung Myint (see below) of distributing information regarding the repression of the NLD to international press agencies and to Western diplomats based in Rangoon. The charges are believed to relate to a press release written by Aung Myint and his assistant Kyaw Sein Oo and distributed to international press agencies and foreign embassies in Rangoon in September 2000 a few hours after NLD leader Aung San Suu Kyi was arrested by security forces as she was trying to leave Rangoon. **Details of trial:** Kyaw Sein Oo was sentenced under the Printers and Publishers Registration Act.

WIN Tin

D.o.b.: 12 March 1930 **Profession:** Former editor of the daily *Hanthawati*, secretary of the executive council of the National League for Democracy, and vice-president of the Burmese Writers' Association. **Date of Arrest:** 4 July 1989 **Sentences:** Total of 20 years' in prison with hard labour **Expires:** 3 July 2009 **Details of Arrest:** Accused of 'harbouring an offender for whom a warrant had been issued', allegedly for sheltering a girl who had had an illegal abortion, but the true reason is thought to be his opposition activities. Also accused of incitement to violence, contact with insurgent organisations, obtaining financial assistance from a foreign embassy and obtaining weapons. **Details of Trial:** Sentenced in October 1989 to 3 years with hard labour. In June 1992 sentenced to an additional 11 years under the 1950 Emergency Provisions Act. Unclear what this is for, but it is thought to be linked to his opposition activities. Sentence said to have been reduced to 10 years in January 1993 amnesty. On 28 March 1996 he was among 21 prisoners to be tried inside Insein Prison and given additional sentences under Section 5J of the Emergency Provisions Act for circulating the petition, distributing a clandestine magazine and possessing radio sets. He was given an additional 7-year sentence (NB: the UN stated 5 years, but the transcript of the trial states 7 years). His cumulative sentences will thus not expire until July 2009. **Professional Details:** Was active in pro-democracy demonstrations of 1988 and said to be key adviser to Aung San Suu Kyi and to have been one of those who encouraged her to enter

politics. Authorities alleged he was linked to Communist Party of Burma. During 1988's events was vicechairman of the 'Sarpay Thamagga' ('Writers' Association'). Recipient of the World Association of Newspapers (WAN) 2001 Golden Pen of Freedom award, and the 2001 United Nations Educational, Scientific and Cultural Organisation (UNESCO)/Guillermo Cano World Press Freedom Prize. **Place of detention:** Insein prison. **Health Concerns:** Reported in March 2006 to require treatment for high blood pressure and inflammation of the prostate. Also suffers from spondylitis, an inflammation of the vertebrae, and diabetes, and suffered two heart attacks during his 16-year imprisonment. Has lost several teeth and requires dental treatment. Said to be checked twice a month by a prison doctor but not provided with any required medication. Is dependent on his family for medicine and meat. **Treatment in Prison:** Reported that in November 1995 Win Tin was among a number of prisoners ill treated after they smuggled letters out to the UN protesting at prison conditions. He is entitled to a twice-monthly visit from a relative for 20-25 minutes. Since the start of 2006 he has not been able to receive visits from the International Committee of the Red Cross (ICRC). **Honorary Member of:** Hong Kong (English), New Zealand and Japan PEN centres.

U AYE Kyu (aka 'Monywa' Aung Shin)

Profession: Former newspaper editor and poet. Senior official of the National League for Democracy (NLD). **Date of arrest:** September 2000. **Sentence:** 21 years in prison. **Expires:** September 2021 **Details of arrest:** Among five senior NLD officials (including former PEN main case Aung Myint, released under amnesty in January 2005) to be arrested in September 2000. They were detained for writing a statement that was to be sent to the authorities protesting the September 2000 house arrest of Aung San Suu Kyi (see above) and calling for the release of other NLD members and the re-opening of NLD party offices. All five men were detained two days after the statement was broadcast on a US-based radio station. PEN first learned of this case in early 2005. **Details of trial:** Sentenced on 14 September 2000 to 14 years under the press law and 7 years under security legislation. **Place of detention:** Insein Prison **Health concerns:** U Aye Kyu is said to suffer acute asthma. **Professional details:** Aye Kyu started to publish poetry in 1962 and was banned from publication in 1988. Also former editor of a banned literary journal. **Previous political imprisonment/problems:** Aye Kyu was previously detained from 1967-1970, and served four months in 1990 for his opposition activities.

Investigation

***Ko Kyaw Thu Moe MYINT:** Poet. Reportedly arrested on 26 March 2007 for writing and distributing a booklet of Valentines Day poems in February 2007. Two of the poems referred to independence hero general Aung San. Ko Kyaw Thu Moe Nyint was first summoned by the Kyaukse township chairman and was reportedly forced to sign a statement saying he would never publish and distribute his own work. He is currently detained at the Sinkhaing detention centre. WIPC seeking an update.

Brief Detention

***May Thagyan HEIN:** Journalist with the economic magazine *Myanmar Dhana*. Reportedly arrested along with two other journalists on 22 February 2007 whilst covering a protest in Rangoon. Around twenty demonstrators were protesting against the high cost of living and inflation when the journalists were arrested by the police. They were all released later in the day.

Released

Thaung TUN (pen-name: Nyein Thit). Editor, reporter and poet. Sentenced to eight years in prison in October 1999, for taking part in the production of unauthorised video documentaries showing forced labour and impoverished conditions in rural areas. On 3 January 2007, Thaung Tun was released as part of a government's amnesty to 3,000 prisoners.

NEPAL

Kidnapped

***Hridayaraj GAUTAM:** Editor of the *Kulamanch Weekly*. Reportedly abducted from his home on 20 June 2007 by unknown individuals in Bara, central Nepal. The motive of the abduction is not clear. WiPC seeking further information.

Brief detention

***Damodar BHANDARI and Rameshwor BOHARA:** Correspondents with the daily *Annapurna* and *Himal* respectively. Reportedly detained by Maoist cadres on 19 April 2007 whilst gathering news in Rolpa, a mid-western district of Nepal. They were freed after a few hours.

***Krishna LAMA:** Correspondent for the *Taja Khabar Weekly*. Reportedly abducted by Maoist cadres on 4 January 2007 and interrogated for several hours about an allegedly critical article.

***Khagendra SANGROULA and Shyam SHRESTA:** Columnist and senior journalist respectively. Reportedly arrested from a peaceful sit-in protest organised by Citizen's Movement for Peace and Democracy (CMPD) on 03 January 2007. Released the same day.

Attacked

***Suresh Chandra ADHIKARY and Dinesh Kumar THAPALIYA:** Chief editor of *Chure Sandesh* and managing editor of *Kayakairan National Daily* respectively. Reportedly attacked by police personnel on 16 June 2007 in Chitwan, central Nepal. Both men were covering the building of a road when police staff allegedly used force to repress some members of the public who were reportedly vandalising property nearby a local hospital.

***Dambar NIDAL:** Reporter of the *Sundur Sandesh Weekly*. Reportedly attacked by a police officer on 18 May 2007 in Dadeldhura, western Nepal. The reason for the attack is not known but it is believed it may be linked to a news story about three prisoners who escaped from the local prison. No one has been held responsible for the attack.

Threatened

***Khem BHANDARI:** Editor of the daily *Abhayan*. Reportedly threatened with death by a Maoist cadre on 26 March 2007 for a news story he wrote alleging that Maoists tried to force compensation from contractors of a local bridge.

***Pabitra Kumar KHADKA:** Correspondent for the national daily *Gorkhapatra*. Reportedly threatened with death on 18 June 2007 by local police officials in Barabise, central Nepal. Khadka was allegedly threatened because he failed to disclose the source of a news report published in the newspaper on 14 June 2007 reporting on allegations of illegal transits over the border with the help of the local police. Khadka received the threats by telephone and was warned that he could be attacked at anytime.

***Purna MISHRA:** Correspondent of *Bimarsha Weekly*. Reportedly threatened with death by a local official on 5 June 2007 in

Sidhupalchowk, central Nepal. It is believed the threats may be linked to an article, which Mishra wrote, implicating the local official in alleged corruption and extortion. Mishra moved out of the city on 6 June 2006, out of fear that he would be attacked. No action has been taken against the alleged perpetrator.

***Santosh NEUPANE:** Editor and publisher of *Narayani Express National Daily*. Reportedly received death threats on 22 April 2007 from Maoists in Mahari Bazaar in Hetauda where his publication is based. He was allegedly threatened after he published news on the Maoists between the 16 and 20 April 2007.

***Bedraj POUDEL:** Correspondent for the *Kantipur*. Reportedly received a telephone death threat on 29 January 2007 from an activist for the Madhesi People's Rights Forum in connection with his reporting on ethnic unrest.

***Tika Ram GAIRE and Hari SHARMA:** Journalists, former president and secretary of FNJ-Nawalparasi respectively. Reportedly threatened by cadres of the Madhesi Janatantrik Forum (MJF) on 4 February 2007 in Nawalparasi, a western district of Nepal, for their reporting. The leaders of the MJF have denied the threats came from their cadres.

PAKISTAN

Killed

***Noor HAKIM:** Reporter for the Urdu-language daily *Pakistan*. Reportedly killed along with four other people in a car bombing in Bajaur, northwestern Tribal Areas, on 2 June 2007. It is thought the bombers targeted the car he was in.

Disappeared

***Abdur Rahim MUSLIM DOST.** Afghan national, poet and magazine editor. Dost spent almost three years in US detention at Guantanamo Bay after being arrested with his younger brother in November 2001 by the Peshawar authorities then handed over to the US in February 2002. He was eventually released without charge on 20 April 2005 and returned to Pakistan. On 29 September 2006 he was again reportedly arrested in Peshawar by officers of the police Crime Investigation Department and an intelligence agency. Dost filed a habeas corpus petition on 5 October 2006 in the Peshawar High Court and the court subsequently requested information on his whereabouts from the federal and provincial authorities. He has reportedly still not been charged with a criminal offence and has not been brought before a magistrate. As of June 2007 his whereabouts remain unknown and he has had no contact with a lawyer or his family. It is thought his arrest may be linked to a book he had written about his experiences as a detainee in Guantanamo Bay.

Saeed SARBAZI. Journalist for the privately owned, English-language *Business Recorder*, Karachi's only business daily. Mr Sarbazi, 65, has not been seen since he left home on the morning of 20 September 2006 in Karachi. It is not known whether his disappearance is related to his work but it has been alleged that Pakistan's intelligence agencies are involved following comments made by Mr Sarbazi's friends that he complained of having been followed by intelligence services two weeks prior his disappearance. WiPC seeking an update.

Kidnapped: investigation

***Din MUHAMMED:** Reporter for Urdu-language *Inkishaf*. Feared to be kidnapped with three other family members following a meeting with local tribal leaders in the town of Wana on 25 March 2007. Din Muhammed was reportedly covering a fresh conflict between local

Waziri tribesmen and Uzbek militants in the region. No further information as of end of June 2007.

Investigation

***Latif KHOSA:** Reporter with the daily *Jang*. Reportedly abducted on 17 June 2007 near Jafferabad, Baluchistan. The reason behind his disappearance is not known but Khosa's family believes that intelligence officials are behind his kidnap. WiPC seeking further information.

Judicial concern

Rehmat Shah AFRIDI

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

Attacked

***Nasrullah AFRIDI:** Journalist with the daily *Mashriq*. Reportedly attacked in his home on 26 May 2007 in Peshawar, after two unidentified men threw two hand grenades on his property. No one was injured in the attack. Afridi was reportedly publicly threatened on 21 May 2007 by a militant Islamic organisation, which had already issued death threats against him in 2006.

***Rana TANVEER:** Reporter with the *Daily Times*. Reportedly attacked by police whilst covering a protest in Lahore on 17 March 2007. His press card was also confiscated. Police reportedly attacked at least six other journalists during the protest.

***Shakeel Ahmad TURABI:** Editor-in-Chief of the *SANA* news agency. Reportedly assaulted and injured by unidentified individuals on 18 May 2007 in the capital Islamabad. Turabi claims that two men stopped his car and forced him out before beating him. The attackers also allegedly shouted abuse at him and warned him against his coverage of a current judicial crisis. Turabi sustained injuries to his face and needed hospital treatment. No one has been held responsible for the attacks.

Death Threats

***Zafar ABBAS, Mazhar ABBAS, Ayas AMIR, Zarar KHAN and Irfin SIDDIQUI:** Reporter for the daily *Dawn*, Bureau chief of *Agence France Presse*, Columnist for *Dawn*, correspondent for *Associated Press* and reporter for the daily *Nawa-e-Waqt* respectively. Reportedly all threatened with death by a political group linked to one of Pakistan's

coalition political parties. They were reportedly placed on a list with eight other journalists labelled as 'chauvinists' and 'enemies' of the Mujahid ethnic group. The list was issued on 22 May 2007. On 29 May 2007, Abbas and Khan found envelopes containing live bullets inside their cars. The provincial government announced that an investigation into the matter would be launched.

Brief Detention

***Iqbal KAZMI:** Journalist. Reportedly abducted by unidentified men on 6 June 2007 and held until 8 June 2007. He was reportedly tortured and interrogated about his links to the leader of the Movement for Justice Party and Member of Parliament Imran Khan and to the intelligence agencies. He claims he was subsequently threatened with death and forced to sign a six-page document agreeing to withdraw a petition that he filed accusing local leaders of having been responsible for riots which cost the lives of at least 41 people in Karachi on 12 May 2007. He was also reportedly told to leave Karachi by 13 June 2007 or he and his family would be killed.

***Sohail QALANDER:** Journalist with the *Daily Express* newspaper. Reportedly kidnapped on 2 January 2007 near the Khyber Agency tribal area. It is not clear who Mr Qalander's abductors were. He reportedly escaped from his abductors on 20 February 2007, and claims to have been tortured during his detention. Thought to have been targeted for his critical writings. No action has been taken to bring the kidnappers to justice.

PHILIPPINES

Killing: Investigation

***Hernani PASTOLERO:** Editor of the weekly *Lightning Courier*. Reportedly shot dead on 19 February 2007 on the island of Mindanao. The motive for the murder is unknown. (RAN 08/07 - 21 February 2007).

Attacked

***Delfin MALLARI Jnr:** Correspondent for the *Philippine Daily Inquirer* and editor-in-chief of *Ang Dyaryo Natin*. Reportedly shot and wounded on 19 April 2007 by two unidentified gunmen in Lucena City, east of Manila. Mallari had reportedly received death threats before the attack. Mallari is known for his investigative reporting on illegal logging, toxic waste, the illegal drug trade, local elections, police corruption and the environment. His newspaper, the *Philippine Daily Inquirer*, also reportedly received death threats after the incident.

Facing Charges

Ninez CACHO-OLIVAREZ (f), Ike SENERES and Herman TIU-LAUREL: Editor-publisher and columnists respectively for the opposition newspaper *Daily Tribune*. Reportedly charged on 3 March 2006 with inciting sedition in articles published in their newspaper. The charge carries the maximum penalty of death or life imprisonment. The police raided the *Daily Tribune's* offices on 25 February 2006, just after President Gloria Macapagal-Arroyo had declared a state of emergency on 24 February 2006 to suppress alleged attempts to overthrow her administration. The President has been heavily criticised by government officials, civil society organisations and the media since July 2005, when she was accused of fraud in the 2004 national elections. The state of emergency was lifted on 3 March 2006. The government stated on 14 February 2007 that their writing 'could lead or stir up the people against lawful authorities'. WiPC is seeking an update.

Maritess Danguilan VITUG, Glenda GLORIA (f), Jose DALISAY, Ricky CARANDANG and Booma CRUZ: Journalists and editors for *Newsbreak* magazine. All were reportedly arrested on the charge that they 'meant and intended to convey false and malicious insinuations' against Jose Miguel Arroyo, the husband of the current Philippines President on 14 December 2006. The journalists are charged with defamation in connection with an article about Arroyo's allegedly undeclared properties in the United States. Arroyo initiated legal proceedings against the journalists on the basis that the article written was defamatory. Each defendant paid a US\$200 bail. No date for a trial has been set, WiPC seeking an update.

Free on bail

***Gemma BAGAYAUA (f):** Online editor of *Newsbreak*. Reportedly arrested on 7 March 2007 in the paper's office in the Manila suburb of Pasig. She is one of five *Newsbreak* journalists who are charged for libel. A local politician filed the lawsuit on 22 June 2005 over the 6 June 2005 issue of *Newsbreak*, which contained stories on him. Bagayaua was released the next morning and all five posted bail on the same day.

Dante FABIAN: Senior reporter for *Sun Star Pampanga*. Reportedly arrested on 19 December 2006 for libel in a case brought by a local politician. Fabian was released on bail and is due to be tried on 25 January 2007. WiPC seeking an update.

***Letty Jimenez MAGSANOC and Isagani YAMBOT:** Editor-in-chief and publisher respectively of the *Philippine Daily Inquirer*. Arrested along with eight other members of the editorial staff on 20 March 2007 in Manila. An arrest warrant was issued against them over a libel charge filed by the husband of President Arroyo after the newspaper published some columns which linked President Arroyo's husband to the alleged smuggling activities of some entrepreneurs. Released on bail the same day. WiPC seeking an update.

Brief Detention

***Jofelle TESORIO (f):** Former correspondent of the *Philippines Daily Inquirer* and reporter for *Asia News Network*. Reportedly arrested and detained for several hours on 21 June 2007 despite posting bail, as a result of a libel suit brought by a former congressman over a series of articles in 2003 about the Camago-Malampaya natural gas project in Palawan, which linked him to alleged corruption. The libel charge stems from an article Tesorio wrote for the magazine *Bandillo ng Palawan* in its issue of 20-26 January 2003. She was released the same day, but the case is thought to be continuing.

Case closed

Amado MACASET, Enrique ROMUALDEZ, Joy de los REYES, Teresa MOLINA (f), Minnie ADVINCULA (f), Ellen TORESILLAS (f), J.P Lopez Regina BENGCO (f) and Francisco TATAD: Journalists for the English-language daily *Malaya*. Reportedly all arrested on 16 October 2006 on the order of Manila Regional Trial Court judges. They were accused of libel, which carries penalties of fines up to US\$120 and imprisonment of up to six years. The husband of President Macapagal-Arroyo, Jose Miguel Arroyo, filed a criminal libel suit after the *Malaya* published an article written by Tatad, a former senator and political opponent of the President, alleging that Jose Miguel Arroyo attempted to rig the 2004 presidential elections in favour of his wife. The newspaper also ran further stories that included some extracts of Tatad's articles. The defendants, who are among 43 journalists being sued by Arroyo, posted bail of US\$200. Arroyo withdrew the criminal suits against the journalists on 3 May 2007.

SOUTH KOREA

Judicial concern

SONG Du-Yol

D.o.b.: 1944. **Profession:** Scholar. Professor of Philosophy at Muenster University, Germany. Has published several academic books. **Date of arrest:** 22 October 2003 **Sentence:** Seven years' imprisonment. **Expires:** 21 October 2010. **Details of arrest:** Reportedly detained under the National Security Law (NSL) for alleged pro-north Korean activities. Asked to report to the National Intelligence Service on arrival at Seoul airport on 22 September 2003 after returning to the Republic of Korea after 37 years living in exile in Germany. The Korea Democracy Foundation had reportedly invited him to South Korea. Subject to extensive interrogation until 22 October 2003, when he was taken into custody. Charged on 19 November 2003 under Articles 3,5, and 8 of the NSL in connection with membership of the North Korean Workers Party. Prosecutors reportedly took a harsh stance towards him because he refused to make a formal pledge of loyalty to the Republic of Korea. He reportedly admits joining the North Korea Worker's Party, but denies being a Politburo member. He gained German citizenship in 1993. **Details of trial:** Reportedly sentenced on 30 April 2004 to 7 years in prison under the National Security Law by Seoul District Court. His academic articles and books allegedly 'praising North Korea' were reportedly raised in court by the prosecution as evidence against him. **Treatment in detention:** Said to have been ill-treated during extensive interrogation sessions at which his lawyer was not allowed to be present.

Attacked

***CHOI Won-Hyung, KIM Tae-Hwan and PARK Young-Heum:** Reporters with the *HanKyuRae Daily News* and reporter with the *KyungHyang* newspaper respectively. Reportedly attacked by police along with seven other journalists on 10 March 2007 whilst covering a banned protest against free-trade talks between South Korea and the United States in Seoul. The next day the Seoul police issued a statement regretting the violence against the press. No action was taken against the officers responsible.

SRI LANKA

Killed: investigation

***Subash CHANDRABOAS:** Editor of local magazine *Nilam* and contributor to other Tamil-language media. Killed on 16 April 2007 in the northern town of Vavuniya, an area close to Tamil-controlled territory in a possible targeted attack.

***Selvarajah RAJEEWARNAM:** Reporter for the Tamil-language daily *Uthayan*. Reportedly shot dead on 29 April 2007 near the newspaper's offices in Jaffna by an unidentified gunman on a motorbike. It is not known whether he was targeted for his work as a journalist.

Investigation

***Subramaniam RAMACHANDRAN:** Correspondent for *Yarl Thinakkural* and *Valampuri*. Reportedly went missing on the evening of 15 February 2007. He was last seen leaving a private tutorial session at a school in Arasadi, Jaffna peninsula at 6.30 pm. A curfew was imposed from 6.00 pm to 6.00 am in the area where he was last seen. His whereabouts are unknown but it is feared that he may have been kidnapped by pro-government militia after receiving several death threats. No further information as of end June.

***Nihal SERASINGHE, Lalith SENEVIRATNE and Sisira PRIYANKARA:** Reporters for the trade union monthly *Akuna (Thunder)*. All three were reportedly arrested on 5 February 2007. They are facing charges of planning terrorist acts and are also accused of 'collusion with the Tamil Tigers'. They are being held by the Criminal Investigation Department while an investigation into the alleged crimes is conducted. It is feared that confessions may have been extracted under pressure. WiPC seeking an update.

Brief Detention

***Dushantha BASNAYAKE:** Financial director of *Standard Newspapers Private Limited* which publishes the Sinhalese-language weekly *Mawbima*. Reportedly questioned for four hours at his office on 26 February 2007 before being arrested under the Prevention of Terrorism Act (PTA), which allows for detention without charge for up to three months. Thought to be held in connection with recent articles published in *Mawbima* about human rights violations in Sri Lanka (see also Parameswaree Maunasami below). Released on bail on 8 May 2007. His health is said to have deteriorated during his detention and he was admitted to hospital following his release.

Parameswaree MAUNASAMI (f): Freelance journalist and occasional contributor to the Sinhala-language weekly *Mawbima*. Reportedly arrested at her home south of Colombo on 24 November 2006 with another Tamil woman. She was held under anti-terrorist legislation that allows for prolonged detention without charge. She appeared in court on 23 January 2007 and the Terrorists Investigation Division (TID) was granted a 90-day extension to her detention order. No reason was given for her arrest but it is thought it may be linked to her work for the paper covering the separatist conflict. She was released on 22 March 2007 without charge.

Death Threats

***Sunanda DESHAPRIYA, Victor IVAN, Bandula PADMAKUMARA and Lasantha WIKRAMATUNGA:** Free Media Movement (FMM) convener, editor for the *Ravaya* newspaper, journalist and editor respectively. Reportedly received death threats through a website on 17 January 2007, accusing them of being traitors'. No investigation has been launched.

***Sadaruwan SENADHEERA:** Editor of the on-line news service Lanka Enews. Has reportedly been receiving threatening phone calls and emails since January 2007. The most recent threat came after the publication of an article critical of the government in June 2007. He has filed a police complaint.

Attacked

***Ganasasiri KOTTHIGODA and Ajith SENAVIRATHNA:** Journalists with *Haraya* newspaper and *Lanka E-News* respectively. Reportedly attacked by an armed mob on 9 January 2007 whilst covering a public event in a suburb of Colombo.

Threatened

***Pathma KUMARI (f):** Correspondent for the newspaper *Lankadeepa*. The police confirmed that an unidentified group of men visited her work place on 29 March 2007 to inquire about her. Kumari made a formal complaint to the police. She recently covered drug smuggling and official corruption.

***Champika LIYANARACHCHI (f):** Editor of the *Daily Mirror*. Reportedly threatened over the phone by a member of the government on

17 April 2007. The incident reportedly stemmed from the newspaper's coverage of the conflict in the country.

***M.A.M NILAM:** Senior reporter with the daily *Thinakkural*. Reportedly threatened on 9 January 2007 by an unidentified caller who warned him to stop writing about allegations of corruption of a top government official.

***Ranjith RAJAPAKSHE:** Journalist. Reportedly threatened and arrested by police officers on 16 May 2007. He was released the same day. He had previously received death threats for his investigative work on corruption.

***Sonali SAMARASINGHE (f):** Editor of the *Morning Leader*. Reportedly questioned for several hours in relation to a series of investigative articles published in 2006 in other newspapers. The authorities asked Samarasinghe to reveal her sources for the articles, which allege financial corruption, and after refusing to do so, she was threatened with further action.

TONGA

Facing charges:

***Tavake FUSIMALOHI and Falisi TUPOU:** Editor and senior journalist respectively of *Kele'a* newspaper. Fusimalohi was charged with sedition and defamation following his arrest on 22 March 2007. He was released because of ill health and appeared in court on 26 March 2007. Tupou was arrested on 5 April 2007 on sedition charges. WiPC seeking further info.

VIETNAM

Main cases

LE Dinh Nhan (religious name: Thich HUYEN Quang)

D.o.b.: 1917 **Profession:** Patriarch of the Institute For The Propagation Of The Dharma, Unified Buddhist Church of Vietnam (UBCV), An Quang Pagoda (Saigon). **Date of arrest:** 29 December 1994. **Details of arrest:** Arrested for publishing an open letter criticising government policy on freedom of speech and religious expression. **Place of detention:** Held under "temple arrest" until around mid-1995 when moved to an isolated area in Quang Ngai. Moved again in 2003 to Nguyen Thieu Monastery, Binh Dinh Province. He is said to be held incommunicado with security police permanently stationed outside the monastery gates.

Professional details: Author of renowned books on Buddhism and Oriental philosophy for the last thirty years. Said to be one of the most respected religious leaders of the Vietnamese Buddhists and people.

Health concerns: Sources indicate that his life has been in great danger due to poor health and lack of medical treatment. Reportedly hospitalised in September 2006 and transferred to a private clinic in Ho Chi Minh City to receive treatment for heart disease and a lung infection. **Previous political imprisonment/problems:** Had been detained under house arrest since 1982 for alleged "anti-government activities". Thought to relate to his public appeals for religious freedom and official recognition of the UBCV. **Other information:** Adopted by the UN Working Group on Arbitrary Detention in May 2005. Awarded the Homo Homini Award by People in Need-Czech TV Foundation on 9 April 2003. **Honorary Member of:** English, French, Danish, and Sydney PEN.

