# Dangerous Assignments

**covering the global press freedom struggle**

Fall | Winter 2004

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# Fixers on the Front Lines

## As Role Grows, So Does Peril

**Beating Criminal Libel in Latin America**

**The Return of Soviet-Style Repression**

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**On the cover:** Pakistani fixer and journalist Khawar Mehdi Rizvi, who was detained and charged with sedition, conspiracy, and impersonation for helping two French correspondents.

Photo: Reuters/Rizwan Saeed

# A look at recent red-letter cases from the CPJ files…

## May

**3** CPJ names Iraq as the most dangerous place in the world to work as a journalist. Cuba, Zimbabwe, and Bangladesh also make CPJ's annual list of the 10 worst places to be a journalist.

## June

**1** The popular Russian news program "Namedni" is canceled under government pressure, and anchor Leonid Parfyonov (below) is fired. Days before, Parfyonov had interviewed the widow of slain Chechen separatist leader Zelimkhan Yandarbiyev. The interview was cut from the broadcast seen in much of the country.

Reuters/Stringer

**3** Rebels take control of Bukavu in eastern Democratic Republic of Congo, forcing three radio stations off the air and causing several journalists to go into hiding. The insurrection leads to press freedom abuses nationwide.

**17-24** Cuban authorities release Manuel Vázquez Portal (below) and Carmelo Díaz Fernández, who were imprisoned for more than a year in a government crackdown on the independent press. More than two dozen other journalists remain jailed.

**22** Francisco Ortiz Franco, co-editor of the Tijuana-based weekly *Zeta*, is gunned down in apparent retaliation for his work. (See "CPJ Remembers," page 5.)

## July

**9** Paul Klebnikov, editor of *Forbes Russia*, is killed in a drive-by shooting outside his office in Moscow. He was the 11th journalist to be killed in Russia in a contract-style murder in four years. (See "Glasnost and Now," page 20.)

## August

**7** The Iraqi government closes the Baghdad office of the Qatar-based news channel Al-Jazeera and bars it from newsgathering in Iraq. The government says the ban is designed to "protect the people of Iraq."

**20** Brazilian President Luiz Inácio "Lula" da Silva (below) sends a bill to Congress to "guide, discipline, and supervise" journalists. The government says it is trying to improve journalism, but the bill comes after a series of reports detailing alleged government corruption.

AP/Dario Lopez-Mills

**25** Italian freelance journalist Enzo Baldoni, who was kidnapped by militants while traveling to the Iraqi city of Najaf, is shown murdered in video. (See "Letter from Iraq," page 9.)

## September

**9** The last remaining foreign correspondent in Eritrea leaves after the government orders his expulsion. Jonah Fisher worked for the BBC and Reuters.

**16** Bambang Harymurti, chief editor of Indonesia's *Tempo* magazine, is convicted in a high-profile criminal defamation case. He receives a one-year prison sentence but vows to appeal. (See "An Editor on Trial," page 13.)

## October

**5** A Sierra Leonean court sentences Paul Kamara, editor and publisher of the newspaper *For Di People*, to two years in prison on charges of "seditious libel." The newspaper had published articles that offended President Ahmad Tejan Kabbah. ■

## As They Said

**"What is free press? There is no free press anywhere. It's not in England; it's not in the United States. We'd like to know what free press is in the first place."**

–Isaias Afewerki, president of Eritrea, where 17 journalists are imprisoned
BBC online, September 10, 2004

**"The fact that no one is convicted for killing journalists really encourages people to attack media practitioners."**

–Inday Espina-Varona, chairwoman of the National Union of Journalists of the Philippines, where 45 journalists have been killed since 1985
*Los Angeles Times*, September 12, 2004

Reuters/Zahid Hussein

## Karachi, Pakistan

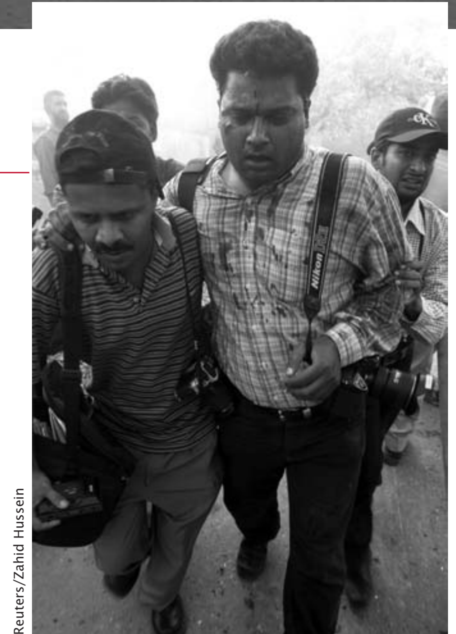
On a number of occasions worldwide, terrorists have used a double-bombing technique: detonating a small explosive to draw a crowd, then setting off another to inflict heavy damage once police and rescue workers arrive. Such attacks put not only emergency personnel at risk but also journalists, who are often among the first to arrive at the scene.