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

Profession: Lawyer and cyber dissident, and journalist respectively. **Date of arrest:** 6 March 2007. **Sentence:** 4 years and five years in prison

respectively. **Expires:** March 2011 and March 2012 respectively. **Details of arrest:** Nguyen Van Dai and Le Thi Cong Nhan (f) were arrested at their homes on the morning of the 6 March 2007. They were accused of 'hostile propaganda against the Socialist Republic of Vietnam' for their dissident activities with the pro-democracy movement "Bloc 8406", including the recent signing of a petition under their real names. **Details of trial:** Le Thi Cong Nhan and Nguyen Van Dai were sentenced to four years and five years in prison respectively by the Hanoi People's Court on 11 May 2007. **Place of detention:** Hoa Lo Moi detention camp, in Tu Liem district, 13 km from Hanoi. **Background to arrest and previous political problems:** Nguyen Van Dai is one of the leaders of the democracy movement "Bloc 8406" and regularly posts pro-democracy essays on foreign websites. He started a web-log on the Reporters Sans Frontiers web-log platform shortly before his arrest (<http://nguyenvandai.rsfblog.org>). He and fellow lawyer Le Thi Cong Nhan (f) have been under heavy surveillance for some time for their dissident activities, and were briefly detained on 3 February 2007 and held for 48 hours. Nguyen Van Dai was reportedly subjected to criticism by a 'popular court' on 8 February 2007, in which 200 residents from a district of Hanoi were mobilised by the authorities to insult and denounce him for being a 'traitor'. **Other information:** Both were reportedly immediately struck off the Hanoi bar list following their arrests. (RAN 12/07, Update #1 – 7 March 2007, Update #2- 15 May 2007).

*NGUYEN Van Ly:

D.o.b: 1946. **Profession:** Priest, scholar, essayist and co-editor of the underground online magazine *Tu do Ngôn luận (Free Speech)*. **Date of arrest:** 19 February 2007. **Sentence:** eight years in prison and five years of probationary detention. **Expires:** February 2015. **Details of arrest:** Reportedly arrested on 19 February 2007 during an "administrative check" at the archdiocesan building where he lives in the city of Hue. Two other editors of *Tu do Ngôn luận*, Father Chan Tin and Father Phan Van Loi, were reportedly also placed under house arrest. **Details of trial:** On 30 March 2007 a People's Court in Hue (Central Vietnam) sentenced Father Nguyen Van Ly to eight years in prison and five years of probationary detention for 'conducting propaganda against the Socialist Republic of Vietnam' (Article 88). A video footage of his sentencing is available on the Internet: <http://www.youtube.com/watch?v=bUSJeAakoXI>. **Place of detention:** Ben Cui parish building in Phong Xuan. **Previous political imprisonment/problems:** Ly is a leading member of the pro-democracy movement "Bloc 8406". He was previously detained from 1977-1978, and again from 1983-1992 for his activism in support of freedom of expression and religion. He was sentenced again in October 2001 to 15 years in prison for his online publication of an essay on human rights violations in Vietnam, and was a main case of International PEN. The sentence was commuted several times and he was released under amnesty in February 2005. **Honorary member of:** Sydney PEN. (RAN 12/07 - 28 February 2007; update #1 - 7 March 2007; updates #2 – 3 April 2007).

*TRAN Khai Thanh Thuy (aka Tran Thi Thuy Trang) (f)

Profession: Award-winning writer and journalist. **Date of arrest:** 21 April 2007. **Details of arrest:** Tran Khai Thanh Thuy was arrested at her home in Hanoi on 21 April 2007, where she had reportedly been held under strict house arrest since November 2006. She is believed to be charged with violating Article 88 of the Criminal Code for the dissemination of information deemed by the authorities to be harmful to the state. The charges reportedly follow the publication on the Internet of a

number of essays by Thuy calling for democracy. She is also reported to be accused of membership of the underground pro-democracy group Bloc 8406, of supporting a dissident human rights organisation, and of illegally organising a trade union. The charges carry a maximum sentence of twelve years in prison. **Professional details:** Tran Khai Thanh Thuy is an established novelist, poet, essayist and editor of the underground dissident magazine *To Quoc (Fatherland)*. **Previous political problems:** She has been under heavy surveillance and harassment since September 2006 for her critical writings published online. She has been repeatedly denounced and humiliated in public meetings organized by the authorities, including a "People's Court" in October 2006, where police gathered 300 people in a public stadium to insult her. Mobs have entered her home calling her a traitor and a prostitute and threatening to beat her, and she was denied police protection. In September and October 2006, she was continuously interrogated and detained by authorities, and in November she was dismissed from her job. She was held under strict house arrest during the November 2006 APEC meetings. **Other information:** She is one of this year's Hellman Hammet Awards Winners (http://hrw.org/english/docs/2007/02/06/vietna15277_txt.htm). **Health concerns:** Tran Khai Thanh Thuy suffers from diabetes and advanced tuberculosis, for which she has been receiving hospital treatment, and there are grave concerns that she is not receiving the medical care she urgently requires in detention. (RAN 24/07 – 30 April 2007).

*TRAN Quoc Hien

D.o.b: 1965. **Profession:** Internet writer and human rights lawyer. **Date of arrest:** 12 January 2007. **Sentence:** five years in prison, followed by two years probationary detention. **Expires:** January 2012. **Details of arrest:** Reportedly arrested on 12 January 2007, the day after being nominated as the spokesperson for the Workers-Farmers Organisation (UWFO), an organisation which represents workers and farmers' rights and which is not recognised by the government. He was charged with 'spreading anti-government propaganda' on the Internet and 'endangering state security'. **Details of trial:** He was found guilty of both charges by a court in Ho Chi Minh City on 15 May 2007, following a trial that reportedly only lasted four hours. **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).

Psychiatric Detention

BUI Kim Thanh (f): Lawyer and cyber dissident. Reportedly taken by police to a psychiatric hospital on 2 November 2006, but following a medical examination the doctors concluded that she did not suffer any mental illness. On the 4 November, the police allegedly took her again to a psychiatric hospital, Bien Hoa, north of Saigon where she is since been forcibly detained. There are serious concerns for her well-being. [Reportedly released on 16 July 2007.]

Under house arrest

DANG Phuc Tue (religious name: Thich Quang Do)

D.o.b.: 1928 **Profession:** Buddhist monk, writer, scholar. Secretary General of the outlawed Institute for the Propagation of the Dharma, United Buddhist Church of Vietnam (UBCV). **Date of arrest:** 9 October

2003 **Details of arrest:** Part of a delegation of nine UBCV leaders who were all arrested on 9 October 2003 (see Thich Huyen Quang above). The delegation had left Binh Dinh at 5.00 a.m. on 8 October 2003 en route for Ho Chi Minh City (Saigon) when security services blocked their departure. After a protest in which over two hundred monks formed a human shield around their vehicle, the delegation was allowed to continue its journey, only to meet another police barricade on the following day, when all nine UBCV leaders were arrested and taken away for interrogation. Thich Quang Do and Thich Huyen Quang were placed under house arrest under which they remain as of June 2007. Thich Quang Do was briefly detained on 16 February 2006 whilst attempting to visit UBCV Patriarch Thich Huyen Quang. **Place of detention:** Thanh Minh Zen Monastery in Ho Chi Minh City. **Previous political imprisonment/problems:** On 27 June 2003 he was released from a twenty-seven month detention order. Has spent most of the last twenty years in detention or under residential surveillance because of his campaign for religious freedom and free expression. **Other information:** The UN Working Group on Arbitrary Detention declared his imprisonment as 'arbitrary' in May 2005.

Investigation

DO Nam Hai: Essayist. Reportedly arrested on 15 October 2006 and charged with 'espionage' and 'anti-Socialist propaganda' for drafting the Manifesto of the Alliance for Democracy and Human Rights in Vietnam. WiPC seeking an update.

Released

NGUYEN Vu Binh: Writer and leading member of the Democracy Club for Vietnam. Arrested on 25 September 2002 and sentenced to seven years' imprisonment, to be followed by three years' house arrest, on charges of espionage on 31 December 2003 for having "written and exchanged, with various opportunist elements in the country, information and materials that distorted the party and state policies." Released under amnesty on 10 June 2007, although he will still have to serve three years of house arrest.

VO Lam Te (pen-names: VU Dinh Thuy and Huong Duong): Dissident poet and human rights activist. Arrested in 1979 for his membership of the group Restoration of Human Rights in Vietnam. He was sentenced to twenty years in prison, increased to life imprisonment for a collection of poems written in prison entitled "In front of the Palace of Justice", which he attempted to smuggle outside the camp. Released at the end of April 2007.

EUROPE and Central Asia

ARMENIA

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 on Human Rights. **Background:** Bodjolyan is a freelance journalist for the Turkish NTV television network. Until 1998 worked in the Armenian foreign ministry and acted as interpreter for former president Ter-Petrosian. Suggestions that the conviction may be linked to February 2003 presidential elections and is aimed at undermining Ter-Petrosian who is standing for re-election. Married with children. In December 2006, PEN learned that Bodjolyan's case has been taken to the European Court on Human Rights. PEN is seeking an update.

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

AZERBAIJAN

Killed: Investigation underway

Elmar HUSEYNOV: editor and founder of the opposition weekly *Monitor*. Killed in the entrance of his apartment building in Baku on 2 March 2005. Huseynov was shot seven times while walking up the stairwell to his apartment and died at the scene. He had previously complained of multiple threats and was reportedly very concerned for his personal safety. Evidence strongly suggests that the killing was carefully planned; a light in the entrance was damaged and several telephones in the local area were disconnected at the time of the shooting. Under

Huseynov's editorial control *Monitor* had been consistently critical of the government and the president Ilham Aliyev. The weekly was forced to pay damages in several defamation lawsuits filed by public officials and was closed twice in five years. **Details of Investigation: An investigation was opened first by** the prosecutor general's office, which usually handles murder cases, then transferred to the Ministry of National Security (MNB) where the crime was reclassified from 'premeditated murder' to 'an act of terrorism'. In July 2005 the authorities arrested and imprisoned for two years Turgai Bayramov on charges of allegedly falsifying documents to buy mobile phones for two persons suspected of the murder. On 27 July 2006, in a surprise announcement, Haji Mammadov, a former Ministry of the Interior officer who was on trial on unrelated charges including murder and kidnap, claimed to have taken part in the killing of Huseynov. He claims that the killing had been carried out on order of Arkhad Aliyev, former minister of economics, imprisoned awaiting trial for alleged involvement in a coup attempt in 2005. Aliyev has since denied involvement in Huseynov's death. He said that agents from the Ministry of National Security had threatened to charge him with the murder if he did not admit to the coup attempt, an accusation that Aliyev said was "absurd". Mammadov's claim has been greeted with wide scepticism. In November 2006, four journalists claim to have met with an individual who says he was involved in the murder. He is said to be one of four people on the Azerbaijan wanted list since 2005. The journalists questioned why it had been relatively easy for them to locate the suspect while police could not. The Azeri authorities counter that this is a case of mistaken identity. On 7 November 2006, President Aliyev, responding to questions before a press conference at a meeting with the EU in Brussels, said that the murder had been a "hard blow" for Azerbaijan. He added that the identities of the killers were known, that they were no longer in the country and that they are now on the Interpol wanted list. Commentators say that these comments suggest that Aliyev does not support the suggestion that Mammadov is linked to the death.

Main Cases/Death Threats

Samir SADAGATOGLU, Rafiq TAGI (Taghizad): editor for *Sanat* and writer respectively. Tagi is also a cardiologist whose writings often conflict with those of general public opinion, and he has in the past written biting articles against Azerbaijan's leading poet, Samed Vurgun, the chairman of the Azerbaijan Writers Union and others. **Arrest and imprisonment:** On 15 November 2006, the two men were charged by the Nasimi District Court in the Azeri capital Baku under Article 283 of the Criminal Code with inciting national, racial and religious enmity and ordered that they be detained in pre-trial detention. Accusation linked to a 1 November article in *Sanat* entitled "Europe and Us" which suggested that Islam had hindered progress in the development of Muslim states such as Azerbaijan. On 15 November, the Nasimi District Court in the Azerbaijan capital, Baku, charged the two men under Article 283 of the Criminal Code with inciting national, racial and religious enmity and ordered to continue to be held. **Conviction:** On 4 May 2007, Samir Sadagatoglu was sentenced by the Sabail District Court in Baku to four years in prison and Rafik Tagi to three years. They are appealing against the sentences. **Death threats:** This legal action did little to appease those who objected to the article and on 17 November 2006, conservative Muslims based in Nadaran, a town situated north of the capital Baku, held protests during which death threats were made against Sadagatoglu, Tagi and their families. The protests spread not only to other areas of Azerbaijan, but also into neighbouring Iran, where protestors gathered outside the Azerbaijan embassy in Teheran. By late November, the situa-

tion for the journalists deteriorated further when the Grand Ayatollah Fazel Lankarani, based in Iran, issued a fatwa (religious decree) ordering that the two men be executed. Another Iranian cleric based in the Tebriz area of Iran where there is a significant Azeri population, also reportedly offered his house as a reward for the death of the two men. There have been counter protests by Muslim groups in Azerbaijan stating Sadagatoglu and Tagi have the right to express their views and voicing concern about what they consider to be undue influence of the more conservative members of the religious community over the country's affairs. **Government response to threats:** The Azerbaijan Prosecutor General's office has made clear its opposition to the death threats in a press statement which said "We live in a constitutional state and all issues should be solved by law" adding that the death threats are "unacceptable", and that police protection was being provided to the two men's families.

Main Cases

Eynulla FATULLAYEV: editor of *Gündelike Azerbaijan* and the Russian language *Realny Azerbaijan*. **(Case 1)** Convicted c. 20 April 2007 to 30 months in prison on charges of libel and insult to Azerbaijanis in an article that Fatullayev says he did not write and had been manufactured as a way of silencing him. He was sentenced under Article 147.2 of the Azeri Penal Code by the Yasamal District court. **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)** On 22 May 2007 it was reported that additional charges had been levied against Fatullayev under Article 214 of the Penal Code for promoting terrorism, specifically for supporting the Armenian Special Forces active in Nagorno-Karabakh. No details of the accusation were given. If convicted, he could be sentenced to up to 12 years in prison. **Background:** Fatullayev's reporting on the dispute has led him to come under attack by Azerbaijani nationalists in early 2005. **Attacks/Threats:** When Fatullayev issued articles on the Internet denying he had made the statement, his offices were picketed by protestors, acts that he claims were orchestrated by the police. In early March 2007, Fatullayev had reported that he had received a telephone death threat by an anonymous person who called his elderly mother. This followed an article published by Fatullayev a few days earlier in which he accused the authorities of obstructing investigation into the murder of journalist Elmar Huseynov (see above). His articles suggest that the murder was carried out by high ranking officials in Baku who had hired five Georgians to carry out the killing. Fatullev claims that no arrest warrant was sent to the Georgian authorities for the chief suspect, nor did the Azeri police alert Interpol about them. **Prison conditions:** it was reported in May 2007 that Fatullayev has been denied reading or writing materials in prison. On 30 May 2007 he was transferred to the national security ministry's detention centre. **Previous arrest:** Fatullayev had previously been served a two-year suspended sentence in September 2006 for defamation and insult against the interior minister, Ramil Usubov. He accused the minister of having links with Haji Mamedov, a former official on trial for his alleged involvement in the murder of journalist Elmar Huseynov. **Other:** On 20 May 2007, Fatullayev's home and newspaper offices were searched by police who seized all 21 of the papers' computers, and took other documents. The buildings were sealed. *Gündelike Azerbaijan* editor Uzeyov

Jafarov – see below – has stated that the newspaper will continue to publish despite.

***Rovshan KABIRLI, Yashar AGAZADE:** editor and reporter for the opposition daily *Mukhalifat*. Each sentenced to two and a half years in prison on 16 May 2007 by the Yasamal District Court in Baku. Charged with defamation for an article published 24 February 2007 on the business activities of Jalal Liyev, an uncle of Azeri President Ilham Aliyev. The article accused Liyev of corruption and mishandling agri-business. Liyev issued the complaint on grounds that the article was “insulting to his dignity”. The journalists’ supporters believe that the charges are politically motivated.

***Faramaz NOVRUZOGLU, Sardar ALIBEILI:** journalist and editor in chief respectively of the weekly independent *Nota Bene*. Novruzoglu was sentenced to two years in prison, and Alibeili to 18 months “corrective labour” on charges of defamation under Articles 147 and 148 of the criminal code by the Narimanovsky Court in Baku on 30 January 2007, according to a CPJ report. The convictions follow a complaint by the Minister of the Interior, Ramil Usubov following articles published in December that criticised him and other government officials, accusing them of corruption. Usubov has apparently levied six similar complaints against other independent journalists. CPJ reports that Azeri groups claim that the Interior Ministry is attempting to stifle commentary on a former ministry official’s trial on charges of kidnap and murder. **Navruzoglu:** was imprisoned in Baku on conclusion of the trial. His sentence expires 29 January 2009. **Alibeili:** will be assigned a job by the state and will be required to give a percentage of his salary to the state. An appeal court upheld the sentences on 13 April 2007. As the trial was held earlier than expected the defence lawyers were not present. PEN is seeking further details.

Investigation

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

Sakit Mirza ZAKHIDOV: journalist and satirist for the newspaper *Azadlyg*, as well as a poet. Sentenced on 4 October 2006 to three years in prison on drugs charges that are widely considered to be trumped up. Zakhidov was arrested on 24 June 2006. The police claim Zakhidov was found in possession of 10 grams of heroin but Zakhidov’s brother, Ganimat Zakhidov, the editor of *Azadlyg* argues that it was planted on him. **Trial details:** heard before the Nasimi District Court in Baku. A request that Zakhidov be freed pending trial was turned down. On 24 August, two months after Zakhidov’s arrest, prosecution materials were finally provided to the lawyers who reportedly claim that there is no evidence of drug dealing and that evidence had been forged. His trial opened on 29 August. On 26 September the Public Prosecutor told the court that there was no evidence that Zakhidov was selling drugs and asked that the charges be changed from drug dealing to drug use (Article 234.1). He was convicted to the maximum sentence of three years under this charge on 4 October 2006. **Appeal:** Sentence believed to have been upheld in early May 2007. **Dissident Writings:** Sakit Zakhidov writes satirical columns in which he regularly criticizes the government. Zakhidov is also known for his satirical poems that are said to be laced with obscenities, following a traditional format from the region of

Azerbaijan where Zakhidov was born. One of his poems “What if we didn’t have him?” focussed on the personality cult that surrounded the late Azeri president Heidar Aliyev and contained comment that some analysts see as slanderous. **Place of Detention:** Transferred from Bailovsk Prison, Baku to Penitentiary No 14 in Gobustan District where conditions are reportedly harsh. In early January 2007 it was reported that Zakhidov had been subject to a 15 day “quarantine” during which he was required to labour in an open air quarry in cold, snowy conditions, despite his poor health. His wife claims that she was only allowed to visit Zakhidov after paying a bribe. **Health concerns:** According to his lawyer, Zakhidov has been suffering from heart disease for 19 years and needs regular medical care. He staged a hunger strike against his sentence in July 2006, and again in November 2006. In late March 2007, his wife reported following a prison visit that his health had deteriorated further.

On Trial

Shakhin AGABEYLI: editor of the opposition newspaper *Milli Yol*. Arrested in Baku on 9 August 2006 after ignoring repeated summonses to appear before the Nasimi district court to face three charges of defamation. Hearings were held the following day, 10 August. He was charged on four counts 1) resisting arrest – for which he received a caution 2) writing an article that suggested corruption within the Khatai district council – for which he was ordered to pay the council 600 in damages. 3) insulting a former parliamentary spokesman in an article accusing him of rigging local parliament election results and bribing voters in a district where Agabeyli was also running. The article had been published nine months earlier and it is reported that Agabeyli was not editor of the newspaper at the time, nor had he written the offending article. He was sentenced to six months in prison for “blackmail” and a further six months for “insult”. 4) Charges were levied against Agabeyli by Minister of Interior Ramil Usubov for having suggested that the minister had connections with Haji Mammadov, a former ministry of internal affairs official who is on trial for kidnap and murder (see Huseynov above and Fatullayev below.). The court ordered that a trial be opened into these charges on 14 August 2006 for having “insulted the dignity and the honour” Minister Usubov. He was subsequently sentenced to one year in prison. Amnesty International warned that Agabeyli was in danger of being subjected to torture while in detention. He has appealed the sentence. PEN is seeking an update.

Fikret FARAMAZOGLU: editor in chief of *24 Saat*. Charged with defamation by the Interior Minister Ramil Usubov. Trial opened on 18 August 2006. Relates to two articles by Faramazoglu published in July entitled “The Minister Needs 10,000 Manat” and “Ramil Usubov’s Lawsuit”. The article accuses Usubov of having knowledge of and not reporting crimes committed by one of his staff. Member of Parliament Dzhavid Gurbanov is reportedly also planning to issue a suit against Faramazoglu for articles suggesting that he had inappropriate relations with former Health Minister Ali Insanov arrested in October 2005 for allegedly plotting a coup. He was sentenced on 25 August 2006 to one year in prison, suspended. He plans to appeal. PEN is seeking an update.

Brief Detention

***Bakhtiyar HAJIYEV:** editor of the internet site www.susmayaq.biz. Sentenced to 12 days imprisonment on 14 January 2007 under article 301.1 of the Code for Administrative Offences (resisting police). His supporters claim that it could have been in retaliation for an article criticising price increases for fuel and municipal services. The site had been

forcibly closed some days earlier. Hajiyev is apparently known for his critical articles. He was freed on 15 January 2007.

Attacked

***Uzeyir JAFAROV**: editor for the daily *Gündalik* based in the capital, Baku. CPJ reports that he was beaten by unidentified men outside his office on 20 April 2007. He had earlier that day testified in defence of editor Eynulla Fatullayev (see above). Jafarov claims that he recognised one of his attackers as having attended Fatullayev's trial. In mid May 2007, Jafarov issued a complaint to the police claiming that the investigation was being deliberately strung out. Also that individuals had attempted to buy copies of CCTV footage of his beating which had been filmed by cameras installed in a nearby bank. It is understood that he is among a number of journalists seeking political asylum.

BELARUS

Investigation

***Andrei KILMAU**: writer and activist. Reported by Reporters sans Frontieres to have been arrested on 3 April 2007 for "inciting the regime's overthrow" in an article posted on the internet. Charged under Article 361 of the Criminal Code and faces five years in prison. RSF reports that Kilmau has spent spells in prison in the past, most recently 18 months in 2005-2006. RSF refers to some comments made by Kilmau as "extreme". PEN is seeking further details of Kilmau as a writer and about the article in question. PEN is seeking an update.

Brief Detention

***Igor BANTSYR**: journalist for the Polish language *Magazyn Polski na Uchodzistwie*. Administratively sentenced on 18 March 2007 to 10 days in prison on charges of "uncensored swearing" in public. He was arrested in the centre of the capital Minsk by two policemen who claim to have overheard him swearing. Bantsyr denies the accusation and the editor of his magazine, Andrei Pochobut, informed CPJ that he believed that the arrest was to prevent Bantsyr from reporting on an incident he had witnessed the previous evening where police had allegedly ill treated pedestrians.

Case closed

Samir ADYGOZALOV: Editor-in-chief of *Boyuk Millat*. Reportedly sentenced to one year in prison on charges of criminal libel and insult at Nizami District Court on 23 February 2006 in connection with an article of 15 September 2005 entitled "Rector-Armenian" which accused the parliamentarian and rector of Baku State University, Abel Magarramov, of being an ethnic Armenian and improperly using university funds to support the Armenian diaspora. PEN considered Adygozalov's prison sentence to be an extreme and disproportionate punishment which contravenes the right to freedom of expression. Believed free by expiry of his sentence.

CYPRUS, NORTH

On Trial

***Dogan HARMAN**: editor in chief of *Kibrisli* newspaper on trial in January 2007 on charges of criminal defamation of a local businessman for which he could receive a sentence and heavy fine. The charges follow a series of articles investigating the activities of a businessman whom Harman claims carried out activities that resulted in financial losses for

local companies and public institutions. Harman criticised the attorney general for apparent lack of action in this case and called for an investigation. The attorney general subsequently filed a case of defamation under Criminal Code Cap. 154. PEN is seeking an update.

GEORGIA

Investigation

Zaza DAVITAYA: publisher and editor of *Aisa*. Reported that he is among a number of supporters of the former state security minister Igor Geogadze in Tbilisi on 2 September 2006 and now detained on charges of high treason and attempted coup. Some in Georgia believe that Davitaya is in fact held for his publications. PEN is seeking an update.

Attack

***Ilya CHACHIBAYA**: editor of *Giya Boklomi* newspaper in Zugdidi, west Georgia. Claims that on 17 January 2007 he was abducted and beaten up by unknowns to "teach him a lesson" against writing further articles on the activities of local officials. He said he was held for several hours.

Georgia/Abkhazia

Attack

***Nugzar SALAKAYA**: editor of the newspaper *Gali*. Reportedly attacked by unknown persons c. 15 May 2007 and taken into intensive care in Sukhumi hospital. Thought that the attack may be linked to an article in which he called three Georgian students held in Abkhazia hostages and accused Russia of threatening the region.

HUNGARY

Attacked

***Iren KARMAN (f)**: journalist, documentary film maker and author of a book *Facing the Mafia* alleging corruption in the oil industry. Reportedly set upon and beaten by unknown men on 22 June 2007 in the Budapest outskirts. She is said to have been forced into a car, tied up and beaten, suffering injuries requiring extensive hospital treatment. It is thought that the attack may be linked to her book that reports on allegations that government subsidized oil was being tampered with to enable it to be sold on the private market at higher prices. A documentary based on the book was about to be released. Karman claims to have been subject to death threats for some time warning her against her investigations.

KAZAKHSTAN

Disappearance

***Oralgaisa ZHABAKTAIKYZY (Omarshanova) (f)**: age 39, reporter for *Zakon I Pravosudia (Law and Justice)* of which she headed the anti-corruption unit. Last seen 30 March 2007. Had received threats following a 26 March report of her article "Bloody chaos, or who backs the brothers Makhonovsty" in which she analyses the events that led to a bloody dispute between members of the Chechen and Kazakh residents in the Kaztkom and Malovodhoye villages in southern Kazakhstan in mid-March and which claimed 5 lives. In the article she named those who initiated the conflict, linking them with leading government and business figures. Others say that she has been receiving threats some time before following a February 2007 article on dangerous working condi-

tions in mines in Zhezkazgan, central Kazakhstan. A police investigation has been initiated. Omarshanova works under the pen-name Zhabatkaikyzy. PEN is seeking an update.

Suspended Sentence

***Kaziz TOGUZBAYEV**: journalist. Charged on 28 August 2006 with “insulting the honour and dignity of President Nursultan Nazarbayev” under article 318 of the Criminal Code. The charges relate to an article published on the internet site www.kub.kz on 2 April 2006 entitled “Roman Catholic Pope and Astana Pope – Feel the difference”. He was previously similarly charged with “insult” to the President in June 2006 for an article entitled “Mafia Regime Shadows the Murders of Altunbek Sarsenbayev”. On 26 October 2006, the Almaty prosecutor’s office ordered that Toguzbayev give a written undertaking not to leave the city pending the trial, and to desist from writing further “criminal articles”. Trial opened on 23 November 2006 before the Bostandyk District Court in Almaty. On 22 January 2007, the Bostandyk District Court in the capital Almaty, sentenced Toguzbayev to a two year suspended prison term. If he were to repeat the offence, he could be required to serve the sentence. He plans to appeal and meanwhile continues to practice as a journalist.

KYRGYZSTAN

Death Threats

***Erkin KOZHODELDIYEV**: reported in April 2007 that he had been receiving death threats since February after publishing articles critical of the local authorities.

Facing Charges

***Abdumalik SHARIPOV**: journalist. Charged alongside two members of the local human rights organisation Justice, Valentina Tritsenko and Mahamadzhana Abdushaparova, and Nargiza Turdiyeva a private citizen. Accused under Article 127 and 128 of the Criminal Code for an article published in January 2006. The article is entitled “Women are being beaten, even those who are pregnant”. This was published in *Pravo dlya vshe*. This follows a complaint by a senior investigator of the interior department, Zhalabat region, who had been referred to in the article which reported on a statement made in January 2006 by Turdiyeva to the human rights organisation in which she claimed to have been beaten by the investigator who knew that she was pregnant at that time, and that specific threats had been made against her. The hearings opened in June 2006 but were postponed for health reasons. It is due to restart on 22 May 2007.

Case closed

Bermet BUKASHEVA: editor-in-chief of the newspaper *Litsa*.
Aleksandr KULINSKII: editor-in-chief of the newspaper *Komsomoslyska Pravda v Kyrgyzstane*. Reportedly issued with formal warnings and threatened with legal action for allegedly ‘slandering’ President Kurmanbek Bakiyev in a December 2005 article. No further news. Case closed.

MONGOLIA

On trial

***B. TSOGNEMEKH**: reporter for *Zuuni Medee* newspaper. Reported in May 2007 to have been charged under Article 110.1 of the Mongolian Criminal Code of insult carrying a maximum 3-month sentence, and

Article 111.2 of libel with a maximum 6-month sentence. Relates to articles published in September 2006 and February and March 2007 in which Tsognemekh writes about allegations of corruption against a member of parliament. The article refers to the MP as being “shameless”, a phrased deemed to be insult. PEN is seeking further information.

RUSSIA

Killed: judicial investigation under way

Anna Politkovskaya (f): leading journalist and author. Shot dead in the elevator in her apartment on 7 October 2006. A journalist who covered the war in Chechnya, Politkovskaya had been receiving threats since 1999 after she wrote articles claiming that the Russian armed forces had committed human rights abuses in Chechnya. Despite these threats she continued to write and in 2003 published *A Dirty War: A Russian Reporter in Chechnya*. She was also a co-contributor to *A Small Corner of Hell: Dispatches from Chechnya*, published in 2003. Her most recent book, published in 2006, was *Putin’s War: Life in A Failing Democracy*. In 2002 Politkovskaya was one of the few outsiders allowed into the Moscow theatre in an attempt to negotiate with Chechen rebels the release of hundreds of hostages. In 2004, she fell seriously ill as she attempted to fly to Beslan to cover the hostage crisis there, leading to speculation that she had been deliberately poisoned to stop her from reporting on the crisis. Politkovskaya was the winner of numerous international awards for her courage, including the 2004 Olaf Palme Award that was set up by the family of the murdered Swedish prime minister. The prize was given to Politkovskaya to honour her work for the “long battle for human rights in Russia”. **Investigation into murder**: A murder investigation is now under way. Many in Russia and outside believe that it is linked to her coverage of human rights issues and the war in Chechnya. Others believe it could also be because of her investigations into criminal corruption. Reports in January 2007 are that police officials in Chechnya who were criticised for human rights abuses in a report that Politkovskaya was planning to publish are under investigation. **Official comment**: at his annual press conference on 1 February 2007, President Putin for the first time acknowledged that the murders of journalists, notably Anna Politkovskaya and Paul Klebnikov (below) is an issue that needs addressing and is damaging to democracy. **Awards**: 2007 UNESCO World Press Freedom Award.

Killed: Trial of suspects underway.

Paul KLEBNIKOV: age 41, editor of the Russian edition of the US *Forbes Magazine*, and author. American journalist of Russian descent. Shot dead in the evening of 12 July 2004 as he was leaving his office in Moscow. In May 2004, *Forbes* had published a controversial list of Russia’s most wealthy people, notably the high number of billionaires. It is said that many billionaires prefer to remain anonymous, fearing that they may become targets of President Putin’s campaign to increase the government’s role in the economy. Klebnikov is also the author of *Godfather of the Kremlin: Boris Berezovsky and the Looting of Russia*, published in 2001. In 2003 he published a critical book in which the Chechen separatist leader Khozh Ahkmed Nukhayeve is the subject. **Investigation**: On 2 December 2004, it was reported that four suspects were arrested in Minsk, Belarus. All are said members of the Chechen underworld. Two of the four were extradited to Russia on 22 February 2005. On 20 June 2005, the Russian Prosecutor General stated that the killing had been ordered by Chechen separatist leader Khozh Akhmed Nukhayeve who had featured in Klebnikov’s 2003 book *Conversation*

with a Barbarian: Interviews with Chechen Field Commander on Banditry and Islam. Sources suggest that Klebnikov's murder could be linked to his investigation into the embezzlement of millions of dollars intended for Chechen reconstruction, the findings of which would have damaged the reputations of officials at Chechen and federal level. Other sources remain sceptical. The suspects, Kazbek Dukuzov, Musa Vakhayev and the accused gang leader Fail Sadretdinov were also charged with other crimes including contract killings, extortion, robbery and of being members of a criminal gang. **Trial:** opened on 10 January 2006 and was conducted in a closed session at Moscow City Court, encouraging fears about the credibility of the verdict. Aleksandr Goredeyev, deputy editor of the Russian edition of *Newsweek* reportedly spoke to Klebnikov after he had been shot and said the mortally wounded editor told him twice that the gunman appeared to be an ethnic Russian, putting a question mark over the allegations that he was killed by Chechens. Dukuzov and Vakhayev were acquitted on 5 May 2006. The US House of Representatives has since encouraged Russian authorities to "continue enquiries into Klebnikov's murder" and the Moscow prosecutor Dmitry Shokhin asked the Russian Supreme Court to order a retrial of the two former defendants. **Current situation:** Klebnikov's family filed a complaint on 11 July 2006, with the Supreme Court protesting the case's handling in lower courts. The family claims that a trial judge in the Moscow City Court had failed to release records of the closed trial on 5 May 2006. The Prosecutor-General's Office has yet to come forward with evidence in the role of the Chechen separatist leader Khozh Akhmed Nukhayevev of Klebnikov's murder. He is allegedly the mastermind behind the killing. On 9 November 2006, the Russian Supreme Court overturned the acquittal of Dukuzov and Vakhayev and ordered a retrial. The grounds for this decision are not yet clear. In mid-march 2007, the start of the second trial against the two men accused of Klebnikov's murder was postponed after one of them, Dukuzov, went missing. Vakhayev, who was present at the court, remains free on condition he does not leave Moscow.

Killed: investigation

***Ivan SAFRONOV:** age 51. A journalist for *Kommersant*. Died when he fell from a window of his Moscow apartment on 5 March 2007. Police claim the death was suicide, although his colleagues believe this unlikely. They refer to the fact that he had returned from a trip to Abu Dhabi in February 2007 where he had covered the International Defence Exhibition, attended by arms manufacturers. IFJ reports that he rang his newspaper from Abu Dhabi to say he was working on an article on Russian plans to sell surface to air weapons to Iran and fighter planes to Syria. Delivery of the weapons is said to be planned to be made via Belarus so as to avoid accusation of supplying weapons to "rogue states". On his return to Moscow he attended a press conference given by the Federal Service for Military-Technical Cooperation, and on his return claimed that he would not write the article immediately as he had been warned that to disclose the information could lead to an international scandal. Safronov was a former colonel in the Russian Space Forces, and had specialised in military issues. In the late 1990s he was reportedly questioned on a number of occasions by the Federal Security Services on suspicion of leaking state secrets but was never charged. In May 2007, CPJ reports that the police maintain that the death was suicide.

Kidnapped

Elina ERSENOYEVA (f): Grozny correspondent for the independent weekly *Chechenskoye Obshchestvo (Chechen Society)* produced in

Ingushetia that borders Chechnya. CPJ reported that on 20 August 2006, she was seized by man wearing camouflage along with her aunt who was released a few hours later. She was allowed by her captors to telephone her mother later that evening but since then no more has been heard from her and her mobile phone has been switched off. According to CPJ, two days before she was seized, Ersenoyeva had sent a letter to the International Helsinki Foundation and the Russian human rights organization Demos saying that since March 2006, she and her family had been suffering harassment from members of the Kadyrovsty, members of a security force led by the Chechen Prime Minister Ramzan Kadyrov. The editor of *Chechenskoye Obshchestvo (Chechen Society)* said he had no indication of the reason for her abduction, and that she had reported on social issues, refugees and, most recently, on the state of prisons in Grozny. Later reports state that Ersenoyeva had been secretly married to Shamil Basayev, the Chechen separatist leader killed by Russian forces in July 2006. Radio Free Europe questions whether her reporting was behind her abduction which may be linked to her marriage. **Government response:** In response to a question from the United Nations Special Rapporteur on Freedom of Expression, in October 2006, the Russian authorities confirm that Ersenoyeva has written "about 12 articles about social issues such as the disabled and refugees while working for *Chechen Society* and her published work contained nothing controversial or critical". It added that criminal proceedings are under way under Article 126 of the Criminal Code by the Zavod district prosecutor in Grozny. A second letter dated 24 November 2006 added that an investigation into reports that Ersenoyeva had been threatened by security forces before her abduction because of her marriage to Basayev and had appealed to the authorities for protection. The letter stated that Ersenoyeva's mother said they had not had threats since the marriage, and although the FSB had visited Ersenoyeva for questioning, that they had no complaints. The letter adds that Ersenoyeva's aunt, who was also interviewed reportedly said that she had not told of any threats. PEN is seeking an update.

Main Case: suspended sentence

Stanislav DMITRIEVSKI: editor-in-chief of *Pravo-zashchita (Rights Defence)*, a monthly newspaper of the Russian-Chechen Friendship Society (published in Nizhny Novgorod). **Charges:** The RCFS reports that criminal investigations were initiated in January 2005 by the Federal Security Bureau on charges of attempting to overthrow the government for reports carried in the newspaper in March and April 2004 quoting Chechen rebel leaders, including the late Aslan Maskhadov, based in the UK and France calling for peace talks. Moscow prosecutors see the statements as calling for the overthrow of the government. On 2 September 2005 he was charged under Article 282 of the Russian Criminal Code for "actions aimed at inciting hatred or hostility and at disparagement of either an individual or a group of people according to their gender, race nationality, background religious beliefs as well as belonging to any social group that are committed publicly or through mass media outlets". This carries a two-year prison term (some report five years). **Harassment:** The RCFS has also been subject to what is described as fiscal harassment by the federal tax department and ministry of justice. On 22 September 2005, Dmitrievski was summoned for questioning in relation to the alleged fiscal irregularities. On 15 November 2005, a British lawyer, Bill Bowring, was denied entry to Russia by the FSB, just prior to the 16 November opening of the trial against Dmitrievski. Several members of the RCFS and the NSHR appeared as witnesses, and the trial was adjourned to 25 November. **Sentence:** On 3 February 2006

he was found guilty at the Soviet District Court in Nizhny Novgorod of “inciting interethnic hatred by using the mass media”. He received a two-year suspended sentence and a four-year probation period. During this four-year period, Dmitrievski will have to inform the authorities as to any change of residence or travel plans and will have to report regularly to the local authorities. Any violation of these conditions or a further criminal conviction could result in him being imprisoned for two years. His lawyers are appealing against the sentence. **Developments:** The Nizhny Novgorod court ordered that the Society be closed because of Dmitrievski’s conviction in February 2007. Under new legislation, no person who has a conviction can head an NGO. On 28 April 2007, Dmitrievsky was briefly detained alongside Ilya Shamanov of the Dront ecological organisation following a rally in Nizhny Novgorod. **Honorary Member:** American PEN

Briefly detained – on trial

***Vladimir CHUGUNOV:** journalist for *Novaya Gazeta*. Chugunov also produces *Chugunka*, a publication from his home in Solnechnogorsk, 40 miles north of Moscow, where he lives. Arrested on 21 January 2007. It is reported that he was initially held as a witness to a robbery and that he was charged under Article 30 of the Criminal Code (planning/attempted criminal activity) and Article 158 (theft). These charges are now said to have been changed to “threat to murder or cause serious damage to health” and he faces up to two years in prison. Chugunov was subsequently sent to a psychiatric institution in a nearby village. He was freed on 27 May 2007 with no explanation. He told CPJ that he had been administered unknown medication and had undergone a 10-day hunger-strike against his imprisonment. The charges against him are still pending. **Other details:** It is reported that manuscripts and copies of *Chugunka* were seized during a search of his home. There are concerns that he is being held for his reporting. Chugunov has suffered attacks for his writings in the past, including in 2002 when attackers broke his right hand saying “Here you go now, writer, write if you can!”. In January 2005, the municipal printing house refused to continue to print *Chugunka* as since then had produced the paper from his home. He is the winner of the 2002 Sakharov Prize for Freedom of Thought. PEN RAN 20/07.

On Trial

Oleg BEREZOVSKY: journalist for *Novye Kolyosa (New Wheels)* a newspaper based in Kaliningrad that has been subject to numerous indictments and judicial actions, leading to its closure. See Rudnikov and Yakshina below. On 7 August 2006, a trial opened against him on charges of defamation of three Kaliningrad Regional Court Judges in an article published in November 2004. The article questioned the reasoning behind the acquittal of a person accused of drug dealing who then left the country. However four judges claim that he states that they accepted bribes, an accusation not in the article. He is charged under article 298 of the Criminal Code that provides up to four years in prison. There are concerns that the trial is to be presided by a judge who has previously been criticised in another article by Berezovsky. He may also be charged with attacking and insulting police officers during a seizure of two editions of the newspaper in March 2006. PEN is seeking an update.

Igor RUDNIKOV, Dina YAKSHINA (f): respectively founder of and journalist for *Novye Kolyosa (New Wheels)* a newspaper based in Kaliningrad that has been subject to numerous indictments and judicial actions, leading to its closure. **1)** Charges have been levied against the two for defamation in a series of articles published between September and December 2005 claiming that a local sauna was also a brothel. One of the

owners of the building in which the sauna is situated is also the husband of a local judge who subsequently filed the charges. **2)** Separate charges of defamation related to the sauna articles was made by another judge who claimed that he too had been defamed. Both cases are being tried under Article 129 of the Russian Criminal Code that provides up to three years for defamation. **3)** other charges are to be made against Rudnikov and two other journalists who are accused of insulting and attacking police officers during a seizure in March 2006 of two editions of the newspaper. (See also Berezovsky above) PEN is seeking an update.

***Viktor SHMAKOV:** editor in chief of the opposition newspaper *Provintsalnye Vesti (Provincial News)* in Ufa, capital of the eastern state of Bashkortosan. Trial started on 21 March 2007 on charges of extremism for which he could be sentenced to 5 years in prison. The charges relate to two articles published in April 2006 criticising corruption and human rights abuses in the region, calling for the resignation of the state president Murtaza Rakhimov. The author of the articles is a local opposition leader, Airat Dilmkhameytov, also charged. Shmakov was also arrested in April 2006 and given a two month sentence, also on charges of extremism. He was freed in May 2006 due to insufficient evidence.

Sentenced: non custodial/attacked

Mikhail AFANSSIEV (Afanasyev): journalist for the website ‘Noviy Focus’ based in the city of Abakan in the autonomous region Khakassia. On 11 November 2006, Afanssiev was charged with defamation for an article on the site published in September 2006 suggesting that an officer of the public prosecutor’s office in Khakassia had injured a child in a traffic accident but had avoided liability. Afanssiev later acknowledged that the person responsible for the accident had hidden his identity and claimed to be a Public Prosecutor’s Office employee. Afanssiev says that he had issued a personal apology to the person concerned that was also published in the paper and thought that the case had been resolved. On 21 June 2007 he was convicted as charged and ordered to pay a fine and publish a retraction. **Attacked:** Reportedly set upon on 16 June 2007 by unknown men who claimed to be police officers. He was reportedly beaten unconscious and robbed of his mobile and identity papers. He has complained that police refuse to investigate the incident. **Other cases** Arrested on 9 December 2004 as he attempted to travel to Moscow to pick up the Glastnost Defence Foundation’s Sakharov Prize. Afanssiev is known for his investigative reporting which have already brought ten defamation charges against him since 2005.

***Gleb IVANOV:** editor of the Astrakhan opposition weekly *Fakt I Kompromat*. Has three charges pending against him which colleagues believe form a pattern of harassment aimed at stopping reporting on illegality within the Astrakhan law enforcement agencies. **1)** a case of fraud closed in 2000 due to lack of evidence has reportedly been re-opened. **2)** charges relating to a brawl in which colleagues say Ivanov was framed and which was closed in 2006, has also been re-opened. **3)** libel action taken on 17 March 2007 brought by a local government official against Ivanov’s article on allegations made by one of her employees of sexual harassment. The man had sent a statement to the newspaper with his complaint. The statement was published and also sent by the paper, on the author’s request, to the prosecutor’s office. The author was subsequently accused of slander, but the case against him was closed. However the case against the newspaper continues. A hearing due on 19 March 2007 was postponed as Ivanov had broken his leg a day earlier. PEN is seeking an update.

Non custodial sentence

Vladimir RAKHMANKOV: editor in chief of web sit *Kursiv*, went on trial in Ivanovo, north east of Moscow, charged with insulting President Putin in an article published in May 2006 entitled "Putin as Russia's phallic symbol". Charged under article 319 of the criminal code for comments in the article satirizing Putin's policy towards increasing the population. He faced up to one year in prison. Trial opened on 21 September 2006 and on 25 October he was sentenced to a fine of 20,000 rubles (c. US\$745). He intends to appeal against the sentence. On 11 January 2007, the sentence was confirmed.

Judicial Concern

Boris STOMAKHIN: contributor to *Radikalnaya Politika* and the Chechen rebel-run website Kav-Kaz Centre. Sentenced to five years in prison on charges of inciting ethnic hatred and supporting terrorism on 20 November 2006. Prosecuting authorities state that his articles called for "destroying of the Russian people as a nation". He has been imprisoned since his arrest on 22 March 2006 when he fell from a Moscow window in an attempt to escape police. It is thought he suffered a fractured spine and damage to his knee. He was first held in a prison in Moscow, then transferred on 25 June 2007 to another in Nizhny Novgorod, some 400 km from the capital. The charges relate to an article published in 2003 following a complaint that the newspaper was published by "Chechen radicals". Stomakhin fled Moscow but returned after an unsuccessful appeal for asylum in Ukraine. **PEN Position:** PEN understands that many of the articles do call for violence and justify terrorist acts such as the seizure of the theatre in Moscow in late 2003. Stomakhin, in his defence, states that his comments were simply opinions and not calls for action. PEN notes that while Stomakhin's views are clearly in breach of the organisation's commitments to non-violence, there are concerns that the sentence is overly heavy and inappropriate to the crime.

Attacked

***Numerous journalists:** a number of local and foreign journalists were briefly detained and/or beaten during a march of dissident organisations entitled March of the Disagreeing Ones held in Moscow on 14 April 2007. Many reported that police had been heavy handed and targeted reporters.

***Georgy BORODYANSKY:** correspondent for *Novaya Gazeta* in Omsk, was reportedly attacked in late March 2007 by two unknown men outside his office, who beat him with clubs, concentrating on his legs. The attack is thought to be linked to Borodyansky's critical reporting. Despite his injuries, he is said to have gone the following day to cover a trial of police accused of torture.

***Yelena MANGILEVA (f):** journalist for *Kommersant-Povlzhye*. Reportedly set upon and beaten in Samara, south eastern Russia, near her office in early February 2007. It is thought the attack may be linked to her reporting on business affairs.

***Vitaly SHULENIN:** editor of the opposition newspaper *Leninsky Put*. Reportedly set upon and beaten by unknowns in Kalmykia on 30 March 2007. Suffered a broken leg and serious bruising. The attackers did not rob him. Two days earlier Shulenin had published an article critical of the Kalmykia district administration. Police have initiated criminal proceedings.

***Sergei SUSLIKOV:** owner of *Biznes Kurs*, in Omsk. Issued a complaint in early April 2007 to the Omsk regional prosecutor against harassment.

Following an article in his newspaper on illegal phone tapping by the department on organised crime, Suslikov reports that his son has suffered robbery, attacks and having his business under constant scrutiny, which Suslikov believes is linked to the articles. He says that he transferred printing of the newspaper to another town after threats that the newspaper would be confiscated. Three cases of defamation have been issued against the newspaper by the department on organised crime.

***Irina TIKHONOVA (f):** editor in chief of *The Bulletin*, a publication of the Pskov News Bureau in the city of Pskov, situated in north west Russia, on the Estonia border. Reported on 1 January 2007 that the door to her home was set alight while she and her family were inside. She believes that this was related to articles that criticised the Pskov governor, and are linked to complaints made by his office against the press. Police confirm that the attack was arson.

Brief detention

***Sergei KURT-ADZHIYEV, Mikhail KUTEINIKOV:** director of the Samar office of *Novaya Gazeta* and journalist for *Samarskaya Gazeta* respectively. Arrested in Samara on 13 May 2007 after they went to the police following a phone call from Kurt-Adzhiyev's daughter to say that she and a colleague had been arrested as organizers of the March of the Disagreeing Ones. When Kurt-Adzhiyev demanded why his daughter was detained, they were told that the march had not been authorised (it had been approved by the Samara mayor) and that Kurt-Adzhiyev's daughter was in possession of a hand grenade. The journalists were then themselves detained. All four were eventually released without explanation.

Case closed

Pawel LYUZAKOV: journalist for the *Svobodnoye Slovo* (Free Speech) web-site. Sentenced on 16 August 2005 to two years in prison for illegal possession of a firearm. Lyuzakov had been detained since 20 January 2005. His supporters claim that the firearm was "planted" on him during his arrest. They believe that the sentence is a means of stopping his reporting on the Chechen conflict and is part of a wider campaign by the Kremlin to curtail independent commentary on the war. Presumed freed on expiry of sentence in January 2007.

SERBIA

Attacked

***Dejan ANASTASIJEVIC:** journalist for the Belgrade newspaper *Vreme*. A bomb was detonated outside his home on 14 April 2007. Although there was damage to windows and nearby cars, no-one was hurt. It is thought that the attack could be linked to his investigations into criminal activities.

SPAIN

Case Closed

The Egunkaria Case: in February 2003, a number of journalists and others associated with the Basque language newspaper 'Euskaldunon Egunkaria' were arrested in February 2003 under anti-terror legislation and subsequently freed to face trial. The newspaper is accused of being financed and directed by Euskadi Ta Askatasuna (ETA) a Basque terrorist group, and used by the organisation for money laundering. There was widespread condemnation of the charges as being without foundation. A number of those arrested claimed to have been ill-treated while in custody. On 13 February 2006, the 2nd Chamber gave permission for

the trials of Auzmendi and six other Egunkaria detainees to commence. On 14 December 2006 the Public Prosecutor's Office requested the First Section of the Criminal Division of the Spanish National Court to drop the case against Euskaldunon Egunkaria, arguing that the indictment was "very weak" and "insufficient" to prove a link between the newspaper and ETA. The Attorney General has also now retracted the original view that Euskaldunon Egunkaria formed "part of a violent organisation", and now asserts that "there is no indication that the newspaper [nor] the accused have either complemented or lent their political support to the actions" of ETA. However there has not been any instruction to reverse the order that the newspaper be closed. Charges of financial irregularities reportedly remain against some of those originally charged. Public Prosecutor Miguel Angel Carballo adds that there is no evidence that the newspaper had been a source of finance for ETA, as claimed. Explaining why the case had been taken, he said that the case against the newspaper were based on documents seized from ETA members dating from 1990 when the newspaper was being established and which showed that the armed group had an interest in creating links with it. However Carballo stated that "it is one thing for the gang to be interested in and informed about the dawn of the newspaper [...] and quite another that this should imply that its creation, driving force or control can be attributed to it, and even less to the people running the paper, the accused in this case. ETA does not assert its authority, nor does anybody connected with the newspaper nor any of the accused request any authorisation and ETA clearly does not appoint anyone." He adds that Euskaldunon Egunkaria had never carried "a single news item, leader or article" that indicates that those in charge were party to "a political-social dual approach of the desire to unite the population around ETA". The newspaper's legal team states that "In short, a newspaper has been closed down, 19 people have been prosecuted, five of whom have [...] been subject to torture, and some of whom have spent months and years in prison, the company has been wound up, colossal bail amounts have been requested, and now, after all that, four years on, the Public Prosecutor says there is insufficient proof...." The legal team goes on to point out that there could be further trial proceedings, as two private prosecutions have been brought against the newspaper, one by AVT (Association of Victims of Terrorism) and "Dignidad y Justicia (Justice and Dignity), both representing ETA victims. A number of journalists among those accused were subject to PEN appeals including: **Xabier ALEGRIA, Fr. Txema AUZMENDI, Martxelo OTAMENDI, Juan Mari TORREALDAI Iñaki URIA, and Pello ZUBIRIA.** All are Honorary Members of the English PEN Centre.

TAJIKISTAN

Investigation

Mukhtor BOKIZODA: editor-in-chief of the weekly *Nerui Sukihan* (Power of the Word) – now closed. Also chairman of the Foundation for the Memory and Protection of Journalists, a press freedom organisation. He is accused of theft of electricity for the Foundation's printing house. He was sentenced on 25 August 2005 to two years corrective labour, a fine of 1,500 Tajik somoni (US\$500) and to forfeit 20% of his salary. The Committee to Protect Journalists report that supporters believe that the case has been fabricated as a means of penalising him for his work for *Nerui Sihan* which has been shut down four times since its founding in 2003 ostensibly for fiscal reasons, most recently in early July 2005. The newspaper had regularly reported on allegations of corruption. There is also a belief that the newspaper was forced to close to stop it reporting on presidential elections planned in 2006. On 27 November 2005 the

Dunshanbe Court upheld the 25 August ruling by the Firdavsi District Court against Bokizoda following an appeal filed by the editor of *Nerui Sukihan*. PEN is seeking an update to this case.