In the crowded port city of Karachi, Pakistan, on the afternoon of May 26, a car bomb exploded shortly after 5 p.m. in front of the Pakistani-American Cultural Center, a private, English-language school located near the residence of the U.S. consul general.

Police officers and journalists converged on the scene to investigate. About 30 minutes after the initial blast, another, much stronger, bomb detonated, injuring dozens and killing one officer.

Police blamed the attack on Islamic militants who had tried to assassinate Pakistani President Pervez Musharraf in 2002, according to Agence France-Presse (AFP). A U.S. official told AFP that the attackers might have struck the cultural center out of a mistaken belief that it was connected to the U.S. government.

Dozens of journalists, including AFP photographer Amer Qureshi (right), were injured by shrapnel that flew in the second blast. *The Washington Post* quoted the head of police operations as saying that the second bomb was hidden in a car that had been stolen only 90 minutes before the attack. ■



Reuters/Zahid Hussein

—Amanda Watson-Boles

# Breaking a Bond

## By Frank Smyth

**WASHINGTON, D.C.**

What kind of country forces journalists to name their sources, and what signal does it send worldwide?

By most accounts, U.S. prosecutors have targeted more journalists this year than in decades, with federal judges ordering them to reveal confidential sources or face fines and jail. The Justice Department denies mounting a coordinated campaign. But there is no denying that authorities are demanding that journalists break one of the bonds that maintains a free, independent press.

For years, federal prosecutors and judges avoided calling journalists to testify in court, pursuing criminal and civil investigations by other means. But in Boston last March, a federal judge issued a contempt ruling against a correspondent for NBC's Providence affiliate who refused to say who passed him an FBI surveillance tape during a corruption probe. The judge levied a $1,000 daily fine.

Later this year, five reporters were held in contempt for refusing to comply with subpoenas in a civil lawsuit filed by former U.S. nuclear scientist Wen Ho Lee, who alleges Privacy Act violations in his case against the government. His lawyers wanted to determine which officials leaked confidential personnel files to the press, and a federal judge fined the reporters.

But the big blow came this summer, when *Time* correspondent Matthew Cooper was held in contempt and at least four other reporters were subpoenaed in a federal investigation into which administration officials leaked the name of a CIA operative. A government official's willful disclosure of an undercover CIA officer is a crime.

Here is where politics loom large—and the government's strategy raises questions. Chicago U.S. Attorney Patrick Fitzgerald, a rising star in the Justice Department who was named special prosecutor to the case, put the initial squeeze not on syndicated columnist Robert Novak, who broke the story, but on several reporters peripherally involved, including two who never even wrote about it.

Novak named Valerie Plame as the CIA operative on July 14, 2003. Plame is married to former U.S. diplomat Joseph C. Wilson IV, whom the Bush administration sent to Niger to investigate allegations that Iraq was attempting to buy enriched uranium.

Novak's column, which cited two unnamed administration sources, appeared eight days after Wilson wrote an op-ed in *The New York Times* challenging the government on the uranium issue. Other reports surfaced later with Plame's identity, most suggesting that administration officials had leaked the name in retaliation against Wilson.

Justice Department spokesman Mark Corallo notes that Attorney General John Ashcroft typically approves press subpoenas but says, "Pat is acting in his own capacity" as special prosecutor in the CIA case. Fitzgerald's office won't discuss his strategy, but he's used aggressive tactics in other cases, with Ashcroft's approval.

This summer, Fitzgerald obtained a subpoena for the telephone records of two *New York Times* reporters to learn whether government officials had leaked suspicions about an Islamic charity in Illinois. *Times* journalists queried the charity before a government raid, and prosecutors suspect charity officials of destroying documents before the FBI arrived.

In San Francisco, U.S. prosecutors sent letters to journalists from *The San Francisco Chronicle* and *The San Jose Mercury News* asking them to turn over documents and confidential sources for stories about alleged steroid use by professional athletes—including the source of grand jury transcripts, excerpts of which were published in the *Chronicle*.

Justice Department guidelines state that "the department's policy is to protect freedom of the press, the news-gathering function, and news media sources." Only in "exigent circumstances, such as where immediate action is required to avoid the loss of life, or the compromise of a security interest" may a journalist be compelled to testify. Even then it should come only after "the express approval of the attorney general."

"We still follow our procedures on every case that comes through," Corallo says. But thousands have signed a petition by the Reporters Committee for Freedom of the Press in protest. Taken together, the cases send a message that the government is more willing to compel disclosure of confidential sources. Particularly troubling is the Plame case, where several journalists targeted were not involved in the story that gave rise to the potential crime.

The world is taking notice. Many governments routinely compel journalists to cooperate with investigations, compromising their independence and obstructing their ability to gather news that officials want kept secret.

Press advocates won a significant international victory in The Hague in 2002, when a war crimes tribunal ruled that journalists should be compelled to testify only when "the evidence sought is of direct and important value in determining a core issue in the case … and cannot reasonably be obtained elsewhere."