TURKEY

Killed

Hrant DINK: editor of the Armenian language *Agos* magazine. Killed outside his office in Istanbul by an assassin on 19 January 2007. His murder sparked mass marches with protestors carrying banners saying "We are all Armenians", "We are all Hrant Dink" and "301 Murderer". Dink was one of the few persons to be convicted under Article 301 of the Penal Code, accused of "insulting Turkishness" for his writings on the Armenian issue. In October 2005 he was given a six month suspended sentence for a 2004 article entitled "The Armenian Identity". Two other "301" cases were levied and, as of February 2006, were still ongoing against him and his co-defendants – see below. 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. There were also some public protests against the demonstrations by nationalists. Following the murder, a number of other writers and journalists were allegedly put on extremist "death lists" and placed under police protection. (see below). Investigation: Ogun Samast, was arrested on accusation of manslaughter, affiliation to an armed group and illegal firearms. In March 2007 it was reported that 30 people had been interrogated in connection with Dink's murder, 11 of whom were subsequently arrested. An investigation was also initiated into accusations of negligence following claims that police had been warned several times that Dink was in danger. Also under investigation is the broadcast of images shortly after Dink's death of police standing alongside Samast, posing in a congratulatory manner. Trial against the alleged killers will open on 2 July 2007.

Main Case

***Mehmet BAKIR:** journalist and editor in chief of *Güney* magazine. Sentenced to two and a half years in prison on 12 February 2007 under Article 7 of the Anti Terror Law. He was sentenced along with seven others, all members of the Bolshevik Party (North Kurdistan/Turkey). Amnesty International, which considers them to be prisoners of conscience, describes the group as a "small, non-violent opposition party". Arrested 9-10 July 2002, the men are accused of "membership of an illegal organisation". Concern surrounds the conviction based on statements said to have been extracted under torture. A case against four police officers accused of torturing one of the defendants is still under way. The trial has been controversial, with two retrials being held, and two previous decisions by the court of appeal to quash the verdicts of the lower courts. This case has been subject to widespread controversy in Turkey.

Main case – free on bail

Leyla Zana (f):

Profession: politician, Kurdish rights activist and former journalist. **DoB:** 1961 **Imprisoned:** 8 December 1994 **Sentence:** 15-years for pro-Kurdish rights activism. Additional two years for an article written in prison. **Free pending re-trial. Trial Details: 1)** At her inauguration as an MP in 1991, Zana identified herself as a Kurd by wearing a headband with the traditional Kurdish colours of yellow, green and red. These actions, and many of her public statements and actions of solidarity with the Kurds might well have led to charges being pressed against her, but

she was for a time protected by her parliamentary immunity. However, in 1994, after she and three other Kurdish MPS joined the newly formed Democracy Party, which was banned by the authorities, her immunity was lifted, the four politicians were arrested. They were accused of treason and promptly jailed. Originally charged with treason, the charge was soon dropped, but she was instead charged with membership of the illegal armed Kurdistan Workers' Party (PKK). Prosecutors at her trial relied on testimonies from witnesses who were themselves facing prosecution, and who later retracted their statements, claiming that they had been extracted under torture. Zana was found guilty and sentenced to a 15-year term. **2)** Sentenced in 1998 to an additional 2 years for an article published in prison. The article, which does not advocate violence or racial hatred, was about Nevruz, a Kurdish holiday. **Appeal Process:** Appeal process opened in late 2003 and several hearings held until 21 April 2004 when the sentences were confirmed. However, on 9 June 2004, all four defendants were freed on bail. The retrial opened in December 2004 and there have been numerous hearings since. The retrial hearings continue. **Journalism and writing:** worked in the 1990s for the now defunct *Yeni Ülke* (New Country) at its Diyarbakir office, and specialising in feminism, democracy and Kurdish issues. During her time in prison, her writings have been collected and published in English by Blue Crane Books, Massachusetts, USA, under the title *Writings from Prison*. **Other details:** first Kurdish woman elected to the Turkish parliament. In 1995, Zana won the Sakharov Prize for Freedom of Thought. In July 2001 the European Court of Human Rights ruled that her trial had been unfair. Amnesty International Prisoner of Conscience. **Honorary Member:** PEN USA, San Miguel De Allende, Scottish, Writers in Exile and English PEN Centres.

Investigation cases

***Baris ACIKEL:** referred to as a journalist for *Isçi Köylü* and to be detained under Anti-Terror Legislation as of May 2007. No further details.

***Kemal AYDENİZ, Erol ZAYAR:** referred to as a journalists for *Odak* and to be detained under Anti-Terror Legislation as of May 2007. No further details.

Nevin BERKTAS (f): political prisoner detained since 1994 on charges of membership of a terrorist organisation. Bertkas wrote a book on her prison experiences called *Hücrem (My Cell)* which was prosecuted under Article 169 of the Penal Code for "supporting terrorists". Thought to be for comments in the book supporting prison protests denouncing the F-Type Prisons. Bertkas and Elif Çamyar, publisher of the book, appeared at the State Security Court Istanbul on 7 November 2001. Bertkas was subsequently given an additional 45 months in prison. Çamyar received a fine. **Background:** was first arrested in 1978, and was imprisoned on a number of other occasions for her radical political activities from then until she was amnestied in 1991. However she was re-arrested on 16 December 1994 and convicted for membership of an illegal organisation accused of extremist activities. Prior to the trial for her book, she was serving a twelve and a half year sentence, to which the 45 month sentence for the book was added. **Place of detention:** Gebze Prison. Bertkas is not due to be freed until early 2011.

Birol DURU: journalist for the Dicle News Agency. Arrested on 10 August 2005 and charged the following day with "aiding an illegal organisation". Duru is said to have gone to the village of Dibarbey in the Bingöl district to get information on allegations that a local police commander was cultivating cannabis. However police say that a videotape was found in Duru's bag containing PKK propaganda. Duru claims

that the tape was erased and replaced with the propaganda by police and that he is victim of a conspiracy to "frame" him for having complained in the past that the police chief had threatened him. Others arrested with Duru and subsequently freed claims also to have been threatened by the police chief. His request to be freed pending trial was initially rejected and he was detained in Diyarbakir prison for over four months, until he was released on bail on 29 December 2005. He was sentenced to six years and three months in prison on 28 September 2006 as was co defendant Daimi Açık, a member of the Human Rights Association on charges of "collaboration with the PKK" under Articles 220 paragraph 7 (membership of an armed organisation) and 314 paragraph 3 (membership of a criminal organisation) of Turkish criminal law. He is currently being held in Diyarbakir jail. A third defendant was acquitted. Neither defendant was at the court hearing during which their lawyer stated that they would appeal.

***Sinan GERCEK:** referred to as a journalist and detained under Anti Terror legislation as of May 2007. No further details.

***Mustafa GÖK:** referred to as a journalist for *Ekmek ve Adelet* and detained under Anti Terror legislation as of May 2007. No further details. **Suat KOLCA, Yasar DUMAN, Selahaddin SUMELI, Mahmut BOZDAG,** : journalists for *Özgür Halk* and *Genç Bakis* arrested following a raid on their Istanbul-based newspapers on 15 September 2006 under Article 7/2 of the Anti Terror Law (propaganda for an illegal organisation). It is reported that they suffered beatings as they were being transferred from Bayrampasa Closed Prison to Edirne F-type Prison. Reported as still detained in May 2007.

***Ibrahim ÇİÇEK, Bayram NAMAZ, Hasan COSAR, Ozge KELEKCI, Ziya ULUSOY:** editor in chief and journalist respectively for the newspaper *Atilim*: Namaz, Cosar, Ulusoy - correspondents for *Atilim*: arrested under Article 6 of the Anti Terror Law on 10 September 2006. Still detained. Trial proceedings against them opened on 13 April 2007 with next hearing due 26 October 2007. 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. Deputy editor Sedat Senoglu and Seyhan Namaz originally listed as detained, no longer so in May 2007. Also among those detained is **Fusun Erdogan (f)** a radio journalist.

***Mehmet KARAASLAN:** referred to as a journalist for *Gündem* and detained under Anti Terror legislation as of May 2007. No further details.

***Emin ORHAN, Hatice DUMAN, Mehmet GÜZEL, Mustafa Naci TOPER, Serdal ISIK:** all referred to as journalists working for *Atilim* as being detained as of May 2007 under Anti-Terror Laws. No further details at present.

***Behdin TUNÇ, Ali BULUS:** referred to as journalists for the DIHA newsagency and detained under Anti Terror legislation as of May 2007. No further details.

Faysal TUNÇ: journalist for *Özgür Gündem*. Arrested on 16 February 2006 for being a member of 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 in his home. Adjourned to 8 November 2006 and believed to be ongoing. Reported still detained as of May 2007

Death Threats

***Etyan MAHÇUPYAN, Orhan PAMUK, Ahmet HAKAN, Elif SHAFAK (f), Ismet BERKAN, Soli ÖZEL, Murat BELGE, and Fehmi KORU:** among a number of writers and journalists placed under police protection following death threats issued in the wake of the

murder of Hrant Dink (see above). **Mahçupyan**, formerly with the *Zaman* newspaper, succeeded Dink as editor of *Agos*. Nobel Prize Laureate, **Pamuk**, whose case under Article 301, was formally closed in July 2007, has since left to take up a post in the USA. **Hakan** is the editor of *Hürriyet* newspaper. **Shafak** is a novelist acquitted of charges under Article 301 in September 2006. **Özel** is a Professor of International Relations and contributor to various publications. **Berkan** is editor of *Radikal*. **Belge** is a renowned academic, intellectual, literary critic and civil rights activist. **Koru** is editor of *Yeni Safak*. Belge and Berkan were tried and then acquitted of charges under article 301 in early 2006. They were accused for their criticism of a court decision to ban a conference on Armenia in 2005.

On Trial/Charged (not detained)

Harun AKSOY, Nuri AYGON: editor in chief and owner respectively of the daily *Vakit*. Trial opened on 13 June 2006 on charges of making members of the Highest Court of Administration as targets of attacks by illegal organisations, insulting the judiciary, judges and prosecutors. The newspaper had published on 13 February 2006 a photograph of members of the court who had signed a petition supporting the ban against headscarves under the title “These are those members”. The article has apparently been linked to the subsequent 17 May 2006 murder of a judge and wounding of four others. On 28 September 2006 the Bağcilar Penal Court of First Instance ordered that the case be transferred to a specialised high court set up to try cases under the anti-terror legislation. However it ordered that other offences relating to insult to the judiciary would remain under its remit. Hearing held on 31 May 2007 postponed to a later date.

Arif ASLAN, Mustafa SEVEN: editor *Batman Cagdas* and editor *Batman Postasi* respectively. Arrested along with *Batman Cagdas* owner **Nedim Arslan** and *Batman Postasi* owner **Kemal Celik** on 1 November 2006. Under investigation for possible charges under Article 288 of the Penal Code for “influencing the course of justice”, Article 285 “violating the secrecy of an organisation” and Article 301/2 “insult to the military and police” for articles on an incident in which an 11-year old girl died when security services fired on a car in which two members of the banned Kurdistan Workers Party (PKK) were believed to be travelling. The articles questioned the investigation into the death and reported on concerns about police conduct and the way the investigation had been carried out based on reports from the girl’s family and human rights groups. PEN is seeking an update.

Lube AYAR (f): journalist for *Milliyet*. Trial hearing held on 21 September 2006 for articles published in November 2005 and January 2006 on the release of defendants accused of the murder of public prosecutor Ünal Canoplat. Accused under Article 19 of the Press Law. Last hearing held on 19 December 2006 adjourned to a later date. PEN is seeking an update.

***Emin BAL**: journalist for the local newspaper *Sirmak* and the national Dogan newsagency, went on trial on 22 February 2007 on charges of “deprecation” of a police officer whom he accuses of having beaten him after he refused to act as an informer. Bal claims that he was set upon by police in November 2006, resulting in injuries leading to a medical disability report of 6 days. Police claim that he himself set upon three officers, causing them injuries leading them to be laid off work for 7 seven days. The hearing was adjourned to 22 March 2007.

Neval BURLAS, Enis TAYMAN: editor-in-chief and correspondent for the weekly journal *Tempo* had a hearing before the Bağcilar Court of First Instance on 8 June 2006 on charges of insult to Turkishness (Article

301), and provoking people to violate the law by means of the media (Article 217 and 218 of the Penal Code) for an interview published in their newspaper on 2 December 2005 entitled “I would have torn that identity” with **Ibrahim Guclu**, former chairman of the Freedoms Party and KURD-DER spokesman. In it Guclu refers to Turkey having occupied “Northern Kurdistan” in the south east of Turkey and speaks of destroying his Turkish identity card. The trial was launched in March 2006. The two men face up to six years in prison. Next hearing due 16 October 2007.

Sahin BAYAR: editor in chief of *Evrensel*. Trial opened on 24 January 2007 under Article 301 of the Penal Code for “insult” to the military. Charged for an article that suggested links with an underground organisation that connects mafia figures within the military) had been called to Diyarbakir shortly before a bomb attack that killed 7 people. The case is before the Sisli Court in Diyarbakir. Previously tried under several articles, including Article 301 in 2006, that ended in acquittal in December 2006. PEN is seeking an update.

***Sait BAYRAM, Firat AVCI**: editor in chief and journalist of the Diyarbakir newspaper *Söz*. Charged with defamation under Article 125 of the Turkish Penal Code with “insulting a public servant” for an article suggesting bribery. Trial to open at the Diyarbakir Penal Court of First Instance on 20 July 2007.

***Ismail BESİKÇİ, Mehmet Ali IZMİR, Ferzinde KAYA**: Besikçi is a sociologist and author who spent many years on trial and in prison in the 1980s/1990s. Izmir and Kaya are with *Esmer* magazine. All charged under Article 301 of the Penal Code in December 2006, Besikçi for an article in *Esmer* magazine published on 19 January 2006 entitled “We did not Talk, We were Repressed” and for an article “Phantom” published in the magazine’s December 2005 issue. Accused of insult to the army. In addition accused under article **Article 216** of the Turkish Penal Code (inciting hatred and hostility among the people”. Latest hearing held on 18 June 2007 resulted in a postponement to 10 December 2007 to allow for clarification regarding which court should try the case.

***Haci BOGATEKIN**: journalist. Charges made against him under Article 301 for an article entitled ‘Turkey Has Made a Mistake’ that held the Turkish government responsible for the “deaths of millions of Armenians and Syriac Christians in the East and South East...” as well as the Alevi and Greek Orthodox minorities in the last century. Trial to open on 25 July 2007. In December 2006 a case against him also under Article 301 was dismissed. Tried then for insult to local authorities for an article criticising hygiene standards in an article ‘Flea, Pig and Agha’ on a local flea epidemic.

***Kemal BOZKURT**: editor in chief of the magazine *Revolution is the Only Way*. Tried for “praising a crime” in an article on the killings of revolutionary youths in 1972. Trial to open on 18 October 2007.

***Faruk ÇAKIR**: editor in chief of *Yenis Asya*. Case opened in mid April 2007 on charges under Article 288 for having disclosed information about the trial of Ogun Samast, accused of the murder of Hrant Dink. First hearing set for 12 June 2007.

Hasan CAN: age 71. Editor-in-chief of the local newspaper *Günes* based in the Ereğli district of Konya. Case launched against him in mid September 2006 on charges of insult to the Minister of Justice in a 13 July 2006 article entitled “Justice Minister Cemil Çiçek leaves many question marks behind”. Accused of defamation under Article 125/4 of the Penal Code. PEN is seeking an update.

***Bekir COSKUN**: journalist for *Hurriyet*. Reported in June 2007 to be on trial for an article entitled “Testing...testing...” published on 6 April 2007 accused of calling for a coup. Legislation unclear to PEN.

Deniz TURSUN, Ömer AYBAR, Gülcan BAHTIYARIN: editor in chief of the magazine *Mizgin* and writers for the magazine. On 2 November 2006 the Diyarbakir Court of First Instance decided not to continue with its deliberation on charges under Article 216/1 of the Penal Code of “inciting people to hatred and enmity” and handed the case to the Heavy Penal Court. Related to articles published in February 2006 – “Scenes from Kurdish Children” and “Lausanne Treaty”. Date not set as of June 2007.

Abdurrahman DILIPAK: editor and rights activist. (1) On 15 June 2004, continued at the Military Court in Istanbul. Charges had been instigated by three retired military officers for an article entitled “If the Generals do not listen to advice” published on 29 August 2003, under Article 95/4 of the Military Penal Code. Dilipak did not attend the hearing, stating that the trial was in contravention of the European Convention on Human Rights. The military court concluded that it was not appropriate for it to be trying the case and referred it to the Bakirköy Penal Court. The case was subsequently returned to the Istanbul military court and a series of hearings were held through 2005 and 2006. Hasdal Military Court transferred the matter to Bakirkoy Penal Court on the basis of non-jurisdiction. PEN is seeking an update. (2) On 11 October 2005, hearing held at the Bagcilar Penal Court of First Instance No 2 regarding an article “My Land Is Different”, published in *Akit* on 27 April 2001. The hearing was adjourned to 18 April 2006. Originally charged under Article 312 of the old penal code, the case had been returned to the court of first instance under article 216 of the new Penal Code (incitement to enmity. Next hearing due 20 November 2007. 3) Numerous other trials.

Omer DILSOZ (DEMIR): poet. On trial under Article 7/2 of the Anti Terror Law for having read his poem at the Hakkari City Stadium on 3 September 2003 entitled “All our Hearts are Missing Öcalan” (Öcalan is the detained leader of the banned Kurdish Workers Party (PKK)). The poem, in Kurdish, was read to around 3,00 people. The indictment reads that the poems were propaganda for the PKK. A hearing was due in July 2006 and is believed to still be ongoing.

Arat DINK, Sarkis SEROPYAN: administrative officer and editor of Armenian-Turkish language newspaper, *Agos*.. On 25 September 2006, case was launched against Hrant Dink for an article published in *Agos* on 21 July 2006 entitled ‘I vote against 301’ which included a statement Dink had made in an interview he gave to the Reuters newsagency on 14 July in which he referred to the Armenian genocide. He is said to have told interviewers Daren Butler and Osman Senkul that he had no doubt that an Armenian genocide had taken place, that he would not remain silent on this issue, and had no plans to leave Turkey despite death threats against him. Next hearing 14 June 2007. Case against Hrant Dink dropped following his death. See above.

***Arat DINK, Sarkis SEROPYAN, Taner AKÇAM:** administrator and editor for the Armenian language *Agos* newspaper, and writer respectively. Reported on 10 January 2007 that the Eyüp Prosecutor’s office had opened an investigation into allegations that Dink and Seropyan committed offences under Penal Code Article 301 for an article called “Hrant Dink, 301 and a Complaint” in which the author, **Taner Akçam**, referred to an Armenian genocide in 1915-1917. Akçam may also face charges under Article 214 (instigation to commit an offence) and Article 215 (praise of a crime and a criminal). Akçam is the author of *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility* published in New York in 2006 by Metropolitan Books/Henry Holt. Arat Dink is Hrant dink’s son.

Arat DINK, Sarkis SEROPYAN, Aydin ENGIN: administrator, editor

for the Armenian language *Agos* magazine and author respectively. Charged on 23 December 2005 under Article 288 of the Penal Code (attempt to influence the Judiciary) for an article commenting on the 7 October 2005 conviction of **Hrant Dink** (for details see above). Hrant Dink was accused for an article entitled “Is Democracy to be established with this penal code?” and Engin for his article “One should touch the justice system”. A hearing before the Sisli Penal Court on 16 May 2006 was disrupted by lawyers who heckled and attacked journalists and other observers. A hearing on 4 July 2006 saw right wing protests again demonstrating outside the court room. Defence lawyer Deniz Ceylan was punched by one of them and the hearing was disrupted by verbal abuse. Next hearing to be held on 18 July 2007. (See also above) Case against Hrant Dink dropped following his death. Arat Dink is his son.

***Cengiz DOGAN:** editor in chief of the local Diyarbakir newspaper, *Mavi ve Kent*. Case opened against him before Diyarbakir Heavy Criminal Court on 28 December 2006 on charges relating to an article in which he is said to have praised the Abdulla Öcullan, the leader of the banned PKK. To be confirmed.

Sevda ERGIN (f): journalist and editor in chief of *Demokrasi ve Sosyalizm Yolunda Fabrika (Factory on the Way to Democracy and Socialism)*. Trial opened at the Istanbul State Security Court on 6 June 2004. Charged with “propaganda for an illegal organisation” under article 7/2 of the Anti-Terror Law. Accused of issuing propaganda for Kongra-Gel (Kurdish People’s Congress – the successor to the PKK) in an article by **Zeki Tombak** entitled “The Recent Situation on the Kurdish Question” published in April 2004. A 12 August hearing adjourned the case to 25 November 2006. PEN is seeking an update.

Yalçın ERGÜNDOĞAN: journalist for the daily *Birgün*. Trial opened before the Istanbul Beyoglu Penal Court of First Instance on 21 June 2006 under article 480/1 of the Penal Code for an article entitled “Followers of Haydar Have Risen Against him”, published on 26 April 2005. The trial was launched following a complaint by Haydar Bas, chair of the Independent Turkey Party described as “religious-nationalist”. Last hearing on this case held on 23 May, postponed to 26 September 2007. Reports that the case is now to be tried under new Penal Code article 125 to be confirmed.

Mehmet Sevket EYGI, Selami ÇALISKAN: (1) on 15 March 2005, an appeal court confirmed 18 months prison sentences served against these two journalists for *Milli Gazete*. The sentences were passed in October 2004 for an article published in November 2000 entitled “Din Düşmanlığı Terörü – The Terror of the Enemies of Religion” under article 312 of the Turkish Penal Code. Çaliskan was sentenced to a fine. The appeal court reconstituted the 18 months sentence against him and upheld that against Eygi. Next hearing set for 31 May 2007. (2) On 11 May 2006, Eygi was sentenced to one year in prison for an article published in March 2005 that was deemed to have “incited enmity and hatred” on religious grounds. Entitled “No Effort or Patriotism Left”. The judge ruled that the sentence could not be suspended as he was not convinced that Eygi would not commit a similar offence again. Eygi is free on appeal.

Ismail Gökhan GENÇAY, Ibrahim ÇESMECIOĞLU: editor and editor-in-chief respectively of the Sunday magazine of *Birgün* newspaper. Trial opened before Beyoglu Penal Court of First Instance on 21 June 2006 on charges relating to an interview with a conscientious objector under Article 318 of the Penal Code. He faces 2.5 years in prison, with an additional year for carrying out the offence in the press. Hearing adjourned to 19 July 2006 and again to 18 October 2006. Still on trial as of June 2007.

***Alper GORMUS**: editor of the now closed *Nokta* magazine. Learned in June 2007 that a trial is to open on 19 September 2007 for publishing extracts of the diary of a retired navy vice admiral in which he refers to Turkey escaping two military coups in 2004. Believed to be charged with insult under Article 301.

Cengiz KAPMAZ: journalist for the now closed *Özgür Gündem*. Cases launched in December 2006 1) for an article published 15 February 2006 “2,555 days have passed” under Article 215 of the Penal Code (praising crime and criminal acts) and Article 218 for carrying out the offence in the press. 2) for an interview with former DEP politician Orhan Dogan under Article 7/2 of the Anti Terror law for “making propaganda for an illegal organisation. Both to be heard before the Istanbul Heavy Penal Court on 16 February 2007.

***Sinan KARA**: journalist for *Ülkede Özgür Gündem* newspaper. Trial proceedings opened in two cases against him in December 2006 1) Under Article 301/2 for insult to the military in a 26 September 2006 article criticising the military. Hearing set of 19 September 2007. 2) Article 301/2 insult to the military for a 22 September 2006 article entitled “Murderers on the Payroll”. Hearing set for 19 September 2007 before Beyoglu Court of First Instance on 17 May 2007. Kara has previously been on trial for his writings. See previous PEN caselists. On 8 February 2007, it was reported that Kara was taken into custody and sent to Batman prison to serve a sentence of 146 days (5 months) under Article 482 of the Penal Code, insult through the press. Detention confirmed in May 2007.

***Emin KARACA**: journalist. To be retried on 20 June 2007 in Istanbul. Originally sentenced to five months in prison, converted to a fine, under Article 301 of the Penal Code for an article published in April 2002 in the magazine *Yazın* marking the anniversary of the execution of three leftist militants in the 1960s. Accused of insulting the armed forces. However, because of a procedural error, the trial is to be reopened. Next hearing due 5 October 2007.

Sebatî KARAKURT, Hasan KILIÇ, Necdet TATLİCAN: reporter and editor-in-chiefs for the newspaper *Hürriyet* detained c. 19 October 2004 after Karakurt returned from interviewing Kurdish militants for an article “Women’s Awareness Exceeds Kurdish Identity in Kandil” on changes within the life styles of Kurdish militants in the Kandil headquarters of Kongra-Gel, formerly the PKK, suggesting an improvement of relationships between the genders. Police reportedly demanded that Karakurt hand over photographs of those he had interviewed, who included one of the militant leaders of the PKK. The defendants are being tried under Articles 6/2 of the Anti Terror Law. Trial hearings opened before the Istanbul Heavy Penal Court on 5 May 2005 and several more have been held. The trial was protested by the Turkish Press Council and Turkish Journalist’s Association. At a hearing on 10 February 2006, the prosecutor formally asked the court to exempt Kılıç and Tatlıcan. At this hearing, Karakurt made reference to previous similar research he had carried out in Algeria in 1994 with PKK leaders. He had also written a report on the presence of PKK militants in Romania that had been submitted to the Romanian Prime Minister at the time by the then Turkish Prime Minister, Tansu Ciller. He referred to a former woman guerrilla who had escaped from PKK ranks who told him that his article on Kandil had helped her to explain to others why she had fled. Far from advocating the PKK, his articles were in fact a critique. He had also received an award from the Journalists Association of Turkey for the same article. After hearing the appeal, the Prosecutor re-iterated that all three defendants were guilty of propaganda under Article 6/2 and 7/2 of the Anti-Terror Law. The court was adjourned to 21 September 2006

when it was decided that the Bagcilar Court of First Instance could not preside a case under anti terror legislation and ordered that the case be transferred to specialised high courts set up to deal with such cases. Next hearing 21 April 2007. Ongoing as of June 2007.

***Eren KESKİN (f)**: journalist for the daily *Birgün*, lawyer and former head of the Istanbul branch of the Human Rights Association. Trial opened on 31 May 2007 on charges under Article 301 for an article on the murder of Hrant Dink entitled “The Special Organisation at Work” published in January 2007. Deemed to be “insult to the armed forces”. Next hearing set for 27 September 2007.

***Rojda KIZGIN (f)**: journalist for the Dicle News agency. Court case launched by Bingol Public Prosecutor c. 22 January 2007, along with Ridvan Kizgin, Chairman of the Bingol Branch of the Human Rights Association, and Dogan Adibelli. Charged under Article 301 of the Penal Code for “insult” to the security services for an article that accused a village guard of stunning fish with army explosives. Next hearing to be held 29 March 2007.