The U.S. government used to abide by an even higher standard. Today, it's not clear where it will stop in compelling reporters' testimony. ■

***Frank Smyth*** *is CPJ's Washington, D.C., representative.*

# Francisco Ortiz Franco

## By Joel Simon

Francisco Ortiz Franco, known to his friends as Pancho, was a quiet man who spoke loudly in print.

In person, he was so reserved that you could spend an hour in a crowded room with him and barely realize he was there. Neat, precise, and invariably dressed in a jacket and tie, Ortiz Franco was a family man who was more interested in getting home than going out for a beer after a long day at the office.

His gifts were these: Ortiz Franco was a keen observer; a determined listener; a man who gathered facts, sifted through information, asked considered questions, and gave careful thought before reaching conclusions.

Once he did, he spoke with passion and courage. Ortiz Franco wrote the editorials for *Zeta*, the muckraking Tijuana weekly he helped found in 1981. In his signed editorials and special reports, Ortiz Franco denounced corruption, railed against injustice, and identified drug traffickers by name. His last piece, published on May 14, 2004, alleged that the State Attorney General's Office was selling police credentials to gunmen from the powerful Arellano Félix drug cartel.

Ortiz Franco knew that his editorials and reports had earned *Zeta* many enemies. In 1997, armed gunmen from the Arellano Félix cartel ambushed and nearly killed *Zeta* Editor Jesús Blancornelas, with whom Ortiz Franco was very close. In 1988, *Zeta* co-founder Héctor Félix Miranda was murdered by two bodyguards employed by Jorge Hank Rhon, a powerful businessman and racetrack owner who was recently elected mayor of Tijuana.

Ortiz Franco also served on a panel created by the Miami-based Inter American Press Association and the Mexican government to review the official investigation into the murders of Felíx Miranda and Victor Manuel Oropeza, a journalist killed in Ciudad Juárez in 1991.

Just before noon on June 22, 2004, Ortiz Franco was returning from a medical appointment in the upscale Rio zone in Tijuana. He buckled his 11-year-old son, Héctor Daniel, and his 9-year-old daughter, Andrea, into the backseat of his car and got behind the wheel. A gunman approached and shot him four times in the head and chest as his children watched. Ortiz Franco was 48.

State officials in Baja California initially headed the investigation, but on August 18, federal authorities in Tijuana announced that they would assume control because evidence linked the killing to organized crime.

*Zeta*/Tijuana

**Slain journalist Francisco Ortiz Franco**

Prosecutors said members of the Arellano Félix drug cartel were responsible for the murder, and that several suspects were in custody.

For 24 years, Ortiz Franco signed *Zeta*'s weekly editorials. After he was killed, *Zeta*'s editorial board announced that, as a tribute and protest, its editorials would continue to run under Ortiz Franco's byline until his murder was fully solved. The quiet man's passion lives on. ■

*For updates on the Ortiz Franco case, visit* www.cpj.org.

***Joel Simon*** *is CPJ's deputy director.*

COVER STORY

# The Fixers

AP/Musa Farman

**A Pakistani soldier guards the Afghan border near Quetta, where journalist Khawar Medhi Rizvi had traveled with two French correspondents before being arrested in December 2003.**

*On the front lines of international journalism, local fixers face growing dangers, and their Western employers face tougher questions.*

**By Elisabeth Witchel**

When Marc Epstein and Jean-Paul Guilloteau, two French reporters writing an article for the newsweekly *L'Express* about Taliban activity along Pakistan's border, were arrested for traveling to the area without government permission, they were released on bail two weeks later and allowed to return home.

But Khawar Mehdi Rizvi—the local journalist hired as their "fixer" to guide, translate, and arrange interviews—was detained for more than three months. For the first six weeks, during which Rizvi says he was tortured, police denied even holding him. He was later charged with sedition, conspiracy, and impersonation, which can carry a sentence of life in prison. Ironically, when police arrested the men in December 2003, Rizvi, as a Pakistani citizen, was the only one who wasn't violating the country's restrictive visa laws.

Rizvi is not the only local fixer to face serious consequences for his work with foreign reporters. At particular risk are local media workers assisting in covering the U.S.-led war in Iraq and terrorism in general. In Iraq, nine fixers, translators, and drivers have been killed in 2004, while at least a dozen others have been threatened, attacked, or injured. At least five Pakistani journalists have been detained, assaulted, or threatened in the last year because of their work for foreign journalists.

In a climate of heightened danger for the press, local fixers, though they may blend in more than Westerners, have become targets themselves because of their association with international media outlets. And as fixers' work becomes both more substantial and more dangerous, news organizations face tougher questions in navigating this new terrain in international journalism.

Fixers have long worked with foreign correspondents, doing everything from booking hotel rooms to scheduling interviews with top officials. While the term is sometimes broadly applied to include drivers and

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***Elisabeth Witchel** is CPJ's journalist assistance coordinator.*

travel guides, established fixers are generally local hires, many of whom are well-respected journalists in their own countries. They work on a short-term basis providing expertise, translation, contacts, and research.

For some, the word itself is problematic. "Fixer is the wrong term," says Andrew Maykuth, foreign correspondent-at-large for *The Philadelphia Inquirer*. "They are really journalists. … Their work demands the same ethical standards of reporting." Though fixers traditionally worked behind the scenes, political conditions in today's hot spots are pushing them to the front lines. Kathy Gannon, currently on leave from her post as Islamabad bureau chief for The Associated Press, says, "Fixers and stringers are used more and more to go into areas that, as a Westerner, it is difficult to penetrate, such as the tribal areas of Pakistan."

In Iraq, where Western journalists are routinely targeted for attack, media outlets rely on local hires to report in dangerous areas. (See "Getting the Story," *Dangerous Assignments*, Spring/Summer 2004.) Hannah Allam, Baghdad bureau chief for Knight Ridder, says that their fixers have taken on increasing responsibilities. "Their work has changed in the last year I've been here from making phone calls to going out and covering stories."

"What we're seeing now are fixers as surrogates," says Orville Schell, dean of the Berkeley School of Journalism. In Iraq, "they are the Seeing Eye Dogs, or rangers, for the men and women who can't safely go out and do the reporting themselves."

According to Schell, it is not only the dangers posed to correspondents by anti-Western sentiment that have increased reliance on fixers. "The role of the fixer has grown with parachute journalism," he says, and notes that since the end of the Cold War, media outlets and journalism schools have failed to cultivate regional expertise. "When I was in China, most correspondents there were Chinese studies graduates. To some extent, universities have bred a generation of journalists who need prosthetic devices to cover certain areas," Schell argues.

Fixing has always been a risky business, even before the Iraq war and the struggle against terrorism. According to Juan Tomayo, a veteran foreign correspondent and now chief-of-correspondents at *The Miami Herald*, that has always been true. "Fixers are subject to local retaliation more than we are. And that's the case almost anywhere," he says. "We do our story; we leave. They stay."

Two years ago, local Bangladeshi journalist Saleem Samad and human rights worker Priscilla Raj were detained for nearly two months and tortured in custody for their work as fixers for a U.K.-based Channel 4 documentary on politics and religion in Bangladesh. Acquitté Kisembe, a fixer for Agence France-Presse in the Democratic Republic of Congo, disappeared while on assignment in June 2003 in the city of Bunia. He remains missing and is presumed dead. And in April 2002, Guatemalan fixer David Herrerra was abducted while on his way to pick up former National Public Radio correspondent Gerry Hadden. Herrerra later escaped.

**Most observers believe that the international media community must do more to protect fixers.**

Today, Pakistani authorities and religious groups routinely harass fixers for their work with foreign correspondents. Elizabeth Rubin, a contributing writer for *The New York Times* who has worked with fixers in both Pakistan and during the Balkan conflicts, says that in Serbia, fixers were often called in to report to the Information Ministry, but they were not "chased down" as they are in Pakistan. Fixers there are also more vulnerable because they may not necessarily be viewed as legitimate journalists, due to the informal hiring process, which usually does not include a contract. According to Pakistani journalist Iqbal Khattak, before September 11, the term "fixer" was unknown in Pakistan and even now is viewed with suspicion by intelligence agents and police there.

Widespread Internet access is another reason that local fixers can run afoul of governments or religious groups more often, says one fixer with eight years' experience in Pakistan and Afghanistan who asked not to be named. "Foreign correspondents think they are writing for a certain audience, and that they are not putting their fixers at risk. But now any warlord can get an article online, and they are frequently translated into the local language and circulated. If the story offends someone, the fixer will get a visit."

Greater dependence on fixers has brought some benefits. Traditionally, fixers' work is uncredited, but in the last year, a number of print media outlets have featured joint bylines or acknowledgments of local staff reporting. "Their role is changing from a source to a contributor," Gannon says.

Fixers are also developing professionally. In Pakistan, says Khattak, local journalists have developed an interest in investigative journalism because of their work with correspondents. According to Mark Seibel, managing international editor of Knight Ridder's Washington Bureau, fixers in Iraq "are really learning the skills of journalism." There are financial benefits as well. Maykuth of *The Philadelphia Inquirer* recalls that during his many trips to Afghanistan in fall 2001, he saw the daily rate of fixers rise from US$30 to US$300.

But money doesn't always outweigh the risks. "I learned early on that fixers are in the most danger," says PBS "Newshour" Senior Correspondent Elizabeth Farnsworth, who has used fixers in Haiti, the Middle East, and throughout Asia. "As a correspondent for a national program, I can get a great deal of attention if I'm in danger, but what about a local fixer?"