Ersen KORKMAZ: owner of *Demokrat Iskenderun* remains on trial for over 4.5 years on charges originally under Article 159 of the Penal Code, now transferred to Article 301 for “insult” to the armed forces for an article on a debate organised by the Turkish Communist Party on guerrilla leader Ocalan. The article was entitled “They Caught the Leader of the Kurds and gave him to the Fascists.” He is on trial with Necmettin Salaz, who organised the panel. The most recent hearing held on 22 May postponed to 14 November 2007.

***Mustafa KOYUNCU**: editor in chief for *Emeridag*. Arrested following a 12 March 2007 publication of an article “Should we enter the EU like that? They Misuse Their Authority”. Apprehended while in his car at a random traffic control check, he was held for a week in prison and subsequently charged with insulting a police officer. Trial to open on 24 May 2007. PEN is seeking an update.

Ahmet ÖNAL: owner of the Peri Publishing House. 1) On trial in June 2001 for publishing a collection of interviews with people in exile compiled by human rights activist Ms **Evin Aydar Çiçek** entitled *Tutukular ve Tutsaklar* (The Passions and the Prisoners). Seen as “insult to Atatürk”. Sentenced to 15 months in prison in December 2003 and appealed. Around 1 June 2006, he was found guilty by the Beyoglu appeals court in Istanbul and sentenced to 15 months in prison. At his original trial, Önal had been sentenced to one year in prison. However the appeal court increased this by six months for committing the offence in print, and then reduced it to 13 months, refusing to defer imprisonment citing that the court did not believe that he would not commit such an offence again. He is appealing the sentence. 2) On trial in August 2002 for book by **M. Erol Coskun, Acının Dili Kadın** (Women: Voice of the Pain) under article 312 of the Penal Code. Önal heavily fined and Coskun sentenced to 15 months in prison in August 2003. They appealed against both convictions. Next hearing due 8 November 2007. 3) On trial for book by **Hejare Samil, Diaspora Kürtleri** (The Kurds in Diaspora) under article 220/8 (“making propaganda for an illegal organisation”). The case, which reconvened on 24 March 2006, at the Istanbul Criminal Court No.11, reportedly decided not to prosecute on the grounds that they considered that Önal should instead be prosecuted according to Article 7 of the Law to Fight on Terrorism (aiding and making propaganda of terrorist organisations) The case remained open as of June 2007. 4) On trial together with writer **Hüseyin Beysülen**, for **Beysülen’s** book, *Dersim’de Alevilik* (Alewis in Dersim) and they are charged for “insulting the memory of Atatürk”. Case dropped February 2007 due to statute of limitations. Many cases had been launched against the books

published by Peri Publishing House and many of them are banned.

***Ergüder ÖNER, Emrah ÖNER:** owner and editor in chief respectively of the monthly *Climate in Dersim*. Case opened against him on 1 June 2007 on charges under Article 215 of the Penal Code (praising crime and criminals) which carries a maximum 2 years in prison. The charges relate to an article in which it was suggested that the PKK leader Abdullah Öcalan, detained since 1999, was being poisoned. The newspaper is produced in Tunceli, an area mainly populated by the Alevi people, called dersim before 1938. The paper issues a quarterly cultural section in Turkish, Zaza and Kirmanc dialects.

***Haci ORMAN:** Chief editor of *Sant ve Hayat (Art and Life)* magazine and head of the Executive Board of BEKSAV (Science Education Aesthetic Culture Art Research Foundation), described as a socialist, alternative centre which has come under attack by the authorities. Went on trial on charges not yet clear to PEN before the Besiktas Court in Istanbul on 29 May 2007. Arrested on 31 January 2007 by members of JITEM (Gendarmerie Intelligence and Anti-Terror Organisation). He claims to have been threatened, and insulted due to his Armenian descent, and reference made to the murder of Hrant Dink two weeks earlier, suggesting a similar fate. He was held until 2 February 2007 and a formal arrest warrant issued the next day.

Birgül ÖZBARIS (f): journalist for the pro-Kurdish *Ulkede Özgür Gündem*. Had a number of charges against her since 2006 for discouraging military service under Article 318/2 of the penal code. Current cases as of June 2007 are: 1) For an article entitled "Anti War Meeting" published 24 September 2005. Case referred to the High Court. Date for hearing not yet set. 2) Article published 19 October 2005 headed "A Message to Europe from Objectors". Under article 318 acts inciting persons against military service carry up to 2 years in prison, with up to an additional year if committed through the press.

Songül ÖZKAN (f): Publisher of Evrensel publishing house. She was put on trial under Article 312 after she had published Kurdish journalist and writer Ahmet Kahraman's book *Kürt İsyanlari* (Kurdish Rebellions). Hearing on 5 October 2006 at the Beyoglu Penal Court of First Instance No. 2 adjourned to 21 December 2006. Ongoing as of March 2007.

***Sirri ÖZTÜRK, Osman TIFTİKÇİ:** Owner of *Sorun* Publishing House and writer respectively. On trial in connection with Tiftokçi's book *Osmanli dan Günümüze Ordunun Evrimi (The Evolution of the Army from the Ottomans to Today)* under Article 301 of the new Penal Code. The book is seen to be "publicly degrading to the army". Legal proceedings started in early March 2006 and first hearing held before the Istanbul 2nd Court of First Instance on 20 June 2006, with next due 3 October 2007. Ozturk told the courts that Osman Tiftokçi is a former army officer who served during the 12 March 1971 coup. His book refers to his first hand experiences, was well researched and had been subject to legal scrutiny before publication. He lives abroad.

***Mehmet SAH AYAZ:** journalist for the *Batman Express*. Trial continued on 22 September 2006 under article 301 of the Penal Code. Also **Murat Ayaz**, the newspaper owner. Linked to an article published 20 February 2006 entitled 'Kurtlar Vadisinde Vergi Haftasi' by Sah Ayaz. Hearing adjourned to 24 November 2006. PEN is seeking an update.

***Cem SAHİN:** editor in chief of *Özgür Halk* and *Cenç Bakis*. Arrested on charges of "making propaganda for an illegal organisation" c. 22 January 2007. Related to articles published in December 2006. Reportedly detained as of May 2007.

***Cengiz SARI:** singer, lyricist and leader of punk band, Deli (Mad). Case under Article 301 brought against Sari, four other band members and their agent for the lyrics of a song that criticised the university entrance

exam system. The head of Turkey's central examination board, while admitting that the lyrics of the punk record were humorous, he added that it was his duty to ensure that they do not fall foul of laws penalising insult of state institutions. The first hearing was due 2 May 2007. Sari, now aged 24, points out that it was written seven years ago. One of the defendants, drummer Resat Saral, who had only joined the band a year before, and six years after the lyrics had been written.

***Ismail SAYMAZ, Hasan ÇAKKALKURT, Ismet BERKAN:** journalist for *Radikal* and editors-in-chief of the newspaper. First hearing before Bagcilar Court of First Instance No 2 held on 5 October 2006 for publishing an article suggesting a child had been tortured published on 23 February 2006. Saymaz has refused to pay a fine of 20,000 YTL. The article referred to the arrest of an 11-year-old in the Bagcilar district of Istanbul. He claimed that he had been arrested by police and then beaten. Police claim that he had suffered injuries as he fell as he attempted to run away from them. Accused under article 5187 of the Press Law that bans reporting on judicial proceedings that are still in process. Adjourned to 15 February 2007. (For more on Çakkalkurt, see above and Saymaz below) **Berkan** is one of a number of writers offered police protection following the murder of Hrant Dink (see above)

***Ahmet SIK:** journalist. Trial opened on 22 May 2007 under Article 301 before the Bakirköy Court in Istanbul for insulting the armed forces in an article published in the weekly *Nokta* that was itself closed down in April 2007. Sik has been accused by the general command of the police of "decreasing the respect for the army among the people" and "denigrating the state's armed forces". Related to an article in which he interviews **Lale Sariibrahimoglu (f)**, a security expert, and a follow up report. Lale Sariibrahimoglu the newspaper of her disquiet at the broadcast on YouTube of a video showing the killer of editor Hrant Dink (see above) celebrating the murder alongside police officers which she says indicates the levels of corruption and involvement by the police and army. Sariibrahimoglu is being tried alongside Sik. Next hearing set for 24 October 2007.

Cemal SUBASI: journalist for the journal *Tempo*. Court case launched against Subasi and mayor of Diyakir Osman Baydemir in late June 2006 for an interview published on 14 January 2006. Charged under article 216/2 of the Penal Code (incitement to hatred and enmity) and Article 218 that allows for increase of the penalty by 50% for publication of the offensive article in the press. The article questioned the incarceration of PKK leader Abdullah Öcalan, and suggests that his imprisonment in isolation will serve to promote violence. Last hearing held 12 December 2006 before the Bagcilar Penal Court of First Instance, adjourned to a later date.

***Mehmet Timocin SUCU, Ibrahim YILDIZ:** journalists for *Cumhuriyet*. Charged with insult through the press under Article 125 of the Penal Code following complaints by Prime Minister Erdogan about an article entitled 'CHP MP Koç: Prime Minister is making a U-Turn'. The case is being tried before two courts. In early April 2007 the Istanbul 2nd Criminal Court due 6 April 2007 sentenced Yildiz to 23 months in prison (sentence against Sucu note clear), while another court in Ankara acquitted both. PEN is seeking clarification.

***Mehdi TANRIKULU:** publisher, owner of Tevn Publishing. Case launched under Articles 7/2 and 6/2 of the Anti Terror Law for publication of a book by Ergün Sönmez entitled *The Kurdish Independence Movement in the Age of Capitalist Imperialism*. To open on 30 March 2007 before the Istanbul Heavy Penal Court. To be confirmed.

Ferhat TUNÇ, Mehmet ÇOLAK: singer and editor-in-chief of *Özgür Gündem* respectively. 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”. They face 1-3 years in prison if convicted. Hearings continued through 2005, 2006 and 2007. Tunç also reports receiving death threats following a case opened against him for participating in a human rights commission to rescue Private Copkun Kirandi who had been rescued by the PKK. Next hearing is due on 7 June 2007. (Tunç may also face charges for a statement made at a concert in July 2006 deemed to be in breach of Article 7.2 of the Anti Terror Law. First hearing set for 6 June 2007.) Tunç is among a number of writers and others who have been offered police protection following threats made in the wake of the murder of Hrant Dink.

***Atilla TURGUN**: translator of George Jerjian’s *History Will Set us Free /Turkish-Armenian Conciliation* faces charges under article 301 of the Penal Code of “insult” to the state and of “insult to the memory of Atatürk” following the 3 May 2007 acquittal of these charges of the book’s publisher Ragıp Zarakolu (see below). Legal proceedings were initiated in December 2004 against Zarakolu. The book is said to claim that leading government figures close to Atatürk had been responsible for the mass deportation of Armenians in 1915. Hearing set for 3 October 2007.

***Irfan UÇAR, Hasan BAYAR**: journalist and chief editor of *Özgür Gündem* respectively. Trial opened on 13 March 2007 on charges under Article 301/1 and 301/2 before the Beyoğlu 2nd Criminal District Court of First Instance in Istanbul. Accused of “insulting the Turkish National Assembly, the judiciary and state security services” for an article published in the newspaper on 13 December 2005. Next hearing set for 29 September 2007. The article in question criticised the decision to prosecute publisher Fatih Tas for having published a book on the disappearance of a journalist. The relevant quote is “(...) *A journalist disappears in Turkey. 11 years pass. A publisher brings out a book on the incident and gets convicted under Article 301. The security forces and judges of this country don’t feel responsible for what has happened to the disappeared journalist Nazım Babaoglu. Those who “lose” Nazım walk free, but those who write about it get prosecuted (...)*”

***Umur HOZATLI**: former editor-in-chief of *Ülkede Özgür Gündem*. Trial continued on 16 May 2007 on charges under Article 301 for insult to the Turkish police and armed forces in an article. Also being tried in this case is Hasan Bayar (see above). Next hearing set for 29 September 2007.

Mehmet Ali VARIS: publisher/owner of Tohum Publishing House. Indicted in August 2003 for the book by **A. Dursun Yıldız** *Özgürleşmeye Pedagogik Bakış* (A Pedagogical Approach to Liberation). Under Article 312 of the Turkish Penal Code. He is still on trial along with two new cases under Article 312 for publishing the books “Anatolia from Multiculturalism to Monoculturalism” and “Kocgiri” and one new case under Article 5816 (Insult to Atatürk) for publishing the book “Kemalism: The Sitting Man”. The cases are reportedly consolidated and hearings opened in March 2006 at Beyoğlu Penal Court of First Instance No. 2, which on 5 February 2007 sentenced him to 18 months in prison. Pending appeal.

Ali Rıza VURAL: publisher, Doz Publishing House. Case opened in April 2006 for a book published in February 2003 entitled *Barzani and the Kurdish National Movement*. Charged with insult to the Turkish state, Article 301/2 of the Penal Code. An initial court case was dismissed but relaunched after a second print was issued in May 2005. The two volume book focusses on Mulla Moustafa Barzani, the founder of the Kurdistan

Democrat Party (KDP) who died in 1979. He is father of the current KDP leader, Masoud Barzani. Excerpts from the book that led to charges refer to Atatürk ordering suppression of the Kurds, and to have reneged on promises made to the Kurdish community in return for their assistance in the creation of the present Turkish state. The book is also said to touch upon the sensitive topic of the repression of the Armenian community at the turn of the 20th century. The next trial hearing set for 8 July 2007.

Hamdullah YILMAZ: editor in chief of the Kurdish newspaper *Azadiya Welat*. On trial for publishing a statement entitled “I accept Abdullah Öcalan as my political representative” signed by the “Democratic People’s Initiative” published in August 2005. Trial concluded before the Diyarbakir Heavy Penal Court on 21 June 2006 when Yilmaz was sentenced to 2½ years in prison for making propaganda for an illegal organisation under article 220/8 of the Penal Code and Article 6 of the Anti-Terror Law. Presumed free on appeal. On 28 November 2006 it was reported that he was sentenced to a total of 4 years and 3 months in prison on two charges and that his newspaper has had many cases taken against it since it was set up. Welat is quoted as saying that the newspaper aims to develop Kurdish press and publishing and is wrongly accused of attempting promote violence. Appeal court concluded that it was not within its jurisdiction and referred the case to another court. Date for hearing not set.

Ragıp ZARAKOLU: publisher, Belge Publishing House. Zarakolu is a recipient of the NOVIB/PEN Free Expression Award 2003. **1)** Legal proceedings were initiated in December 2004 against Zarakolu for the publication of **George Jerjian**’s book *History Will Set us Free /Turkish-Armenian Conciliation* under Article 301 of the Turkish Penal Code (formerly Article 159 of the old Penal Code) for “insulting the State and the memory of Kemal Atatürk”. The book is said to claim that leading government figures close to Atatürk had been responsible for the mass deportation of Armenians in 1915. First trial held before the Light Crimes Court at Istanbul on 16 March 2005 and there have since been numerous hearings. On 3 May 2007, he was acquitted. However the translator of the book now faces charges. **2)** On 1 August 2005, another case was opened, this time for the publication of Professor Dora Sakayan’s *An Armenian Doctor in Turkey: Garabed Hatcherian: My Smyrna Ordeal of 1922* to be charged under Article 301 of the Penal Code (formerly Article 159 of the old Penal Code). Case opened on 21 September 2005 and there have since been numerous hearings, with the next due 3 October 2007. **Background:** Zarakolu has been subject to many years of harassment, trials and periods of imprisonment since the 1970s for publishing books on such issues including minority and human rights. His publishing house was bombed by right wing extremists in 1995, forcing his publishing house underground for a couple of years. Many of the hearings against Zarakolu have been observed by PEN members. **Honorary Member:** American, English, Quebec, Kurdish, Canadian, Netherlands and Swedish PEN

Sentenced: non-custodial

Belma AKÇURA (F): **author.** trial opened 26 November 2006 under Article 125 of the Penal Code for “insult through the press” for her book *How the Deep State Became the State*. Follows complaint by Nevzat Bor, said to be linked to the mafia who himself has links to the intelligence agencies and the ultra nationalist movement. Akçura says that she refers in her book to a number of murders, but that in the two references to Bor in the book, neither links him to the killings and simply refers to his friendships with others that the book refers to. On 25 January 2007 he Ankara 2nd District Court sentenced Akçura to 3 months in prison,

reduced to a fine of 1,8000 Turkish lira. She is appealing against the sentence.

***Mustafa BALBAL**: writer sentenced to 10 months in prison on 9 July 2006 under Article 301 of the Penal Code for his book *Blood Flows from the Captive General on Mount Ararat*. The sentence was commuted to a fine of 1,800 New Turkish Lira and suspended. The book had been confiscated in 2002. Publisher **Ahmet Zeki Okcuoglu** was acquitted at the same trial. The book was a biography of Shek Zahir, who led an uprising around the Mount Ararat region in the early 1900s.

Faruk ÇAKIR: editor in chief of *Yeni Asya*. Case launched on 20 July 2006 by the Bagcilar Public Prosecutor for a 23 May 2006 article on an incident on a shooting at the Turkish Council of state where a judge was killed and four others injured. The article, entitled “Trick Backfired”, has led to charges under Article 288 of “attempting to influence the judiciary” and insult to the military under Article 301. The article claimed that the man who carried out the attack was linked to a nationalist group known as ‘Kizilemlaci’, that includes as its members a group of retired members of the Turkish armed force. The case opened at the Bagcilar Court of First Instance on 12 October 2006 and was adjourned to 13 February 2007 when he was acquitted of insult but sentenced to a six month prison term, converted to a fine under Article 288.

***Mehmet PARMAK**: writer. Sentenced to 15 months in prison, converted to a fine, on 23 May 2007 by Fatih Penal Court in Istanbul for his book *Kemalism, Secularism, Martyrdom*. Charges not clear. His publisher, **Hamza TÜRKMEN**, also tried, was acquitted.

Attacked

* **Alper TURGUT, Demet Bilge ERGÜN (f)**: reporters for *Cumhuriyet* and *Radikal* respectively. Among at least eight journalists reportedly attacked by police in Istanbul on 1 May 2007 during May Day protests. Turgut has filed a complaint against the police.

Released/Acquitted

***Huseyin AYKOL**: editor in chief of *Ulkede Ozgur Gundem*. Charged on 8 August 2006 under the Anti Terror Law for “membership of a terrorist organisation” for carrying out an interview in 2003 with members of the banned Kurdistan Worker’s Party (PKK) at a PKK camp in the Kandil mountains when he was foreign news editor of his paper. In June 2007, he was acquitted.

Hasan ÇAKKALKURT, Ihsan DÖRTKARDES: editor in chief and owner of *Aydin Dogan*, and correspondent respectively tried alongside DEP MP Hatip Dicle. Dicle was on trial under Article 7/2 of the Anti Terror Law for a speech made in June 2006 at a meeting of the House of Commons in London titled “Turkey Resisting Democracy and Kurds in the Struggle for Democracy”. The two journalists were charged for an article published on 25 January 2006. All were acquitted on 24 May 2007. **Evrin DENGİZ (f), Nesrin YAZAR (f)**: journalists for the Dicle News Agency who were among 9 people arrested on 15 February 2005 for starting a demonstration in Sanliurfa marking the anniversary of PKK leader Abdullah Öcalan’s arrest. The Adana Heavy Penal Court concluded on 25 August 2006 that materials for Molotov cocktails allegedly found on the journalists were “invalid”. PEN has learned that both were freed in late 2006.

Rüstü DEMIRKAYA: reporter based in Tunceli. **1**) arrested on 14 June 2006 for “aiding and abetting an illegal organisation” following claims made by a former “repentant” member of the banned Kurdistan Workers Party (PKK) who said that Demirkaya had visited PKK members in Tunceli late 2005 and given them a laptop computer and CDs. His trial

opened on 21 September 2006 and was adjourned to 18 October, and again to 15 November 2006. Trial presumed now closed. **2**) On 4 August 2005 he was among a number of persons put on trial after covering the handing over of a kidnapped soldier by the PKK to the Turkish authorities. All were accused of propaganda for the PKK. On 12 December 2006, he and ten other codefendants were freed.

Namik DURUKAN: journalist for *Milliyet*. Hearings opened on 21 September 2006 before a specialised high court set up to hear cases under anti-terror law. Durukan is accused for an interview with PKK leader Abdullah Öcalan’s brother. Acquitted on 24 May 2007.

Memik HORUZ: Editor-in-chief of *Özgür Gelecek (Free Future)* and *İşçi-Köylü (Workers & Peasants)*. Arrested in 6 June 2001 for membership of an “illegal” organisation. On 13 June 2002, he was sentenced by the Ankara State Security Court to 15 years in prison under Article 168(2) of the Criminal Code for writing an article based on interviews with TKP/ML TIKKO members and publishing it in November 2000. Sentence confirmed on appeal on 23 January 2003. He was released on 31 January 2007.

Aburrahman Erol OZKORAY: In late April 2007, the Sisli 2nd Criminal Court of First Instance dismissed the retrial against journalist Ozkoray on charges levied in 2002, reportedly for his writings. He was previously found guilty and sentenced to a prison term reduced to a fine. As penal code had been amended as his trial was under way, he won the right for an appeal. Acquitted around June 2007.

Mehmet OZMEN, Hasan KARAKAYA: columnists for *Aksam*. On trial under Article 125 – insult through publication – for a number of articles published in *Aksam* Court decided to discontinue the case at a hearing on 12 April 2007. Tried alongside **Abdurahman Dilipak**, above.

Ibrahim YILDIZ, Mehmet UCU, İlhan TAŞÇI: first two are editor in chiefs of the daily *Cumhuriyet*, latter is a correspondent. On trial alongside the newspaper owner **İlhan Selçuk** for an article entitled “Kızıltepe: A Ball of Contradictions” on the murder of a man and his young son, which the newspaper claimed was in fact an “extra judicial execution”. The article was published on 1 January 2005 and the newspaper was fined. When the fine was not paid, trial proceedings before the Istanbul Court of First Instance were initiated in July 2005 and adjourned to 31 March 2006. The indictment suggests that the defendants be tried under Article 19/2 of the Press Law (Law no 5187). Since acquitted.

Case closed

Huseyin AYGÜN: lawyer and publisher of the newspaper *Munzur Haber*. ARGED in early 2005 for insult and defamation in two separate cases. Cases believed to be resolved.

Mehmet EYMAN: Administrator of the electronic journal katman.info. Trial commenced against Eyman on 8 February 2006 in relation to an article titled: ‘Deputy President of General Staff Basburg openly stated that Turkey was capitulated in his speech at the meeting of Turkish-American Council in Washington.’ Case closed.

***General Osman PAMUKOĞLU**: retired general. Military Prosecutor of General Staff launched a case on charges of publishing secret military information in his book *There is nothing new except for forgotten issues*. The indictment acknowledges that the information in the book was not confidential, but states that it was misused by the PKK. The prosecutor requests that Pamukoglu be sentenced under Article 95 of the Military Penal Code. Case closed due to lack of further information.

Asiye Güzel ZEYBEK (f): arrested 22 February 1997 during a demonstration protesting alleged links between Mafia and government. **Zeybek**,

(born 1970) editor-in-chief of *Atılım (Leap)*, is specifically accused under Article 168 of the Penal Code with connections with the Marxist-Leninist Communist Party (MLKP) accused of terrorism. The indictment dated from 21 June 1994 accused her of running and distributing the MLKP journal *İçinin Yolu* (Worker's Path), as well as being an organiser of the movement's activities. Formally charged on 7 March 1997. Trial proceedings began in late 1997. It was still under way on 5 June 2002 when she was freed pending a final court hearing. On 16 October 2002, Zeybek was sentenced to 12½ years in prison. By then she had left Turkey for Sweden where she was a recipient of the Tchukolsky Award. A further appeal is being made. **Zeybek is an Honorary Member of:** Swedish PEN, English PEN, Netherlands, San Miguel Allende, Ghanaian, American, Swiss Romande, and Canadian PEN. After five years in exile, case now transferred to PEN Exile status.

TURKMENISTAN

Investigation

Khudaiberdy KURBANDURDYEV: editor-in-chief of the newspaper *Adalat*. Sentenced to eight years in prison according to news reports of the 10 January 2006. The ruling was a surprise to Kurbandurdyev's colleagues as he had always been regarded as loyal to both the regime and President Saparmurat Niyazov. The official charges allege that Kurbandurdyev illegally issued editorial documents to two people, who were not members of the *Adalat* staff and were later revealed to be associated with people who are serving prison sentences for taking part in assassination attempts against President Niyazov. PEN is seeking further information.

Threat of arrest/Charges pending

Rakhim ESENOV: writer and journalist. **D.o.b:** c.1926. Arrested on 23 February 2004 and freed pending charges on 9 March 2004. Esenov was arrested by members of the Ministry of National Security (MNB) on 23 February 2004 for interrogation. During questioning, Esenov suffered a stroke and was taken to hospital where he remained under Security Service guard. Two days later he was taken from hospital and transferred to the MND investigation-interrogation unit. He was released condition that he not leave the country. He was also warned against continuing to report for Radio Free Europe/Radio Liberty. On 2 March 2004 Esenov was charged under Article 177 parts 1 and 2 of the Turkmen Criminal Code for "inciting social, national and religious hatred". The charges relate to Esenov's book *Ventsenosny Skitalets (The Crowned Wanderer)*, banned in Turkmenistan for 10 years. Esenov had managed to get the book published in Moscow in 2003 and had 800 copies delivered to his home in the Turkmen capital Ashgabat. In January 2004, customs authorities had removed the books, alleging they had been imported illegally. The book, set in the Moghul Empire that was founded in the 16th Century, centres on Bayram Khan, a poet, philosopher and army general who is said to have saved Turkmenistan from falling apart. In 1997 President Saparmurat Niyazov denounced the book as being "historically inaccurate" and demanded that corrections be made, a demand that he refused to meet. **Other details:** Also arrested was his son-in-law Igor Kapriellov who was subsequently sentenced to a five year suspended prison term for "smuggling". **Health Concerns:** acute – Esenov had suffered a heart attacks prior to his arrest. **Current situation:** In April 2006, Esenov was allowed to leave Turkmenistan to attend a ceremony in New York where he received the PEN American/ Barbara Goldsmith Freedom to Write Award. As of December 2006 he had travelled to

Prague, Czech Republic and plans to return to Turkmenistan. **Honorary Member:** English, Canadian and German PEN

UKRAINE

Attacked

***Natalya KISELYOVA (f):** journalist and sociologist from Crimea. Reported that on 18 May 2007, her home was attacked and windows broken, the fourth such attack this year. The latest followed the publication of an article by Kiselyova in which she questioned the local majilis (self proclaimed ethnic "parliament" of Crimea). She has written on the topic on numerous occasions.

UZBEKISTAN

Main Case

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. **Professional details:** Former contributor to *Erk*. Brother of exiled opposition leader, Muhammad Salih **Place of detention:** Kasan, south west 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. **Other Details:** Brother Rashid Bekzhon arrested alongside him. Wife resident in the USA. **Honorary Member:** English PEN, American PEN, USA, Canadian.