Farnsworth recalls when her Haitian fixer was detained in Port-au-Prince in 1994 while they were shooting footage in restricted areas. Authorities offered to release the fixer, but only if the "Newshour" team left Haiti. Local journalists advised Farnsworth that the fixer's safety depended on her departure, so the "Newshour" team left. He was eventually freed unharmed, but Farnsworth describes it as one of the worst moments in her career. "I consider it one of my prime duties to look after the people working for me," she says.

Some journalists, however, believe that many correspondents are not sensitive enough when it comes to exposing their fixers to risk. "What is disturbing is the callow use of fixers by correspondents who come into a region, don't know it well, then put [fixers] in dangerous situations," Gannon argues.

Though fixers are often aware of the risks they are taking, some feel they are put in unfair positions. Pakistani fixers interviewed for this article say they often try to dissuade correspondents who ask to be taken to dangerous places but fear that they will lose their jobs to someone else if they decline altogether. "For the money offered, there is always someone who will take them," says one Pakistani fixer who asked not to be named. In Pakistan and Afghanistan, "There are also cultural dynamics at play," Gannon says. "People here really want to help out and are not comfortable saying no."

Most observers believe that the international media community must do more to protect fixers, although there has been a growing awareness of the dangers. Knight Ridder's Baghdad bureau chief Allam says that in Iraq, she has seen significant changes in the last year, including the introduction of security training, defensive driving courses, and flak jackets for all Knight Ridder fixers. Tomayo of *The Miami Herald* says that his office has purchased bulletproof vests at a cost of $1,500 to $1,800 for *Herald* fixers and stringers in Venezuela this year.

Since the mid-1990s, CNN International has provided hostile-environment training to all of its workers, including fixers, going into potentially dangerous situations. According to CNN Vice President for International Public Relations Nigel Pritchard, the definition of a hostile area expanded so much in 2004 that it included the Athens Olympics. Bill Spindle, foreign desk editor at *The Wall Street Journal*, says his paper's policy of treating fixers like employees has been consistent, but that there is a substantial rise in the number of instances where intervention is needed on a fixer's behalf. "We're using them more often and in more complicated situations," Spindle says.

Still, argues Tina Carr, director of the London-based Rory Peck Trust, which assists freelance media workers, this awareness has yet to translate into widespread practice. "We hear of fixers around the world who are not provided with the same security equipment as the correspondents they work with or are not adequately compensated for injury or death," Carr says.

To date, most cases where fixers or translators were evacuated from dangerous situations have been ad hoc. With virtually no insurance or medical compensation for international short-term hires, news organizations have to pay out of pocket, and decisions rely heavily on the individual relationships fixers have with their media outlets. According to Knight Ridder's Seibel, "The relationship is informal contract labor. How far should an international news organization go to help them? There is probably a need to review and go over policies."

While many journalists cite a moral obligation to help their fixers, there is also a professional imperative. By targeting fixers, governments and militia groups ultimately discourage local and international coverage of sensitive issues. Rizvi, whose criminal case was pending this fall, says, "What they did to me is their message to people, telling them not to report in those areas." ■

AP/Daniel Morel

**"Newshour" crew Jaime Kibben (left), Elizabeth Farnsworth, and John Knoop sit in the back of a Haitian military pickup in Port-au-Prince, Haiti, in 1994 before leaving the country.**

# Letter from Iraq

*As journalists become targets more often, a reporter finds a bunker mentality taking hold among the press corps.*

**By P. Mitchell Prothero**

**BAGHDAD, Iraq**

Security is tenuous for everyone in Iraq, but conditions for journalists have deteriorated to the point that many major news agencies now rely on local stringers and employees for newsgathering. Among nearly every constituency here, hostility toward journalists has increased.

Journalists, by necessity, are fixated on personal security. News organizations have established themselves in compounds of private homes surrounded by blast walls, or in large hotel complexes with extensive security checkpoints. Such precautions, though not unique to the media, reflect a change from a year ago, when journalists preferred lower-profile, less-secure accommodations on the theory that it would make them less likely to be targets.

This bunker mentality has taken hold among the press corps in Iraq for a few reasons. Insurgents have attacked less-secure hotels once used by Westerners, including journalists. The U.S.-led coalition is largely indifferent to journalist safety, and, worse, Iraqi authorities are openly hostile.

*Reporter and photographer* ***P. Mitchell Prothero*** *served as CPJ's Baghdad-based consultant. He has reported from Baghdad, Beirut, and throughout the Middle East for United Press International and other news outlets since 2000.*

AP/Khalid Mohammed

**In August, journalists raise their hands while crossing an area where fighters loyal to cleric Muqtada al-Sadr were fighting U.S. forces in the Iraqi city of Najaf.**

And with U.S. government contractors moving almost exclusively within heavily guarded compounds, journalists have become primary Western targets.

This year, a rash of kidnappings has occurred, with publicity-hungry insurgents grabbing the only foreigners consistently available to them: journalists and coalition drivers. "Who are [the insurgents] going to take?" Knight Ridder photographer David Gilkey asks. "They can't get their hands on anyone else."

As of fall, at least 20 journalists have been abducted for extended periods in 2004, with numerous others held briefly by armed groups. Most were released, but in August, Italian freelance writer Enzo Baldoni became the first to be killed by kidnappers.

Naturally, Gilkey says, the abductions have affected coverage. "Look at the photo wires these days," he says. "You see only Iraqi names on the photo credits. No breaking news is being shot by Western photogs because none can work these scenes like an Iraqi can."

Much of the problem is a nationwide perception that Western journalists are spies or profiteers taking advantage of the considerable misery of the Iraqi people. Because almost every journalist under Saddam

Hussien's regime was either censored or compromised, there is little understanding among the public that Western reporters are not shills for their governments.

Many British and U.S. reporters lie to Iraqis about their nationalities and have elaborate cover stories in place should a problem arise with locals. Several journalists have managed to convince coalition officials to put false country-of-origin information on coalition-issued press credentials to lower their profiles. But in many cases, this is not enough. Insurgents have abducted or attacked reporters from a widening range of countries, including nations such as France—not normally considered hostile by Iraqis.

"We see the journalists come and helped them, but what came from it?" asks Omar, an insurgent sympathizer who asked that his full name not be used for safety reasons. He has helped some journalists make contact with more mainstream Iraqi resistance groups but ended up seeing little benefit.

"The journalists did nothing to help us, and now many mujahedeen consider them to be useless or targets," Omar says. "We think many must be spies for the Americans or Jews."

Some unexpected relationships have formed, if only as a matter of survival. The Mehdi Army, led by radical Shiite cleric Muqtada al-Sadr, which battled U.S. and British forces in southern Iraq for months, made some efforts to protect reporters covering its activities. And its religious leadership attempted to be honest brokers with the media.

Yet even that has disintegrated since summer. The Mehdi Army is disorganized and has increasingly fallen under the control of gangsters looking to profit from journalists. In August, a Mehdi offshoot held U.S. documentary journalist Micah Garen for more than a week despite the efforts of al-Sadr himself to arrange a release. Garen was eventually freed unharmed and without a ransom, but only after kidnappers who wanted a ransom clashed with the Mehdi leadership, which opposed such a demand.

The breakdown of this most tenuous connection to Mehdi forces—and a rise of even more militant factions—bodes ill for journalists in Iraq. One U.S. photographer, who asked not to be named because he continues to work in Baghdad, says his Mehdi press contact has increasingly turned to financial demands that border on extortion.

"When we first started going in, he would meet us outside the neighborhood and ensure our safety while helping us access stories," the photographer says. "Now he shows up whenever we enter the neighborhood, even if we don't call him, and demands $100 even if we don't need his help." Such payments are often made.

**The Iraqi public has little reason to believe that Western reporters are anything but shills for their governments.**

Government attitudes have worsened the situation. Best-known is the interim government's bald act of censorship in banning the Qatar-based news network Al-Jazeera from newsgathering in Iraq. Less publicized is the regular police harassment of reporters of every stripe. Such cases have escalated since the transfer of power from the U.S.-led occupation at the end of June.

Iraqi police openly threaten journalists at news events in an effort to block coverage. When Knight Ridder photographer Allison Long took pictures of police beating a suspect in August, she tells CPJ, a uniformed officer tried to wrench away her camera. When she resisted, a plainclothes officer came up from behind, drew and cocked his gun, and pointed it at her, saying he would kill her. A passing Iraqi government official had to intercede.

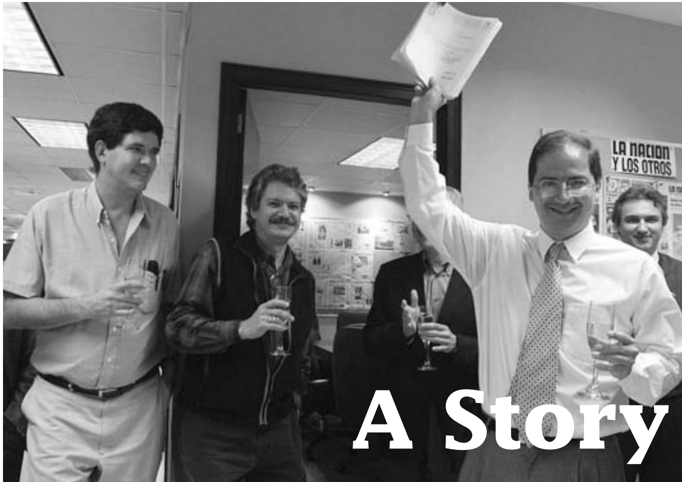
In June, I was chased and held at gunpoint after photographing Iraqi police and intelligence agents hitting prisoners. Police dragged me for several blocks before a commander finally ordered my release and apologized.