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 159.3 UCC – Threatening the constitutional order. 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:** Transferred from Navoi prison to the medical centre at Tashkent prison around March 2001. Subsequently moved on to Chirchik prison 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. **Honorary Member:** English, American, Canadian, Netherlands and USA

Yusuf RUZIMURADOV

Profession: leading opposition party member and editor-in-chief of *Erk*
Date of arrest March 1999 **Sentence** 15 years **Expires** March 2014
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, above) **Trial details:** Sentenced 18 August 1999 to eight years in prison on charges of attempting to “overturn the government by force”, “membership of an illegal organisation” and “slander” of the Uzbek President. 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. **Professional details:** Former editor-in-chief of *Erk* and leading member of the Erk opposition party. **Place of detention:** Navoi. **Health concerns:** reports of torture lead to concern for well being. **Other details:** wife resident in the USA. **Honorary Member:** English PEN, American PEN, Canadian, USA

Forced psychiatric detention

Dzhamshid (Jamshid) KARIMOV: d.o.b c. 1967, journalist working for the London-based Institute of War and Peace Reporting (IWPR) until May 2005 and subsequently for a number of other publications, disappeared on 12 September 2006. Two weeks later his friends were able to ascertain that Karimov was being held in a psychiatric hospital in the capital, Samarkand. The chief psychiatrist at the hospital stated that Karimov suffers from a psychiatric disorder, that he was accepting medication, was in a room of his own and does not mix with other patients. Still in at the hospital as of 30 June 2006. **Ill treatment:** has been allowed visits from his mother and fiancé but on occasion reportedly appeared distressed and asked them to help him get out. **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. In June 2006, Karimov expressed concerns that he and a fellow reporter working for IWPR, Ulubek Khaidarov (see below) would be arrested.

Investigation

Khayrullah (Hairulla) ERNAZAROV: journalist. Arrested 28 April 2003 by national security service (SNS) agents at his home in Tashkent. **Trial:** Trial opened in Samarkand regional court on 18 June 2003. Ernazarov is said to be accused of disseminating audio cassettes of sermons by the Islamic preacher Abduvalli-kori, and thus promoting wahhabism (a conservative Islamic sect), and being a member of the Hizb-Ut-Tahrir party. His lawyer, provided by the Centre for Human Rights Initiatives, was apparently denied access to the court hearing. Human rights groups have expressed deep concern about the arrest and reported torture of alleged Hizb-Ut-Tahrir members, and there are fears for Ernazarov’s well-being. A fourth hearing was held on 18 July 2003 during which eight witnesses testified. All had been condemned of “wahabi-ism” in 2000. Six declared that they did not recognise Ernazarov. One apparently claimed in court that his statements had been extracted under torture. Others have made similar claims. During the hearing, Ernazarov apologised to the court and Uzbek President. When asked why, Ernazarov is said to have replied that he apologised only for practising Islam prayer. The trial hearing was barred to journalists. **Convicted** to seven years in prison on 28 July 2003. **Background:** Ernazarov graduated from the Tashkent Theatrical Institute in 1997, and went on to work as a proof-reader for the newspaper *Khalq Suzi* and worked for the newspaper *Sport*. He left journalism in 2001 to care for his wife and two young daughters, age five and six, both of whom are disabled. His wife is also disabled. Ernazarov had reportedly stopped working as a journalist, and was at the time of his arrest employed in a bazaar to earn money for the surgery needed by his daughters. **Place of detention:** Zarafshan Prison, Navoi. **Other:** In July 2003 the UN Special Rapporteurs on Torture and Freedom of Expression, and the Chair of the UN Working Group on Arbitrary Detention sent an urgent appeal about the arrest and lack of access to legal counsel. The Special Rapporteurs on Torture and Freedom of Expression sent subsequent appeals in August 2003 following the conviction of Ernazarov following a trial that dismissed allegations that he and his defendants had been tortured. The Government responded that Ernazarov had been defended by a lawyer, and contested reports that his wife had not been allowed access to him. PEN is seeking further information. **Gayrat MEHLIBOEV:** d.o.b c. 1979. Journalism graduate. Arrested 24 July 2002 Chorsu Market, Tashkent, during an illegal demonstration. Accused of supporting the banned Hizb ut-Tahar Islamist group. Charged under Article 156 of the Criminal Code – inciting religious enmity, Article 159 – forming illegal religious organisations, Article 244 participation in extremist groups. Sentenced 20 February 2003 to seven years in prison, subsequently reduced to six and a half years. Accusation based on article published in 2001 on the ideology of Hizb ut-Tahar and literature of the organisation found in his room. Mehliboev claims that while he studied the organisation’s ideology which he used as a source for his article, he was not involved in violent acts. He also denied possession of the literature. He claims to have been tortured in detention. Graduated in journalism in June 2002 from Tashkent University. His whereabouts and conditions of detention are unknown.

***Oritkali NAMAZOV**: former editor of the government newspaper *Pop Tongi* and journalist for *Kishlok Khayoti*, also a state newspaper, sentenced to five and a half years in prison on 16 August 2004 on charges of embezzlement. His whereabouts are unknown. **Background**: Namazov's arrest followed a series of articles in which he criticised alleged abuses of tax inspections and collective farm management. His trial opened on 4 August 2004 at the Turakurgan District Criminal Court, during which he is said to have claimed that the judge was biased and that he was not allowed to defend himself. Human Rights monitors say that Namakov's family has suffered reprisals, having their home telephone cut and his daughter fired from her job as a school doctor. Namazov's whereabouts and state of health are unknown. Source: CPJ.

Released – suspended sentence

***Umida NIYAZOVA** (f): age 32, human rights defender and journalist. **Arrest**: Arrested on 22 January 2007 and held for four days in Andijon before being transferred to custody at the General Transport Prosecutor's office in Tashkent. She was held under a three month pre-trial detention order facing charges of illegally crossing the border (Article 223 of the Criminal Code) and bringing banned materials into the country (Article 246). Both carried sentences of up to ten years. In mid-April 2007, a third charge was levied against her of distributing materials threatening national security using foreign financial aid, that carries up to 15 years in prison. **Sentence**: on 1 May 2007, Niyazova was sentenced to seven years in prison by the Sergely District court in Tashkent after pleading guilty to illegally crossing the border. She was immediately transferred to Tashkent Prison. **Release**: on 8 May 2007, Niyazova's prison term was converted to a seven year suspended sentence and she was freed. There are concerns that she may have been coerced to make a statement in court in which she accused Human Rights Watch and the other NGOs of having deceived her into carrying out subversive activities. **Background to arrest**: the charges of smuggling banned literature date from 21 December 2006 when Niyazova was held for nine hours at customs at Tashkent Airport where she had returned from a human rights seminar in Bishkek, Kyrgyzstan. She was released but her passport was withheld, as was her laptop computer. She signed an undertaking not to leave the country and her computer was taken for analysis. It is said to have contained a report on the May 2005 Andijon killings by Human Rights Watch. In January 2007, Niyazova's lawyer apparently informed her that no subversive literature had been found and that no criminal charges would be made. She was, however, arrested when she attempted to go to Tashkent to pick up her computer from her lawyer. **Health concerns**: visitors to Niyazova in prison reported that she was in obvious psychological distress, and concerned for her two-year-old son. Reports in April 2007 suggest that she had been subjected to sleep deprivation. **Journalism**: Niyazova has worked for the Centre for Journalists in Extreme Situations since 2000, and has also been employed by the Internews and Freedom House media groups. She has also acted as a translator for Human Rights Watch **PEN Action**: RAN 09/07, updates 2 and 8 May, 8 March 2007 Women's Day feature.

Case closed

Salavat UMRZAKOV: member of the opposition *Erk* party and journalist for its newspaper. Reported by Erk Chairman Atanazar Aripov on 2 May 2005 that Umrzakov had been arrested and that although the reasons for the arrest were not known, it was thought it could be linked to his writings. Umrzakov is said to have been imprisoned with other Erk activists in March 1994, released three months later, and subsequently

subjected to surveillance. He had apparently signed a statement claiming that he would no longer be involved in politics but had nevertheless made it clear before his recent arrest that that he would not stand by this undertaking. Case closed due to lack of further information.

Middle East and North Africa

ALGERIA

Facing charges

***Abdel Salam BAROUDY**: Administrator of the *Bilad Telmesan* Internet log (<http://bilad-13.maktoobblog.com>). Facing a defamation charge for criticising an official in an article published in February 2007. Baroudy reportedly criticised an official for allegedly banning cooperation between religious leaders and local broadcasters. If found guilty, he could face a sentence of six months in prison and a fine. The first hearing was due to take place on 11 June 2007. WiPC seeking an update.

On Trial

Salah MOKHTARI: Journalist with the national daily *El Djazair News*. Reportedly arrested in Medea, south of Algiers, on 18 December 2006 whilst covering a story. When he was taken to the prosecutor's office the following day, he was told four arrest warrants were pending against him from 2004 and 2005 for alleged libel in articles he had written for the Arabic-language *El Kawalis*, for which he was working at the time. Mokhtari, who claims to have never received a summons in connection with these cases, was accorded a provisional release on 25 December 2006, after being held for a week. He is due to appear before a judge on 8 January 2007. No further news as of end June 2007.

Sentenced: non custodial

Ali FODIL and Naila BERRAHAL (f): Editor and reporter respectively for the daily *Ech-Chourouk*, were each handed a six-month prison sentence and a fine of 20,000 dinars (c. US\$270) on 31 October 2006 for allegedly libelling Libyan President Col. Muammar Abu Minyar al-Qadhafi. They were found guilty in the wake of two *Ech-Chourouk* articles earlier in the year that implied that President al-Qadhafi had been involved in discussions with Tuareg tribal leaders keen to set up an independent state. Representatives of the Libyan president initiated the legal action against the two journalists. **Appeals**: The sentence has been appealed by the defendants' lawyer, Khaled Bergeheul, and thus has been suspended until a ruling on the appeal has been given. *Ech-Chourouk* was also suspended for two months and the owners ordered to pay the Libyan president 500,000 dinars (c. US\$6,750). The Court of Appeals suspended on 4 April 2007 the six-month prison sentence imposed in October 2006. It also cancelled the fines imposed on the pair. A 500,000-dinar fine on the publishing company was also reduced to 50,000 dinars. **Other information**: Ali Fodil is also the target of a lawsuit by the local prefect of Jijel over an article he published in 2006 accusing the prefect of corrup-

tion. His case will be heard on 14 January 2007. In this case the prosecutor has requested a three-month prison sentence and a fine of 50,000 dinars (544 euros). PEN is seeking an update

Sentenced: free on bail

Chawki AMARI and Omar BELHOUCHE: Director and columnist respectively of the daily *El Watan*. Reportedly handed down three-month prison sentences passed by a court in eastern city of Jijel on 25 December 2006. They were also fined 1 million dinars (approx. 10,900 euros). The sentences are a result of a libel suit brought by the prefect over an article published on 17 June 2006 in which they accuse him of corruption. The hearing was held in the absence of the two defendants. They both maintain they never received a court summons and did not know there had been a trial until the verdict was announced. Both men were sentenced to two months in prison on 27 May 2007 and a heavy fine by a court of appeal. The men are appealing against the decision.

Brief detention

***Arezki AÏT-LARBI:** Journalist with French dailies *Le Figaro* and *Ouest-France*. Reportedly stopped by the authorities on 26 April 2007 at Algiers airport while on his way to France. The arrest stemmed from a warrant issued in 1997 when Ait-Larbi was sentenced in absentia for defamation against a former Justice minister. Ait-Larbi had written an article in the weekly *L'Événement* in 1994, criticising the minister's lack of response to alleged abuse against some prison detainees. Ait-Larbi learnt of the charges and the sentence in May 2006 after his application for a passport renewal was turned down. Ait-Larbi was cleared of all charges on 23 May 2007 after he was re-tried for the original offence.

Case closed

Lahkdar KHELFAWI: Editor of the weekly *El-Kalaâ*, banned from leaving Algeria in July 2006. Having lived in France since 1998, he had returned to Algeria for personal reasons in June 2006 but was prevented from leaving by border police in July 2006. The ban preventing his departure allegedly dates back to 1997 when Khelfawi was sentenced to six months in prison for defamation after writing an article that commented on the absence of the prefect of Tébessa (Algeria) from an official ceremony. Case closed for lack of further information.

EGYPT

Main case

Abdel Kareem Nabil SULEIMAN (aka Kareem Amer)

D.o.b: 1984 **Profession:** Internet activist **Date of arrest:** 6 November 2006 **Sentence:** Four years in prison **Details of arrest:** arrested after posting articles critical of Islam on his web-blog (www.karam903.blogspot.com). He was charged with 'incitement to hatred of Islam' and 'circulating rumours threatening public order'. He was questioned on 8 November and 6 December 2006 after which both investigating judges renewed a two-week detention order. His lawyer was denied access at the second session of questioning **Details of trial:** His trial began on 18 January 2007 and he was sentenced to four years in prison on 22 February 2007 on charges of 'disparaging Islam' and 'defaming the Egyptian president'. The charge of 'broadcasting statements that could disturb public order' was dropped. The Court of Appeal upheld the four-year sentence on 12 March 2007. **Place of detention:** He is being held in Borg El-Arab Prison in Alexandria. **Health concerns:** Reportedly held in solitary confinement in harsh conditions between 4

March 2007 and 8 May 2007. **Previous political imprisonment/problems:** Previously arrested for posting anti-religious articles on his website and held for almost three weeks in October 2005. **Other information:** According to PEN's information, some members of the prosecution in East Alexandria Integral Court are reportedly obstructing the procedure to appeal the conviction of Kareem Amer. Some members of Kareem Amer's defence team have reported that the prosecution has refused to process the appeals on numerous occasions on what appear to be personal motives. **Awards:** Kareem Amer was awarded the journalism award at the 7th Annual Index on Censorship Freedom of Expression Awards on 14 March 2007. (RAN 04/07 24 January 2007; update #1 26 February 2007; update #2 13 March 2007) **Honorary member of:** English PEN.

Investigation

***Sherin Abu EL NAGA (f), Mohamed HASHEM, Shahenda MEKLED:** Academic and writer, owner of *Dar Merit Publishing House* and political activist respectively. All three are facing charges of defamation after several members of a feudal family filed a defamation claim against them on 10 January 2007. This followed the publication of the book *From the Papers of Shahenda Mekled*, published by *Dar Merit*. El Naga, the author of the book, reportedly recounted some of the feudal practices in Kamshich, Menoufia Governorate in the 1950s and 1960s. Some of the members of the said feudal family regard the book as defamatory and insulting and now seek confiscation of the book. No further information as of end June 2007.

Judicial concern

Abd al-Mun'im Gamal al-Din `ABD AL MUN'IM: Freelance journalist, born c. 1964, currently detained on charges of terrorism before a military court. He was arrested in February 1993, acquitted in October of that year of being a member of an illegal Islamist group but issued with a new detention order and placed in a high security prison. He has been charged along with 106 others of supporting the militant Islamist group al-Jihad (Holy Struggle) in a trial known as the "Returnees from Albania" trial. On 18 April 1999, the Supreme Military Court acquitted 20 of the 106 including `Abd al-Mun'im Gamal al-Din. However, he was immediately issued with a new detention order and was transferred to Istiqbal Tora prison, north of Cairo, which is closed to visits. Amnesty International is among groups expressing concerns over his judicial process and is treating him as a possible prisoner of conscience. His journalism was critical of the government and some believe that this is what really lies behind his imprisonment. He used to write regularly for the bi-weekly *Al-Sha'b*. Still detained as of 30 June 2007. Held in Rayoum Jail, southwest of Cairo, and said to be suffering from kidney problems and asthma.

Sentenced, free on bail

Amira MALASH (f): Reporter for the independent weekly *Al-Fagr*. Sentenced to one year in prison for defamation on 9 March 2006. She was convicted of defaming Judge Attia Mohammad Awad in an article she wrote in July 2005 alleging that he had taken bribes. Thought to remain free pending appeal as of 30 June 2007.

Sentenced: non-custodial

Ibrahim ISSA and Sahar ZAKI: Editor and journalist respectively of the opposition weekly *Al-Dustur*. Reportedly sentenced to one year in prison on 26 June 2006 by a court in the village of Al-Warrack, near

Cairo, for 'insulting the President' and 'spreading false or tendentious rumours' after they reported on a legal case against President Mubarak. The charges were brought by the 'ordinary people of al-Warrak' who were reportedly offended by an article published in *Al-Dustur* on 25 April 2005 reporting on a lawsuit brought by a man from Al-Warrak who accused President Mubarak and his wife and son of unconstitutional conduct and 'wasting foreign aid' during the privatisation of state-owned companies. A court of appeal sentenced both men to a fine and dropped their prison sentences on 28 February 2007. Issa is also a novelist, and his novel *Maqatl Al-Rajul Al-Kabir (The Assassination of the Big Man)* was banned in 1999. He has been banned from publishing as a journalist many times.

Brief detention

***Abdel Moneim MAHMOUD:** Internet writer and TV journalist. Arrested on 15 April 2007 by security officers at Cairo airport, on charges of 'membership to an illegal organisation (the Muslim Brotherhood) and 'defaming the government' through his reporting. Mahmoud has recently reported on the torture of civilians by Egyptian authorities and the country's practice of trying civilians in military courts. Mahmoud was previously arrested in early 2003 and again detained for six months from March to September 2006. A judge has ordered that he be detained for a two-week period to allow for investigations to take place. Reportedly released following a court hearing on 9 June 2007.

Case closed

Wael AL-IBRASHI, Hoda ABU BAKR, and Abdel Hakim HAMID: Reporters for the independent weekly *Sawt al-Umma*, and editor-in-chief of the Muslim Brotherhood-affiliated weekly *Afaq Arabiya*. Reportedly charged with insulting and defaming Judge Mahmud Burham, who is in charge of the electoral commission in Dakhaliya province. The charges stem from articles published in December 2005 alleging that the parliamentary elections of November and December 2005 were fraudulent and calling for an investigation. The charges carry a maximum penalty of three years in prison. Case closed for lack of further information.

IRAN

Main Cases

***Haleh ESFANDIARI (f) and Kian TAJBAKHSH**

Profession: Head of the Middle East program at the Woodrow Wilson International Centre for Scholars in Washington D.C and consultant for the Open Society Institute respectively. **Date of arrest:** 8 and 11 May 2007 respectively. **Details of arrest:** Esfandiari travelled to Iran in December 2006 to visit her ailing mother. On 30 December 2006, prior to her planned departure from Iran, armed and masked men stopped her taxi and seized both her Iranian and US passports. She was then subjected to repeated and protracted interrogation sessions by Ministry of Intelligence officials until her arrest on 8 May 2007, when she was transferred to Tehran's Evin prison. Tajbakhsh was arrested at his home in Tehran on or around 11 May 2007, and has since been held incommunicado in Evin prison. His pregnant wife was also believed to have been arrested with him but released the following day. On 29 May 2007 it was announced that Iran's judiciary had brought charges of "endangering national security through propaganda against the system and espionage for foreigners" against Esfandiari and Tajbakhsh. **Place of detention:** Both are reportedly held in Tehran's Evin Prison. **Treatment in prison:**

Both are held incommunicado and there are fears that they may be at risk of ill-treatment. In a statement on 10 May 2007, the Wilson Centre said that during interrogations, Esfandiari "was pressured to make a false confession or to falsely implicate the Wilson Centre in activities in which it had no part." **Other details/Professional information:** Dr. Haleh Esfandiari, age 65, has dual Iranian American citizenship. Her areas of expertise include Middle Eastern women's issues, contemporary Iranian intellectual politics, and political developments in the Middle East. She frequently writes, lectures, and organizes symposia on these topics. Her publications include *Reconstructed Lives: Women and Iran's Islamic Revolution* (1997). Kian Tajbakhsh is a social scientist and urban planner, and has published two books and numerous articles in his field. He is said to have worked with a variety of Iranian and international organizations on research and development projects.

***Mohammad Hassan FALLAHIYA:**

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

***Ali FARAHBAKHSH:**

Profession: Former economics and foreign affairs reporter for the banned reformist dailies *Yas-e No*, *Shargh* and *Sobh-e Emrooz*. **Date of arrest:** 27 November 2006. **Sentence:** Three years imprisonment. **Expires:** 26 November 2009 **Details of arrest:** Arrested on 27 November 2006 on his return from Bangkok, Thailand, where he had been attending a conference organised by a Thai human rights organisation on government and the media. His arrest was not made public until 6 January 2007. **Details of trial:** His trial began on 26 February 2007, and he was convicted of 'espionage' and 'stealing from foreigners' on 26 March 2007. His lawyers said they would appeal the sentence. **Place of detention:** Evin Prison, Tehran. **Treatment in prison:** Ali Farahbakhsh has been allowed family visits, and his wife and mother report that he is in poor health and is held in solitary confinement. According to his family, he suffers from kidney and digestive problems, and the authorities have reportedly not allowed him access to his medication since the beginning of May 2007. (RAN 15/07 21 March 2007; update #1 03 April 2007; update #2 13 June 2007)

***Kaveh JAVANMARD**

Profession: Iranian Kurdish Journalist for the weekly *Krafto*. **Date of arrest:** 18 December 2006 **Sentence:** 2 years in prison. **Expires:** 17 December 2008 **Details of arrest:** Officials from the Ministry of Intelligence arrested Kaveh Javanmard at his home in Sanandaj on 18 December 2006. **Details of trial:** He was sentenced to two years in

prison 17 May 2007. The charges against him have not been made known, although he is believed to be held for his legitimate professional activities as a journalist. The authorities have reportedly targeted other staff members of *Krafto* in the weeks leading to his arrest. Javanmard's arrest came during a wave of arrests, bans and acts of intimidation against the media following a visit to the Kurdish north by the President and the Culture Minister in September 2006. (RAN 18/07 , 28 March 2007 – Update #1 30 May 2007).

*Ejlal QAVAMI

Profession: Journalist. **Date of arrest:** 2 August 2005. **Sentence:** 3 years in prison **Details of arrest:** 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. Believed to be charged with acting against national security and organising and leading the demonstrations in Sanandaj. Held in solitary confinement for 66 days before being freed on bail. Reportedly sentenced to three years in prison on 9 June 2007 for 'inciting revolt' and 'undermining national security'.

Grand Ayatollah Yasub al-Din RASTGARI

D.o.b.: 1927 **Profession:** Shi'a religious leader and scholar. **Date of arrest:** 27 April 2004 **Sentence:** 4 years in prison **Expires:** 28 April 2008 **Details of arrest:** Grand Ayatollah Yasub al-Din Rastgari was reportedly arrested in his home city of Qom on 27 April 2004 after the publication of his book *The Reality of Religious Unity*. His two sons were also arrested with him and the book's publisher closed down. He is accused of 'insulting Islam' and 'causing schism' in the book, which is allegedly critical of the policies of some historic characters and 'denigrates the sanctity' of some Wahhabi sect personalities. The book is said to be a Shiite text attacking the Sunni sect of Islam, and is reportedly addressing points raised in another published book. PEN first learned of this case in June 2005, and exact details remain difficult to confirm. **Details of trial:** It is thought that Grand Ayatollah Rastgari has been secretly charged, convicted and sentenced to four years in prison by the Special Court for the Clergy, which is known to violate internationally recognised standards of fairness to which Iran is a state party. **Health concerns:** Said to be in poor health, suffering from heart disease and diabetes. **Professional details:** Grand Ayatollah Rastgari is said to be a Muslim scholar who has written over 100 works. **Place of detention:** He is thought to be held by the secret service in the city of Qom although his exact whereabouts, charges against him or sentence have not been confirmed. **Previous political imprisonment/problems:** He has reportedly been previously detained on several occasions, most recently in 1996, when he was reportedly sentenced to three years in prison and a period of internal exile for his activities against the regime. He was reportedly critical of government interference of religious institutions in Qom and of the functions of the Special Court for the Clergy. Said to have been tortured in detention.

Main case, free on medical leave

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. Adopted by the UN Working Group on Arbitrary Detention. **Honorary Member:** Norwegian, Canadian and American PEN.

Investigation

***Adnan HASSANPOUR:** Iranian Kurdish journalist, writer and human rights activist. 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. He appeared before the Islamic Revolutionary Court in Sanandaj on 12 June 2007, in the presence of his lawyer. [On 16 July 2007 he was told that he had been sentenced to death on charges of espionage and *Moharebeh* ('being at enmity with God'). Sentence confirmed on 3 August 2007.] **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.

***Esmail JAVADI:** Journalist. Arrested on 18 February 2007 in Orumiye. Reportedly detained in a facility controlled by the Ministry of Intelligence where he was allegedly severely beaten. His family was allowed to visit him and reported that he is in urgent need of medical attention. They also claim they were threatened by security officials and told they should not speak about his case to anyone. WiPC seeking further information.

***Said Matinpour:** Journalist with the Azeri weekly *Yarpagh*. Reportedly arrested on 28 May 2007 at his home in the northwestern city of Zanjan. Reportedly held incommunicado without charge in section 209 of Evvin prison, without access to family visits. Still held as of 30 June 2007.

***Bejaz Ahmad QASABIAN, Moqdad KHALIPOR, Pooya MAHMOUDIAN, Majid TAVAKKOLI and Majid SHEIKHPOUR:**

Managing editor of *Sahar*, editor of *Atiyeh*, editor-in-chief of *Rivar*, editor-in-chief of *Khat-e Sefer* and editor in chief of *Sar-e Khai* respectively. Qasabian was reportedly arrested on 3 May 2007 and Khalipour on 7 May 2007. The three other men were reportedly summoned to a Revolutionary Court on 8 May 2007 and were detained by judicial officials the same day. All men are reportedly detained in relation to articles published in several student publications on 30 April 2007 deemed by university officials to ‘insult Islamic sanctities’, a criminal offence. All are believed to be held in Evin Prison and there are fears that they may be at risk of torture or ill treatment. WiPC seeking an update.

***Aso SALAH:** Reporter for the weekly *Didgah*. Reportedly arrested on 8 March 2007 in Sanandaj by intelligence officials while covering an authorised demonstration marking International Women’s Day. He suffers from asthma and the prison authorities have asked his family to bring in his medication. WiPC checking whether still detained.

Sentenced, free on bail/ temporary release

Hashem AGHAJARI

D.o.b.: 1957 **Profession:** Prominent reformist intellectual. Head of the history department at the Tarbiat Modarress University in Tehran. **Date of arrest:** August 2002 **Sentence:** Five years imprisonment, including a two-year suspended sentence. **Expires:** August 2007 **Details of arrest:** Detained in connection with a speech in which he reportedly rejected demands to “blindly follow” clerical rule. **Details of trial:** He was sentenced to death for apostasy on 9 November 2002 by the Fourteenth District Court in the western city of Hamadan. The verdict was overturned twice by the Supreme Court, most recently on 1 June 2004, and on 20 July 2004 he was sentenced to five years in prison including a two-year suspended term for “insulting Islamic values”. Aghajari was freed on bail on 31 July 2004 pending appeal at the Supreme Court. **Other information:** Member of the left-wing reformist political group the Islamic Revolutionary Mujahidin Organisation. **Honorary member of:** Norwegian PEN.