But the worst example of a government attack on the press happened during this summer's siege at the Imam Ali Shrine in Najaf. At 10:30 p.m. on August 25, dozens of armed police, many of them masked, stormed a Najaf hotel widely used by journalists. Firing warning shots in the lobby and beating down doors to rooms, police forcibly removed some 60 journalists from the Bahr Najaf Hotel and packed them into waiting trucks without explanation.

"After I was put into the truck, one policeman leaned down and told me in Arabic, 'Now we are going to take you out and kill you. You will all die.' It was a clear attempt to terrify us," freelance photographer Thorne Anderson says.

After being driven in an open truck through a city where major street fighting was continuing, the reporters were herded into a coerced press conference where the chief of police complained about coverage by the Dubai-based news channel Al-Arabiya. The journalists were held for an hour without basis or charge.

The U.S.-led coalition does not counteract such intimidation. One coalition press official privately acknowledges that it wants journalists to embed with its forces or leave Iraq. Otherwise, journalists are on their own. "This is a dangerous combat zone," he says, "and we don't need or want you here." ■




Courtesy *La Nación*

***La Nación*** **reporter Mauricio Herrera Ulloa celebrates with his colleagues.**

# A Story Is No Crime

*A court overturns a Costa Rican reporter's conviction on criminal defamation, creating a precedent in Latin America—and offering hope elsewhere.*

**By Joel Simon**

*La Nación*'s San José newsroom erupted in cheers in early August, when, at long last, a court overturned the 1999 criminal defamation conviction against reporter Mauricio Herrera Ulloa. The ruling by the Inter-American Court of Human Rights "is a victory not only for me, but for all Costa Rican journalists," Herrera said.

As exuberant as Herrera's declaration was that day, press advocates hope it will prove to be an understatement.

The ruling, the first of its kind by the regional court, set an encouraging precedent in Latin America and reversed what had been a deflating nine-year court battle for *La Nación*. The verdict followed years of lobbying and legal advocacy by an extraordinary coalition of press, legal, and human rights groups from throughout Latin America—and offered hope that those same tactics can be replicated around the world to eradicate laws that criminalize journalism.

"The decision adds to the body of international law guaranteeing freedom of expression and confirms the universal nature of these standards," says Toby Mendel, head of the legal program for one of the advocacy groups, the London-based anticensorship organization Article 19. "The coalition that came together to support the case is unprecedented and shows that a coordinated legal strategy can be a very powerful advocacy tool."

The case stemmed from Herrera's May 1995 series for *La Nación* about Félix Przedborski, who held an "honorary" diplomatic post as Costa Rica's representative to the International Atomic Energy Agency. Herrera's articles were pretty tame by most standards: Citing European press accounts and other sources, the pieces alleged that Przedborski had abused his diplomatic status by engaging in questionable business practices. Herrera included Przedborski's denials in his stories and reported the allegations in the context of the public debate over Costa Rica's practice of appointing honorary diplomats, a policy that was later abolished.

None of that mattered to Przedborski, who brought the criminal charges, or to the Costa Rican courts. Costa Rican law makes it a criminal offense to publish information that could hurt someone's reputation, even if the information is true. After lengthy proceedings, Herrera was convicted, fined, and his name was inscribed on an official list of criminals. The Costa Rican Supreme Court later upheld the conviction.

The verdict was a devastating blow to Herrera and *La Nación*, long recognized as one of Latin America's best newspapers. It also sent a chill through the Costa Rican press corps and had a ripple effect throughout Latin America, where journalists

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*CPJ Deputy Director* ***Joel Simon*** *helped lead CPJ's efforts in the Herrera case and has been involved for several years in joint advocacy work to repeal criminal defamation laws in Latin America.*

often face criminal prosecutions for libel. Citing Costa Rica's reputation as one of Latin America's strongest democracies, *La Nación* lawyer Pedro Nikken argued before the Inter-American Court that when the best behave badly, it sets a terrible precedent for the rest of the hemisphere.

In fact, criminal defamation laws are on the books in countries throughout the world (see related story on page 13), and journalists are routinely prosecuted on defamation charges. While jail sentences are rare in Latin America, prosecutions are not, and dozens of journalists in places like Panama and Argentina have been tried and sometimes convicted under these anachronistic criminal statutes. In those countries, powerful political figures have used the courts to stifle public scrutiny of their activities.

One case that sparked widespread condemnation involved Argentina's former President Carlos Saúl Menem, who initiated criminal proceedings in 1994 after investigative reporter Horacio Verbitsky challenged the president's assertion that he had been tortured under the country's military dictatorship. Verbitsky was convicted but appealed to the Inter-American Commission on Human Rights in Washington, D.C., an arm of the Organization of American States (OAS). As part of a settlement between Verbitsky and the Argentine government mediated by the commission, Argentina pledged to reform the country's criminal defamation law—a commitment it has yet to fulfill.

**Criminal defamation laws are on the books in countries throughout the world, and journalists are routinely prosecuted on defamation charges.**

But if the Verbitsky settlement fell short on a practical level, the case succeeded in raising awareness throughout Latin America about the threat of criminal defamation laws. It also made clear that the Inter-American Commission on Human Rights could be an important vehicle for compelling governments to repeal or modify these laws.