Farid MODARRESI: Journalist with the daily *Shargh* and blogger. Reported on 22 June 2005 to have been sentenced to 91 days’ imprisonment for insulting the President in his writings. He is appealing the sentence and remains free. Also reported to have been handed down a suspended eight-month prison sentence in a separate case on charges of ‘acting against national security’ for his writings on 26 November 2005. Reported to have been sentenced by Bench 1 of Qom Islamic Revolution Court to a 6 months suspended prison sentence for insulting the authorities, and 6 months in prison for ‘propaganda against the regime’. This sentence was upheld on appeal in May 2006.

Taghi RAHMANI, Hoda SABER and Reza ALIJANI

Profession: Journalist with the banned weekly *Omid-é-Zangan*, co-editor of the banned monthly *Iran-é-Farda*, and editor-in-chief of *Iran-é-Farda* respectively. **Date of arrest:** 14 June 2003. **Sentence:** seven, five and a half and four years respectively. **Details of arrest:** Rahmani, Alijani and Saber were reportedly arrested at their homes in Tehran on 15 June 2003 for meeting secretly with students in support of the anti-government protests that began on 10 June 2003. They were free on bail at the time after being convicted in a separate case. **Details of trial:** Rahmani, Saber and Alijani were among seven journalists who were sentenced on 10 May 2003 for their membership of the National Religious Alliance (Melli Mazhabi), a nationalist Islamic group that has been banned since March 2001. They received sentences of eleven, ten and six years’ imprisonment respectively on charges of “subversive

activities against the state”. All three men remained free on bail pending appeal, but were each arrested at their homes in Tehran on 15 June 2003 for allegedly meeting secretly with students in support of the anti-government protests that began on 10 June 2003. They remained detained, and details of their detention remained unclear until 1 May 2004, when Reza Alijani learned that their sentences confirmed as seven, five-and-a-half and four years’ imprisonment respectively. Lawyers for Rahmani, Alijani and Saber have not been allowed access to their clients’ files. Their case was re-examined by the Head of Judiciary and they were convicted in a closed session on 28 December 2005 on charges of forming an illegal group and conspiring to commit crimes. They remain free on bail pending appeal. **Other information:** Taghi Rahmani is a recipient of the 2005 Hellman/Hammett awards. Reza Alijani is laureate of the Reporters Sans Frontiers 2001 Press Freedom award. **Previous political imprisonment/problems:** Rahmani previously served 13 years and Alijani 7 years in the 1980’s and 90’s for opposition activities.

Morteza KAZEMIAN, Said MADANI, Ezzatollah SAHABI and Ali-Reza RADJAI:

Profession: Journalist with the now-banned daily *Fath*, journalist with *Iran-é-Farda*, managing editor of the journal *Iran-e Farda*, and journalist with *Asr-é-Azadegan* respectively. **Sentence:** 10, 10, 4 and 4 years’ imprisonment respectively. **Details of arrest:** Ezzatollah Sahabi, who is the son of one of the founders of the Nehzat-e Azadi-ye Iran (Freedom Movement of Iran), was first detained on 26 June 2000 for his participation in the Berlin conference. He was released on bail on 21 August 2000, but re-arrested on 17 December 2000 on new charges. He remained detained until 2 March 2002, when he was freed on bail. **Madani, Kazemian, and Radjai** were reportedly among a number of people arrested on 11 March 2001 when security agents raided a gathering at the home of journalist Mohammad Bastehnaqhar. The gathering constituted 20-30 supporters of the ‘Iran Freedom Movement’ (‘Nehzat-e Azadi-ye Iran’) and Milli Mazhabi (National Religious Alliance), a broad and informal group of individuals advocating reform in Iran (see **Rahmani, Alijani and Saber** above). According to the head of Tehran’s Revolutionary Court, the group were “conspiring to overthrow the Islamic government”. They spent periods of varying length in detention before being released on bail pending trial. **Details of trial:** The journalists were handed down sentences ranging from four to thirteen years by the Tehran Revolutionary Court on 10 May 2003 after a closed trial. They are all believed to be among fifteen members of the National Religious Alliance (Melli Mazhabi), a nationalist Islamic group that has been banned since March 2001, whose trial began in camera on 8 January 2002 on charges of “subversive activities against the state” and “blasphemy”.

Abolfazl VESSALI: Editor of the banned *Nedaye Azarabadegan*. Reportedly detained on 7 June 2006 and charged with ‘sowing discord ...by means of ethnic and racial issues, inciting the people against national security and interests’. Sentenced to 6 months in prison. Released on bail pending appeal on 24 July 2006. Thought to remain free pending appeal.

Sentenced, suspended

Abbas ABDI: Journalist, director of the *Ayandeh* public opinion firm and a former editor of the now-closed daily *Salam*. Arrested on 4 November 2002 and sentenced to 9 years and six months’ imprisonment in February 2003 on charges of “cooperation with foreign governments” (selling information to the US) and “propaganda against the Islamic

regime". This followed the publication of an *Ayandeh* poll indicating overwhelming support for a resumption of Iran's ties with the US by the official news agency. In April 2003 his sentence was reduced on appeal to four-and-a-half years. WiPC learnt that the Supreme Court acquitted Abbas Abdi of the two charges of "cooperation with foreign governments" (selling information to the US) and "propaganda against the Islamic regime" but he faces another charge of "keeping confidential and secret documents of the intelligence organizations". A sentence of unknown duration has been issued on this count, but it is still on appeal. The Tehran Prosecutor immediately lodged a protest against the acquittal ruling, which is currently under examination.

Elham AFROUTAN (f): Journalist with the provincial weekly newspaper *Tammadon-e Hormozgan (Hormozgan's Civilisation)*. Reportedly detained on 29 January 2006 following the publication of a satirical article. It was originally reported that Elham Afroutan was arrested with six other *Tammadon-e Hormozgan* journalists, although apart from Mohsen Dorostkar (see below) no other names have been made known. **Details of arrest:** Arrested in the city of Bandar Abbas, in the province of Hormozgan, following the publication of a satirical article entitled "Let's Expose the AIDS Epidemic of the Regime", which compared the 1979 Islamic Revolution in Iran and the advent of Ayatollah Khomeini to AIDS and gave the current physical embodiment of the disease as President Ahmadinejad. The journalist charged in the case did not write the article, and are thought to have reproduced it in the newspaper's health section without thorough checking because they were short of stories. The article is said to have been written under an alias by somebody outside Iran, and published on the Internet. **Details of trial:** Charged before Branch 26 of the Revolutionary Court of Tehran with insulting the Leader, officials and institutions of the Islamic Republic of Iran and spreading "propaganda against the system". Afroutan was reportedly released from Evin prison on 11 June 2006 on payment of 300 million Rials bail (around US \$ 33,000). Sentenced on 9 July 2006 to one year in prison, suspended for five years, a cash fine of 1.5 million rials and a five-year ban from working as a journalist for 'propagating immoralities'. She is appealing the sentence.

Alireza ALAVITABAR: Editor of the banned dailies *Sobh-Emrooz* and *Bonyan*. Reportedly sentenced to 15 months in prison, suspended for three years, on 17 January 2006 for allegedly insulting the regime's leaders in an article entitled 'Militarism and its consequences'.

Mohammad Hassan ALIPOUR: Managing editor of the banned weekly *Aban*. Reportedly sentenced to 6 months in prison, suspended for two years, on the charge of acting against the national security on 5 November 2005 for his writings.

Emadeddin BAQI

Profession: Journalist with the now suspended daily *Fath*. **Sentence:** One year's imprisonment. **Details of trial:** Charged in connection with a series of articles published in the reformist press and his book *The Tragedy of Democracy in Iran* implicating Iranian officials in the murders in recent years of a number of intellectuals and dissidents. He was tried on 9 November 2003 and on 4 December 2003 it was announced that he had been sentenced to one year in jail, suspended for five years. On 17 October 2004 the suspensive character of the prison sentence was reportedly lifted, and he subsequently launched an appeal against the judgement. On 2 February 2005, the one-year prison sentence was upheld and his appeal was rejected, although the sentence has reportedly not yet been enforced for reasons that remain unclear and Baqi remains free. Banned from travelling abroad. Reportedly summoned on

28 August 2006 by the Tehran revolutionary prosecutor's office and questioned without his lawyer present. **Previous political imprisonment/problems:** Previously arrested on 29 May 2000 and sentenced to five-and-a-half years in prison, commuted to three years on appeal, on a number of charges stemming from his critical writings, including articles that "questioned the validity of ...Islamic law", "threatening national security", and "spreading unsubstantiated news stories".

Qoli SHEIKHI: Managing editor of the daily *Tose'e*. Reportedly sentenced to two years' imprisonment, suspended, and 10 million rials cash fine on 18 December 2005 on charges of propaganda against the regime and publishing lies with intent to disturb the public opinion for articles published in his newspaper.

Ahmad Reza SHIRI: Journalist and web logger. Reportedly handed down a three-year prison sentence, suspended for five years, on 8 January 2006 for writing articles calling for a boycott of the elections in February 2005.

Free on bail

***Mahbubeh ABBASGHOLIZADEH, Parvin ARDALAN, Jila BANİYAGHOUB and Shadi SADR (f):** Prominent women writers and journalists. Arrested on 4 March 2007 along with thirty other women activists (see brief detention). Banyyaghoub was released on bail on 9 March 2007, Ardalan was released on bail on 7 March 2007, Sadr and Abbasgholizadeh were released on bail on 19 March 2007. All three are still facing undisclosed charges for organising a demonstration in Tehran on 4 March 2007. (RAN 13/07, 12 March 2007; Update #1, 26 March 2007).

Sherko JIHANO: Iranian Kurdish journalist, human rights activist and Kurdish PEN member. Reportedly detained on 27 November 2006 in the town of Mahabad in Kurdistan Province after being summoned by the Prosecutor Office. Thought to be detained for forming an investigative committee to object to the kidnapping on 8 January 2006 of a woman human rights activist and for giving interviews to foreign stations about the 5 July 2005 killing by Iranian security forces of Kurdish activist, Showan Qaderi. He was freed on bail on 3 February 2007. Thought to be still facing charges for writing critical articles that were published in the foreign media, although it is not known if the case against him is being seriously pursued.

***Mansour TAYFOURI:** Journalist and member of the Kurdistan Journalists' Association. Reportedly detained in Marivan by Ministry of Intelligence officials on 8 March 2007 and held in a facility run by the Ministry of Intelligence. At some point he was reportedly taken to a court in Marivan by Ministry of Intelligence officials, and then taken to Marivan prison. He was released on bail on 8 April 2007.

Brief Detention/Facing charges

***Yaqub YAD'ALI:** Novelist and employee of the Islamic Republic of Iran Broadcasting. Reportedly detained in late March 2007 and released on 24 April 2007 on charges of insult, libel and publication of false information. He is now awaiting trial for these charges. The charges relate to one of his stories featuring a rural Lor woman described in the novel as an immoral person, which has caused outrage among some people in the Lorestan province. Yad'ali is himself a member of the Lor ethnic minority. His writings include: *Halatha Dar Hayat*, short stories published in 1997; *Ehtemal Parse Va*, short stories for which he won Iranian Critics Award; *Adabe Bigharani*, published in 2005 for which he won an award from the Foundation Bonyad Hoshang Golshiri; *Yalda*.

Brief Detention

***Nazrin AFZALI, Asieh AMINI, Zara AMJADIAN, Elnaz ANSARI, Fatemeh GOVARAYEE, Mahbubeh HOSSEINZADEH, Nahid JAFARI, Jelveh JAVAHERI, Nahid KESHAVERZ, Mariam Hossein KHAH, Nushin Ahmadi KHORASANI, Maryam MIRZA, Minoo MORTEZAYEE and Zeinab PEYGHAMBARZADEH (F):** All female journalists for various publications and Internet logs. Amongst 33 women to be arrested on 4 March 2007 while demonstrating outside the Revolutionary Islamic Tribunal in Tehran in protest against criminal charges brought against five activists who organised a women's demonstration in June 2006. They were arrested along with Shadi SADR, Mahbubeh Abbasgolizadeh and Jila Bani Yaghoob (see 'free on bail' above). All reportedly released without charge on 7 March 2007.

***Narnaz SEIFY, Mansoureh SHOJAI and Tala't TAGHINIA (f):** Online journalists and women's rights activists. Reportedly arrested at Tehran airport on 27 January 2007, as they were about to board a plane for India to attend journalism training. They were released the next day after being interrogated at Evin Prison. Their homes were also searched and their computers seized. Taghinia and Shojaie write for several Iranian online publications, including *Tagir Bary Barbary* and *Zanestan*. Seify is a journalist on the daily *Sarmayeh* and runs a popular web-blog.

Released

Hossein GHAZIYAN: University lecturer and director of the Ayandeh Research Group. Formerly worked for the now-banned newspaper Nowrooz. Arrested on 31 October 2002 and sentenced to nine years imprisonment, reduced to four and a half years on appeal, for his activities with the Ayandeh Research Group. Presumed freed on expiry of sentence on 30 April 2007.

Mohammad Sadeq KABUDVAND: Editor of the journal *Payam-e Mardom-e Kurdistan*. 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. {Re-arrested on 1 July 2007, see RAN 30/07, 18 July 2007}

Arash SIGARCHI: Editor-in-Chief of *Gilan Emrooz*. Formerly with the now-banned reformist daily *Bahar* and translator of a book entitled *Headline Writing*. Arrested on 16 January 2005 and sentenced to fourteen years in prison, reduced to 3 years on appeal, for 'propaganda against the regime' and 'insulting the President'. He was released from prison on bail in March 2005. The Supreme Court upheld his three-year sentence on 22 January 2006 and he was returned to prison on 26 January 2006 to serve out his sentence. In November 2006 he was diagnosed with cancer, and WiPC recently learned that in late December 2006 the Judiciary dismissed all charges against him and he was released.

Nasser ZARAFSHAN : Author, translator and barrister. Arrested in October 2000 after giving a speech in the city of Shiraz in which he stated that the intelligence services had murdered five Iranian intellectuals in 1998 in Tehran. He was initially charged with publishing information about the assassinations, imprisoned in December 2000, and was released after a month pending trial. While in detention, Zarafshan's office was reportedly searched, and weapons and alcohol were allegedly

found. In February 2002 he was tried in a military court, and sentenced on 19 March 2002 to five years' imprisonment (2 years for disseminating state secrets, 3 years for the possession of firearms) and 70 lashes for the possession of alcohol. PEN considers Nasser Zarafshan to have been detained for his criticism of the official investigation carried out into the 'serial murders' of 1998 and as a means of silencing others who seek the truth behind the killings. He was released on 17 March 2007.

Case closed

Farhad AMINPOUR, Reza ALIPOUR and Saman SOLIMANI: Journalists with the Kurdish-language weekly *Rouji Ha Lat*. Reportedly arrested at the newspaper's office in Sanandaj, in Iranian Kurdistan, on 12 October 2006, on unknown charges. Case closed for lack of further information.

Orouj AMIRI: Journalist with the local press in Marand, Azerbaijan province. Reportedly arrested on 25 May 2006 after security forces raided his home and allegedly beat him and his wife. Believed to be facing charges of 'acting against national security' and taking part in demonstrations. Freed on bail on 15 July 2006. Case closed for lack of further information.

Abolfazl JAHANDAR: Journalist for the website *Pooya News* (www.pooyanews.com) and former student activist. Reportedly held in Section 209 of Evin Prison in Tehran since 19 August 2006. The charges against him are not clear but he is thought to be held for his dissident activities and writings. Case closed for lack of further information.

Mehrdad QASEMFAR: Editor-in-chief of *Iran Friday*, the weekend edition of the official state newspaper *Iran*. Reportedly arrested on 23 May 2006 for 'insulting the Azeri ethnic minority' and transferred to Evin prison for further investigation. The charge is based on a cartoon published on 12 May 2006, which sparked riots, by ethnic Azeris in the northwestern city of Tabriz. The newspaper was closed and the cartoonist, Mana Nayestani who is reportedly Azeri, also arrested. Following the cartoon's publication, the newspaper published an apology on its front page for three days and fired the editor-in-chief and cartoonist. The cartoonist's family claim the cartoon had not intended to insult. The next court hearing was set for 17 September 2006. Case closed for lack of further information.

Issa SAHARKHIZ: Editor of the monthly *Aftaband* the newspaper *Akhbar Eghtesadi*. Reportedly sentenced to four years in prison and a five-year ban on working as journalist on 14 June 2006 on charges of offending 'the constitution' and 'publicity against the regime'. His lawyers were not notified of the verdict until 21 November 2006. Saharkhiz has refused to appeal in protest against the arbitrary nature of his conviction. Case closed for lack of further information.

Hussein SAIDPOUR: Journalist and editor of the weekly *Sepass*. Reportedly arrested and his newspaper suspended on 28 November 2006 over an alleged ethnic insult, after inhabitants of the south-western province of Lorestan protested that one of the answers to the latest issue's crossword was offensive. Case closed for lack of further information.

Bahram VALADBEIGI: Journalist and writer. Reportedly facing charges as the editor of the banned journal *Ashti*. The charges were reportedly filed by Intelligence Bureau of Kurdistan and the General Prosecutor of Kurdistan, and are said to include: efforts against national unity, propagation for separation of the Kurds and publishing and broadcasting the flag of Kurdistan. The court session due to take place on 15 November 2006 was postponed, as the jury was not present. The Ministry of Intelligence and the Bureau of Investigation have also officially banned Valadbeigi from practicing any kind of journalistic activity.

He is also prevented from publishing *Goftemen-e-Noe* magazine and from contacting news agencies and broadcasting media both inside Iran and abroad. The restrictions came into effect on 5 November 2006. Case closed for lack of further information.

IRAQ

Killed

- ***Mohan Hussein AL-DHAHIR:** Managing editor of the Baghdad daily *Al-Mashreq*. Several gunmen reportedly tried to abduct him on 4 March 2007. After a struggle, the gunmen reportedly shot him six times in the back and once in the head. He and the staff at his newspaper's offices had received numerous death threats and demands to stop publishing in the weeks preceding the attack
- ***Sahar AL-HAIDARI (f):** Journalist. Killed by several unknown gunmen in Mosul on 7 June 2007 in a targeted attack.
- ***Raad Mutasha AL-ISSAWI, Nibras Abdel-Razak OBAID and Imad OBAID:** Editor of the privately-owned weekly newspaper *Al-Iraq Al-Ghad* and the news agency *Al-Raad* and journalists respectively. Killed in an apparently targeted ambush on 9 May 2007 near Al-Rashad, south of Kirkuk. They were killed when their car was surrounded by several vehicles and gunmen opened fire. The reason behind the attack is not known but the three men were known for opposing Kirkuk's annexation to the autonomous Kurdish region in their writings. *Al-Iraq Al-Ghad* and *Al-Raad* also reportedly received funding from the US army.
- ***Abdel Rahman AL-ISSAWI:** Contributor to several newspapers and Journalism Professor at Baghdad University. Killed in a targeted attack along on 29 May 2007. Unidentified gunmen reportedly entered his home in Amariyah, near Fallujah and opened fire killing him and members of his family.
- ***Hussein AL-JABURI:** Editor of the daily *Al Safir*. Reportedly ambushed by unknown armed men outside his home in Baghdad on 11 February 2007. He was taken to hospital following the attack during which he sustained serious injuries. He died from his wounds on 16 March 2007.
- ***Mahmud Hassib AL-KASSAB:** Editor of the weekly *Al-Hawadith* and member of the Turkmen Salvation Movement. Killed by gunmen outside his home in the northern part of Kirkuk on 28 May 2007 in a targeted attack. Al-Kassab had reportedly been injured six weeks earlier when unidentified individuals threw a hand grenade at him.
- ***Khoudr Younes al-OBAIDI:** Freelance journalist. Reportedly shot dead on his way home when several gunmen in a car opened fire on him on 12 January 2007 in a targeted attack.
- ***Ali KHALIL:** Reporter for the daily *Al Zaman*. Reportedly abducted and killed on 20 May 2007 in the al-Bayaa district in the south of Baghdad. He was reportedly abducted when he left his home with his wife when he was ambushed by armed men in two cars. His body was found by the police an hour later.
- ***Othman AL-MASHHADANI:** Reporter for the Saudi newspaper *Al Watan*. Reportedly kidnapped on 4 April 2007 by unidentified men. His body was later found in Baghdad.
- ***Filaih Wadi MIJTHAB:** Editor of the daily *Al-Sabah*. Reportedly kidnapped by unidentified men on 13 June 2007 while on his way to work in Baghdad. His body was found on 15 June 2007.
- ***Raad AL-MUTASHAR, Imad Abdul-Razzaq AL-OBEIDI and Aqel Abdul QADER:** Chairman of Kirkuk writers' union and owner of media company *Al-Raad* (which publishes newspapers and periodicals) and writers for *Al-Raad* respectively. Killed along with their driver on 9

May 2007 in northern Iraq by unidentified gunmen who allegedly dragged the men out of their car, tortured and shot them. It is believed all three were targeted because of their journalistic work. Al-Mutashar's company Al-Raad, publishes a weekly newspaper *Al-Iraq Ghadan*. Al-Mutashar was a prominent writer, poet and journalist.

- ***Nizar AL-RHADI:** Correspondent for the independent news agency *Aswat Al-Iraq (Voices of Iraq)*. Killed in a targeted attack on 30 May 2007 outside the City Hall of Amara. Al-Rhadi was fatally shot and several of his colleagues wounded when three unidentified gunmen opened fire on a group of journalists who were attending a news conference.
- ***Jamal AL-ZUBAIDI:** Journalist and economics editor with the dailies *As-Saffir* and *Al-Dustour*. Reportedly last seen leaving *As-Saffir*'s offices in the central Karada area of Baghdad. His body was found with gunshot wounds to the head on 24 February 2007 in Al-Aamal neighbourhood, southwest Baghdad.

Kidnapped

- ***Karim Sabri Sharar AL-RUBAI:** Reporter with *Al-Dawa*. Gunmen who forced their way into his home in Baghdad kidnapped him on 11 January 2007. His whereabouts are unknown. The newspaper Al-Dawa is the mouthpiece of the Islamic Dawa Party, a Shiite party. No further news as of 30 June 2007.

Investigation

- ***Mohammed Siyassi ASHKANI:** Journalist for the newspaper *Peka*. Reportedly arrested on 22 January 2007 at his home in Rania, in the Kurdish-controlled province of Sulaimaniya in northern Iraq. Official security forces operating in the Kurdish region and known as the Asayish, reportedly arrested Ashkani and transferred him to an unknown location in the city of Sulaimaniya. His whereabouts and the reasons for his arrest are unknown. WiPC seeking further info.

Brief detention

- ***Nabaz GORAN:** Freelance contributor to the *Media* and *Halati* newspapers and the <http://kurdistanpost.com> website. Reportedly abducted on 3 April 2007 in the northern city of Erbil. He was also allegedly subjected to severe beatings before being released a few hours later. His abductors were dressed in military uniforms and told him to 'hold his tongue' while beating him up.

Case closed

Mustafa EGILLI: Turkish journalist and board member of Ozgür-Der, the Association for the Rights of Freedom of Thought and Education. Reportedly arrested on or around 18 June 2006 with another Ozgür-Der member after entering Northern Iraq to investigate the whereabouts of their colleague Metin Demir, who was reportedly detained on 1 June by Peshmurga, the security service of the Kurdish Regional Government. Case closed for lack of further information.

Hawex HAWEZI: Schoolteacher and journalist for the independent Kurdish weekly *Hawlati*. Reportedly arrested near his home in Koya, near Erbil, northern Iraq, on 17 March 2006 by security forces from the Patriotic Union of Kurdistan (PUK). He faces defamation charges for two recent articles criticising local Kurdish authorities. He was released on bail on 19 March 2006. Case closed for lack of further information.

Mastura MAHMOOD (f): Journalist for the women's weekly newspaper *Rewan*. Reportedly arrested on 2 May 2006 and charged with two counts of defamation. The charges stem from an article she wrote on 16 March 2006 to commemorate the 1988 Halabja poison gas attack. She

was released on bail later that day. Case closed for lack of further information.

JORDAN

Facing charges

***Naser KAMSH and Ahmed SALAMA:** Editor-in-chief and journalist of *Al Hilal* newspaper. The Jordanian minister of foreign affairs brought a lawsuit against both men and the paper for defamation, insult and publishing false news after an article was published in the issue of the 18-24 January 2007, which criticised the performance of the Jordanian government in general. Both men denied all charges during a hearing on 4 February 2007. No further information as of 30 June 2007.

Attacked

***Khaled Al-Khawaja:** Journalist for *Al Ra'ai* newspaper. Reportedly attacked on 31 January 2007 by officers of the Jordanian General Security while he was covering the distribution of meat to citizens in Adha Center in Ain Basha. He was allegedly rendered unconscious and was left with a broken left arm and bruises on his face. The prime minister and the head of the general security have reportedly phoned Al-Khawaja to enquire about his health.

Case closed

Jihad MOMANI and Hashem AL-KHALIDI: Former editor-in-chief of the weekly *Shihan* and editor-in-chief of the weekly *Al-Mehwar* respectively. Reportedly charged on 6 February 2006 by Jordan's Press and Publication Department with violating Article 5 and 7 of the Press and Publication Law. The charges have been brought for re-printing 12 cartoons of the Prophet Muhammad, which were first published in the Danish daily *Jyllands-Posten* on 30 September 2005. *Al-Mehwar* published the cartoons on 26 January 2006 and *Shihan* a week later. Momani and al-Khalidi said their intention was to show that the cartoons were 'silly' and to calm the anger that has swept the Muslim world. Pleaded not guilty to the charges. Momani and Khalidi were detained in Amman on 4 February 2006 and were released on bail on 5 February 2006, but were taken back into custody on 6 February and held for a month. They were each sentenced to two months in prison respectively on 30 May 2006 for offending religious sentiments. They remained free on bail pending appeal. Case closed for lack of further information.

LIBYA

Investigation

***Jamal AL-HAJI, Fareed AZWY and Idriess BOUFAYED:** Writers and political activists. Idriess Boufayed was reportedly arrested on 16 February 2007 by officers of the Internal Security Agency. He is thought to be detained for organising a demonstration scheduled for 17 February to mark the first anniversary of a police attack on demonstrators in Benghazi during which at least 12 people were shot dead and many more injured. Several other dissidents are reported to have been arrested in connection with the planned demonstration. They include writers Jamal al-Haji and Fareed Azwy, who are reported to have been arrested on or around 15 February 2007. According to Amnesty International, the trial of the three men, along with nine other government critics who were arrested around the 17 February 2007, began on 24 June 2007. Al-Haji, Azwy and Boufayed have reportedly been charged with offences including attempting to overthrow the political system, possession of

weapons and explosives with the intention of carrying out subversive activities and communication with enemy powers. All men are still in detention and reportedly being held in Ain Zara Prison in Tripoli. **Previous problems/political imprisonment:** Boufayed has been in exile for fifteen years in Switzerland, and was reportedly arrested by Libya's Internal Security Agency on 5 November 2006 during a visit to Libya. His passport was confiscated when he arrived at the airport in Tripoli on 30 September 2006, and he was held incommunicado until 29 December 2006, when he was released, apparently without charge. Dr Boufayed has been an outspoken critic of Libyan leader Muammar al-Kaddafi and it is thought that Dr Boufayed's critical writings against the government in foreign websites may have caused his detention.

MOROCCO

Death Threats

***Azzedine GAIZ:** Journalist with *Yawmiyat Ennas*. Gaiz filed a complaint on 30 January 2007 after he allegedly received numerous death threats throughout the month of January. The reason behind the threats is unknown but it is believed they may be motivated by Gaiz's writings on illegal activities and corrupt officials.

Sentenced, suspended

Driss KSIKES and Sanaa AL-AJI (f): Director and journalist respectively of *Nichane* magazine. Driss Ksikes and Sanaa al-Aji were charged with defaming Islam under Article 41 of the Press and Publication Law 2002 on 22 December 2006. The charges derive from a ten-page long article analysing popular jokes on religion, sex and politics that was published as a feature in the paper's 9 to 15 December issue entitled: 'Jokes: How Moroccans laugh at religion, sex and politics'. The Moroccan government banned the paper on 20 December 2006 and the King's prosecutor at the Casablanca High Court ordered the police to investigate the matter. On 22 December, Driss Ksikes and Sanaa al-Aji were charged with 'damage to the Islamic religion' and 'publication and distribution of articles contrary to morality'. The Court trial opened on 8 January 2007 and Driss Ksikes and Sanaa al-Aji faced three to five years in prison and fines under the 2002 Press Law. Both denied the charges and claim that they only intended to 'understand society through jokes'. Both maintain they did not make fun of religion and have issued a public apology. They have received death threats since the publication of the article and there are concerns for their safety. They were each handed down suspended three-year sentences on 15 January 2007.

PALESTINE

Killing

***Suleiman Abdul-Rahim Al-ASHI:** Economics editor for the Hamas-affiliated daily *Palestine*. Reportedly shot dead in a targeted attack on 13 May 2007 in Gaza City. Gunmen wearing presidential guard uniforms reportedly stopped a taxi carrying twenty-five-year-old-journalist Suleiman Abdul Rahim Al-Ashi and his colleague Mohammad Matar Abdo, who was responsible for the distribution of the newly-established daily *Palestine*. The men were travelling in a high security area southwest of Gaza City that is controlled by Fatah. According to one report, the two men were beaten before being shot on a public street. Al-Ashi died at the scene, while Mohammad Matar Abdo was taken to Al-Shifa Hospital in Gaza City where he died the next day. The men were on their way to a meeting with economic and tourism organisations in Gaza when

they were shot. The President of Palestine, Mahmoud Abbas, reportedly denied that Fatah was linked to the killings, stating that presidential guards are instructed to shoot only in self-defence.

***Issam Mohammad Awad AL-JOUJOU:** Journalist for the Hamas-affiliated website *Palestine Live*. Reportedly killed on 17 May 2007 by gunmen while on his way to cover factional clashes. The incident happened at a checkpoint in Gaza City.

Attacked

***Osama Abu MUSAMEH:** Journalist for the Islamist weekly *Al-Risala*. Reportedly wounded in the right leg on 17 May 2007 when he was stopped on his way home from work at a security checkpoint. The identity of the attackers is not known.

SYRIA

Main cases

Nu'man 'Ali 'ABDU

Profession: Journalist for Lebanese monthly *Al-Tarik*. **Date of arrest:** 1992 **Sentence:** 15 years **Expires:** 2007 **Details of trial:** Apparently sentenced in 1993 to fifteen years' imprisonment for his membership of the Party for Communist Action. **Place of detention:** Reportedly transferred from Seydnaya prison to a detention centre in Damascus on 16 November 2000. **Health concerns:** He is said to suffer from a chronic open leg wound, according to reports from former prisoners.

Aref DALILA

D.o.b.: 1943. **Profession:** Professor and Dean of the Faculty of Economics at Damascus University also wrote for the banned weekly *Al-Doumari*. Has written many books on economics, politics and social history. **Date of arrest:** 9 September 2001 **Sentence:** Ten years hard labour. **Expires:** 8 September 2011 **Details of arrest:** Reportedly arrested on 9 September 2001 for a lecture in which he called for democracy and transparency, and alleged official corruption. Arrested with nine other members of the Civil Society Movement during the 'Damascus Spring', a short-lived period of greater openness to public debate and calls for reform. **Details of trial:** Sentenced in early 2002 to 10 years in prison with hard labour by the Supreme State Security Court (SSSC) at a trial, which did not comply with international standards. **Place of detention:** 'Adra Prison, Damascus. **Treatment in prison:** Said to be held in solitary confinement, to have been beaten in detention and denied medical treatment. **Health concerns:** Said to be seriously ill with heart problems. **Honorary member of:** English PEN.

Michel KILO

D.o.b.: 1949 **Profession:** Prominent writer, journalist and civil society activist. Contributes to the leading Lebanese daily *Al-Nahar* and the London-based Arabic-language daily *Al-Quds Al-Arabi*. **Date of arrest:** 14 May 2006 **Sentence:** 3 years in prison **Expires:** 13 May 2009 **Details of arrest:** Among 10 Syrian civil society activists to have been arrested between 14 and 18 May for signing the "Beirut-Damascus Declaration" of 12 May 2006 calling for the establishment of diplomatic relations between Lebanon and Syria based on respect for each countries' sovereignty. Several hundred Syrian and Lebanese nationals signed the agreement. These arrests appear to be part of a renewed crackdown on government opponents in recent months, where scores have been arrested for their peaceful opposition activities. **Details of trial:** Michel Kilo was issued a provisional release order by a judge on 19 October

2006, but his release was obstructed by new charges filed by the prosecution on 23 October 2006. He was convicted by the Damascus Criminal Court on 13 May 2007 on charges of "spreading false news, weakening national feeling and inciting sectarian sentiments" for his dissident writings and pro-reform activities. **Place of detention:** 'Adra prison near Damascus. **Treatment in prison:** Said to be treated well and granted full access to his family. **Previous political imprisonment/problems:** Michel Kilo has been subject to persistent harassment by the Syrian authorities over the years as a result of his work in support of democratic rights.

Habib SALEH

Profession: Writer for the daily *An-Nahar* and cyber dissident. **Date of arrest:** May 2005. **Sentence:** 3 years. **Expires:** August 2009. **Details of Trial:** Saleh was arrested in Tartus north of Damascus, on 27 May 2005 before being transferred inland to the city of Homs for his trial. A court martial following a trial, which lacked due process, convicted him and sentenced him to three years in prison on 15 August 2006. He regularly posted open letters, criticising the regime of the ruling Baath Party, as well as describing his previous spell in prison. **Previous political imprisonment/problems** Previously detained in 2001 along with other 'Damascus Spring' activists and charged with trying to change the constitution by illegal means, trying to discredit the government, spreading false reports and inciting sectarian strife and sedition.

Investigation

***Ibrahim ZORO:** Human rights activist and Internet web-logger. Reportedly arrested on 5 April 2007 in Damascus. His arrest was kept secret for nearly a week. His family does not know the reasons of his arrest or his whereabouts. Zoro, who belongs to the Kurdish minority, was helping to organise a seminar called 'The Philosophy of Lies' at the time of his arrest. He has posted many articles in Arabic on foreign based websites.

Brief detention

Ali Sayed al-SHIHABI: Cyber dissident and English Professor. Reportedly arrested on 10 August 2006 after he posted articles on far-left websites. He was released on 12 January 2007 under presidential amnesty. He was never formally charged or sentenced.

Released

Haytham QUTAYSH: Internet activist. Reportedly arrested in January 2003 for sending articles to an electronic newspaper in the United Arab Emirates. He had reportedly been writing articles under pseudonyms about government corruption, politics, economics and human rights issues in Syria. Convicted of 'spreading false information' on 25 July 2004 to four years in prison. Presumed released in January 2007 on completion of sentence.

Case closed

Muhened ABDULRAHMAN: Online journalist. Reportedly arrested by security services in Damascus on 7 September 2006 on his return from the village of Qamishly, in Syrian Kurdistan, where he had interviewed a Kurdish political leader. He is thought to be held for posting articles on independent news websites. There are fears for his safety. Case closed for lack of further information.

Fateh JAMOUS: Writer and leading opposition activist. Leading member of the Communist Labour Party in Syria (CLPS). Reportedly

detained on 2 May 2006 at Damascus airport on his return to Syria after spending six weeks in France, Germany, Sweden and England discussing pro-democracy issues. Jamous was released on bail on 12 October 2006 but still reportedly faces charges under article 287 of the Syrian Penal Code of 'damage the reputation of the state'. Case closed for lack of further information.

TUNISIA

Main case

Mohammed ABBOU

Profession: Internet writer, lawyer and human rights activist. **Sentence:** Three years and six months. **Expires:** 1 August 2008. **Details of arrest:** Arrested on 1 March 2005 and taken to prison in Tunis on 9 April 2005. He has since been transferred to El Kef prison, some 170km from the Tunisian capital. **Details of trial:** Charged with "publishing false reports", "insulting the judiciary", "inciting people to break the law" and "publishing offences" in connection with an article which he had written and posted on the *Tunisnews* website in August 2004. The article reportedly compared torture committed against political prisoners in Tunisia to abuses carried out by US soldiers in Iraq's Abu Ghraib prison. On 28 February 2005, Mohammed Abbou posted an article on the same website *Tunisnews* in which he ironically compared Tunisian President Ben Ali to Israeli Prime Minister Ariel Sharon and it is thought that his recent arrest is in fact linked to the publication of this latter article. **Trial and sentence:** On 29 April 2005, Abbou was handed down an 18-month prison term for the above charges. He was also given a two-year term for an incident at a 2002 conference in which the lawyer allegedly physically attacked a colleague. The sentences totalling 3½ years were upheld on appeal on 11 June 2005. There is said to be little supporting evidence for the charges. **Prison conditions/health:** Since 2 March 2006, there have been numerous reports of ill treatment to Abbou by prison guards and fellow-prisoners. Abbou has staged two hunger strikes in protest at his ill treatment and conditions of detention. Authority officials have reportedly been instructed to harass Abbou's wife, family and lawyers during weekly visits. According to reports received by PEN, the prison authorities have also been inciting Abbou's fellow prisoners to harass him. (RAN 10/07, 26 February 2007). **Honorary member of:** English, Norwegian, American PEN and Flemish PEN. {update: Mohammed Abbou was released on 24 July 2007}

Facing charges

***Omar MESTIRI:** Managing editor of the online magazine *Kalima*. Summoned by the prosecution's offices on 29 March 2007 to respond to an alleged defamation offence. He was reportedly questioned about an article he published on 5 September 2006 on the case of a lawyer seeking to clear his name after he was accused of fraud and forgery. Mestiri claimed during the hearing that he had written the article after he obtained evidence on the culpability of the lawyer in question. He denies that his article is defamatory. WiPC seeking an update.

Attacked

***Slim BOUKHDIR:** Journalist. Reportedly attacked twice, first on 3 May 2007 and then on 15 May 2007 in Tunis. The attacks are believed to be linked to articles that Boukhdhir wrote about the death of seven people at a concert. He reportedly blamed the deaths on the negligence of the concert's organiser, who is a relative of Tunisia's president's wife. Boukhdhir claims that his attackers were police officers in plain clothes.

No one has been brought to justice for these attacks.

Sentenced in absentia

***Mohamed FOURATI:** Journalist. Reportedly sentenced in absentia on 9 March 2007 to one year and two months in prison. He had been charged in 2002 of having ties with a group that helped the families of political prisoners after he wrote an article about fundraising for the family of a detainee on the website *Aqlma*. Fourati now lives in Qatar where he works for the daily *Al-Sharq*. The Tunisian authorities are refusing to let his wife leave the country.

YEMEN

Investigation

***Abdelkarim al-Khaiwani:** Editor of *Al-Shoura.net*. Reportedly arrested without warrant at his home on 20 June 2007. He was placed in preventative detention for allegedly having links with individuals facing trial for 'terrorist activities'. He was also questioned about an article which he planned to publish. All his requests for bail have been denied and he remains in detention without charge as of 30 June 2007. **Previous political imprisonment/problems:** Charged in late July 2006 with publishing false information about the Ministry of Defence and defaming some personnel of the Armed Forces. The charges stem from an article he published online in June 2006 entitled: 'Yemen intends to hand over the Badeea airport to Saudi'. Since settling a long border dispute in 2000, the Yemeni authorities are reportedly sensitive about press reports on its relations with Saudi Arabia.

On trial, free on bail

Kamal ALUFI: Editor of the weekly *Al Rai al-Aam*. Sentenced to one year in prison and his newspaper suspended for six months following the publication of the controversial Danish cartoons of the prophet Mohammed on 25 November 2006. Reportedly found guilty of 'damaging the Islamic faith' and 'denigrating a monotheist religion or humanitarian belief' for publishing the cartoons. He was taken into custody following sentence on 25 November 2006 but was freed two hours later on the orders of the public prosecutor after the proceedings were declared 'illegal'. He remains free on bail pending the appeal hearing. He also faces a six-month writing ban. Case closed for lack of further information.

Abdulkarim SABRA and Yehia AL-ABED: Editors-in-chief of the private weekly *Al-Hurriya*. Arrested on 10 February 2006 for republishing cartoons depicting the Prophet Muhammad. Released on bail after a brief detention. Their trial began on 22 February 2006 on charges of 'offending the Prophet Mohammed'. Case closed for lack of further information.

Facing charges

***Jamal AMER and Mustafa NASSER:** Editor and journalist of the independent *Al-Wasat* respectively. Reportedly charged with defaming the Religious Endowment Ministry and the military police on 5 March 2007. The charges stem from an article published in the paper on 19 June 2006, accusing the said authorities of corruption. Despite the men publishing the ministry's response refuting the corruption claims on 2 August 2006, the press prosecutor's office filed the charges three days later. If convicted, they face up to one year in jail and heavy fines.

***Abdel al-MAHTHARI:** Editor in chief of the independent weekly *Al-Deyar*. Reportedly charged with defaming the Watani Bank for Trade and

Investment. His first hearing was on 10 March 2007. The charges derive from an article published on 7 December 2005, in which he implied that the bank was guilty of embezzlement. Al-Mahthari has reportedly been harassed before for his critical writings.

PEN Centres with Writers in Prison Committees

African Writers Abroad, American, Armenian, Austrian, Bangladesh, Belarus, Belgian Flemish, Belgian French, Bolivian, Canadian, Catalan, Colombian, Czech, Danish, English, Finnish, French, Galician, German, German Writers Abroad, Ghanaian, Hong Kong, Iceland, dependent Chinese PEN Centre, Iranian Writers in Exile, Italian, Israeli, Japanese, Kenyan, Kurdish, Liechtenstein, Lithuanian, Malawian, Melbourne, Mexico, Nepalese, Netherlands, New Zealand, Nicaragua, Nigeria, Norwegian, Palestinian, Paraguay, Polish, Portuguese, Quebecois, Russian, San Miguel de Allende, Scottish, Sierra Leone, Slovak, South African, Suisse Romande, Swedish, Swiss German, Swiss Italian, Sydney, Tibetan, Turkish, Ugandan, USA, US Writers in Exile, Venezuelan, Vietnamese Writers Abroad

Total: 64

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

(Those elected by PEN Centres are indicated in brackets)

Current as of 30 June 2007

1. Yashar AGAZADE	.....AZERBAIJAN
2. Sardar ALIBEILI	.....AZERBAIJAN
3. Eynulla FATULLAYEV	.....AZERBAIJAN
4. Rovshan KARBILI	.....AZERBAIJAN
5. Faramuz NOVRUZOGLU	.....AZERBAIJAN
6. Samir SADAGATOGLU	.....AZERBAIJAN
7. Rafiq TAGI	.....AZERBAIJAN
8. Salah Uddin Shoaib Chaudhury (USA)	.....BANGLADESH
9. Fausto BRITES	.....BRAZIL
10. CAI Zhuohua	.....CHINA
11. CHEN Shuqing	.....CHINA
12. CHING Cheong	.....CHINA
13. Gao Qinrong (Canada)	.....CHINA
14. GUO Qizhen	.....CHINA
15. Hada (Canada)	.....CHINA
16. He Depu	.....CHINA
17. HU Shigen	.....CHINA
18. Huang Jinqiu (Germany)	.....CHINA
19. Jin Haike (Ghana, ICPC)	.....CHINA

20. Kong Youping	.....CHINA
21. Korash Huseyin (America, ICPC)	.....CHINA
22. LI Changqing (ICPC)	.....CHINA
23. LI Yuanglong (ICPC)	.....CHINA
24. Li Zhi (Canada ICPC)	.....CHINA
25. LU Jianhua (ICPC)	.....CHINA
26. Lu Zengqi	.....CHINA
27. Mao Qingxiang (ICPC)	.....CHINA
28. Nurehamet Yasin (America, ICPC)	.....CHINA
29. Abdulghani Memetemin (Germany, ICPC)	.....CHINA
30. Ning Xianhua	.....CHINA
31. Shi Tao (Canada, Germany, ICPC, Sydney, USA, New Zealand, English)	.....CHINA
32. Tao Haidong (ICPC)	.....CHINA
33. Tohti Tunyaz (America, Canada, Catalan, England, Japan, Leichenstein, Perth, ICPC)	.....CHINA
34. Wang Xiangning	.....CHINA
35. Wu Yilong (ICPC)	.....CHINA
36. Xu Wei (Ghana, ICPC)	.....CHINA
37. Xu Zerong (Ghana, ICPC)	.....CHINA
38. Yan Qiuyan	.....CHINA
39. YAN Xengzhue	.....CHINA
40. YANG Maodong	.....CHINA
41. Yang Tongyan	.....CHINA
42. Yang Zili (Ghana, ICPC)	.....CHINA
43. Yang Xiaoqing	.....CHINA
44. YU Huafeng	.....CHINA
45. Zhang Honghai (Ghana, ICPC)	.....CHINA
46. Zhang Lin	.....CHINA
47. Zheng Yichun (Canada, PEN Flanders, ICPC)	.....CHINA
48. ZHANG Jianhong	.....CHINA
49. Zhao Changqing (ICPC)	.....CHINA
50. Zhao Yan (ICPC)	.....CHINA
51. Dolma Kyab (England)	.....CHINA/TIBET
52. Dawa Gyaltzen	.....CHINA/TIBET
53. Tashi Gyaltzen (English PEN)	.....CHINA/TIBET
54. Jampel Gyatso (English PEN)	.....CHINA/TIBET
55. Ngawang Phulchung (America, Austria, Canada, England, Sydney)	.....CHINA/TIBET
56. Jesús Alvarez Castillo	.....CUBA
57. Pedro Argüelles Morán (England)	.....CUBA
58. Victor Rolando Arroyo Carmona (Finland)	.....CUBA
59. Mijaíl Bárzaga Lugo (Netherlands)	.....CUBA
60. Armando Betancourt Reina	.....CUBA
61. Albert Santiago Du Bouchet Hernandez	.....CUBA
62. Adolfo Fernández Saínz (England)	.....CUBA
63. Miguel Galván Gutiérrez (Sydney)	.....CUBA
64. Julio César Gálvez Rodríguez (England)	.....CUBA
65. José Luis García Paneque (England)	.....CUBA
66. Ricardo Severino González Alfonso (Finland)	.....CUBA
67. Léster Luis González Pentón (Sydney)	.....CUBA
68. Alejandro González Raga	.....CUBA
69. Iván Hernández Carrillo (Catalan, Scotland)	.....CUBA
70. Normando Hernández González (England)	.....CUBA
71. Juan Carlos Herrera Acosta (Germany)	.....CUBA
72. José Ubaldo Izquierdo	.....CUBA
73. José Miguel Martínez Hernández	.....CUBA
74. Héctor Maseda Gutiérrez (Italy)	.....CUBA

75. Mario Enrique Mayo Hernández (Catalan)	..CUBA	133. Ali Javanmad	.....IRAN
76. Jose Antonio MOLA PORRO	.....CUBA	134. Ejlal Qavami	.....IRAN
77. Jorge Olivera Castillo (England)	.....CUBA	135. Grand Ayatollah Yasub al Diri Rastgari	.....IRAN
78. Pablo Pacheco Ávila	.....CUBA	136. Siamak Pourzand (Amercia, Canada, Norway)	.....IRAN
79. Raymond PERDIGON BRITO	.....CUBA	137. Taghi Rahmani	.....IRAN
80. Omar Pernet Hernández	.....CUBA	138. Hoda Saber	.....IRAN
81. Fabio Prieto Llorente (England)	.....CUBA	139. Kian Tajbaksh	.....IRAN
82. Alfredo Pulido López	.....CUBA	140. Irene Fernandez (Canberra)	.....MALAYSIA
83. José Gabriel Ramón Castillo	.....CUBA	141. Ali Lmrabet (England, Denmark, Turkey, USA)	.....MOROCCO
84. Blás Giraldo Reyes Rodríguez (Sydney)	.....CUBA	142. Mohamed Nasheed (England)	.....MALDIVES
85. Omar Rodríguez Saludes (Finland)	.....CUBA	143. Aung Than	.....MYANMAR
86. Omar Moisés Ruiz Hernández (Sweden)	.....CUBA	144. Aung Zeya	.....MYANMAR
87. Oscar SANCHEZ MADAN	.....CUBA	145. Aung San Suu Kyi (England, Canada)	.....MYANMAR
88. Léster Téllez Castro	.....CUBA	146. Ko Aung Tun (Canada, Canberra, Norway)	.....MYANMAR
89. Alberto Gil TRIAY CASALES	.....CUBA	147. Kyaw Sein Oo	.....MYANMAR
90. Ramón VEAZQUZ TORANO	.....CUBA	148. Maung Maung Oo	.....MYANMAR
91. Abdel Kareem Nabil SULEIMAN	.....EGYPT	149. Sein Hlaing	.....MYANMAR
92. Omer "Abu Akla (Ghana)	.....ERITREA	150. U Aye Kyu	.....MYANMAR
93. Said Abdelkader (America)	.....ERITREA	151. Win Tin (Hong Kong (E), Japan, New Zealand)	.....MYANMAR
94. Akhader Ahmedin(Ghana)	.....ERITREA	152. Stanislav Dmitrievsk	.....RUSSIA
95. General Ogbe Abraha	.....ERITREA	153. Nu'man 'Ali Abdu	.....SYRIA
96. Mahmud Ahmed Sheriffo	.....ERITREA	154. Aref Dalila (England)	.....SYRIA
97. Yusuf Mohamed Ali (America)	.....ERITREA	155. Michel Kilo	.....SYRIA
98. Emanuel Asrat (America)	.....ERITREA	156. Habib Saleh	.....SYRIA
99. Astier Feshatsion	.....ERITREA	157. Mohamad Abbou (England, Norway)	.....TUNISIA
100. Berhane Ghebre Eghzabihir	.....ERITREA	158. Hamdi Jebali (Finland)	.....TUNISIA
101. Beraki Ghebre Selassie	.....ERITREA	159. Mehmet Bakir	.....TURKEY
102. Amanuel Ghebremaskel (Ghana)	.....ERITREA	160. Hrant Dink (Belgium (Fl), England, Norway)	.....TURKEY
103. Ghebremedhin (Ghana)	.....ERITREA	161. Leyla Zana (Belgium (Fl), England, San Miguel, Scottish, USA, Writers in Exile)	.....TURKEY
104. Yebio Ghebremedhin (Ghana)	.....ERITREA	162. Ragip Zarakolu (America, Canada, England, Kurdish, Netherlands, Quebec, Sweden)	.....TURKEY
105. Temesken Ghebreyesus (America)	.....ERITREA	163. Rahim Esenov (English, Canadian and American)	.....TURKMENISTAN
106. Daniel Habte (Ghana)	.....ERITREA	164. Muhammad Bekzhon (America, Canada, England, USA)	.....UZBEKISTAN
107. Mattevos Habteab (America)	.....ERITREA	.....UZBEKISTAN	
108. Muluberhan Habtegebriel (Ghana)	.....ERITREA	165. Mamadali Makhmudov (America, Canada, England, Netherlands, USA)	.....UZBEKISTAN
109. Dawit Habtemichael (America)	.....ERITREA	166. Yusif Ruzimaradov (Amercia, Canada, England, USA)	.....UZBEKISTAN
110. Medhanie Haile (America, Ghana)	.....ERITREA	.....UZBEKISTAN	
111. Zemenfex Haile	.....ERITREA	167. Dang Phuc Tue	.....VIETNAM
112. Hamid Himid	.....ERITREA	168. Le Thi Cong Nhan	.....VIETNAM
113. Dawit Isaac (America)	.....ERITREA	169. Thich Huyen Quang (Denmark, England, France, Sydney)	.....VIETNAM
114. Saleh Idris Kekia	.....ERITREA	.....VIETNAM	
115. Germano Nati	.....ERITREA	170. Nguyen Van Dai	.....VIETNAM
116. Meles Nigusse(Ghana)	.....ERITREA	171. Nguyen Van Ly (Sydney)	.....VIETNAM
117. Estifanos Seyoum	.....ERITREA	172. Tran Quoc Hien	.....VIETNAM
118. Petros Solomon	.....ERITREA	173. Tran Khan Thanh Thuy	.....VIETNAM
119. Haile Woldetesnae	.....ERITREA		
120. Fesshaye Yohannes (America)	.....ERITREA		
121. Paolos Zaid (Ghana)	.....ERITREA		
122. Leykun Engida	.....ETHIOPIA		
123. Abraham Gebrekian	.....ETHIOPIA		
124. Wesenseged Gebrekian	.....ETHIOPIA		
125. Sesehalene Mengesha	.....ETHIOPIA		
126. Abraham Resta	.....ETHIOPIA		
127. Getachew Simie	.....ETHIOPIA		
128. Reza Alijani	.....IRAN		
129. Hashen Aghajari (Norway)	.....IRAN		
130. Haleh Esfandiar	.....IRAN		
131. Ali Farahbakhsh	.....IRAN		
132. Mohammed Hassan Fallahiya	.....IRAN		

Half-year Statistics

January to June 2007

Killed.....	13
Killed.....	29
Killed Investigation.....	10
Disappeared.....	31
Main Case (imprisoned).....	152
Under Investigation (imprisoned).....	58
Judicial Concern.....	6
Under Judicial Process.....	142
Non Custodial Sentence.....	53
In Hiding.....	4
Brief Detention.....	66
Death Threat.....	57
Other Threat/Harassment.....	100
Attacked/Ill-treated.....	70
Kidnapped.....	4
Deported/Expelled/Fled.....	1
Total.....	781
Released.....	42