In June 2000, CPJ and the Argentine press group Periodistas, which Verbitsky and 30 other prominent journalists founded, brought together journalists, academics, and lawyers from throughout the hemisphere. Meeting in Buenos Aires, the group called for the repeal of criminal defamation laws and affirmed that journalists should never be "criminally prosecuted for what they publish, transmit, or express." Participants promised to support the newly created position of special rapporteur for freedom of expression at the OAS, and to defend journalists being criminally prosecuted for their work.

The consensus forged in Buenos Aires paid considerable dividends, with press groups throughout the region taking up cases. The special rapporteur's office pushed for reform, too, and in March 2001, the Inter-American Commission weighed in with an important affirmation.

"The protection of a person's reputation," the commission wrote, "should be guaranteed only through civil sanctions in those cases in which the person offended is a public official, a public person or a private person who has voluntarily become involved in matters of public interest."

Just as important, the commission referred the Herrera case to the Inter-American Court, an OAS arm whose decisions are binding on member nations. Aware of the stakes, eight free press organizations filed friend-of-the-court briefs.

"Debate about the actions of public officials is the cornerstone of democracy," CPJ argued in its brief, which was prepared by the law firm of Debevoise & Plimpton and signed by 11 news organizations. "Because Mr. Herrera's articles reported on the conduct of a public official and matters

Courtesy *La Nación*

***La Nación*** **reporter Mauricio Herrera Ulloa reads the Inter-American Court ruling that overturned the criminal defamation conviction against him.**

of public concern, they merit the strongest possible protection."

Armando González, a lawyer and managing editor at *La Nación*, said that newspaper executives defending the case had felt like Sisyphus pushing a rock up a hill—until the friend-of-the-court briefs "finally helped push the rock over the top."

They reached the summit on August 3, when the Inter-American Court overturned the conviction and ordered the Costa Rican government to pay Herrera US$20,000 in damages and US$10,000 in legal fees. The court found that critics of public officials must have "leeway in order for ample debate to take place on matters of public interest." The court also ruled that the requirement that Herrera prove the truth of the allegations was unreasonable and violated his right to freedom of expression.

A concurring opinion by the court's president, Judge Sergio García Ramírez, went further. He questioned the legal basis for criminalizing defamation at all and strongly suggested that such laws should be repealed. While García did not specifically say that all criminal penalties for defamation violate international law, he indicated that governments would have a hard time convincing him that such measures are necessary or appropriate.

So now comes the next step for press leaders. At CPJ's offices in September, OAS Special Rapporteur Eduardo Bertoni brought together several of the people who had formed the free press coalition to discuss the impact of the Herrera ruling and a strategy for the future.

For one, the Herrera ruling should make it significantly more difficult for Latin American governments to prosecute journalists for criminal defamation. A September 15 decision by the Inter-American Court, in fact, seemed to build on the Herrera decision. The judges ruled that a criminal defamation conviction in Paraguay violated

# An Editor on Trial

**JAKARTA, Indonesia**

Bambang Harymurti, chief editor of *Tempo* magazine, was convicted of criminal libel in September and sentenced to a year in prison. Two colleagues were acquitted in the trial, which stemmed from a 2003 article citing allegations that powerful businessman Tomy Winata stood to profit from a fire at a textile market. The article included a statement from Winata denying the allegation.

Winata filed several civil court actions along with his criminal complaint, but the criminal case in particular alarmed journalists worldwide. The *Tempo* journalists were charged under criminal defamation laws, as well as with spreading false information that provoked social discord.

The charge of provoking social discord was based on a melee that occurred five days after the article was published, when more than 100 men gathered at *Tempo* offices in Jakarta to protest the story. The protesters, one of whom said the group represented Winata, assaulted at least two reporters.

Lawyers for *Tempo* contested the prosecution and cited several irregularities, including the removal of the original judge seven months into the trial. The defense also claims that Winata perjured himself by denying he had given an interview to *Tempo*, even after the magazine produced an audiotape of the session.

Harymurti has vowed to appeal. *Tempo* stands by the accuracy of its story and has refused to apologize or divulge its sources, as Winata's supporters have demanded. Before the verdict, Harymurti discussed the case with CPJ Asia Program Coordinator Abi Wright. Here are excerpts.

*Tempo*/Tommy Satria

**Editor Bambang Harymurti speaks to reporters in front of the Central Jakarta District Court in July 2004.**

**Abi Wright:** Explain the laws to me.

**Bambang Harymurti:** The first one is dissemination of information that caused a riot. … It's actually an emergency law made in 1946.

**AW:** It's ironic that this law is being used against you, when in fact the only riot was focused against you and your office.

**BH:** The consequence is that if anyone with power and money has a problem with an article, they can just send dogs, attack the press, and then put the editor in jail for 10 years. And the funny thing is, the only witness who said he was incited said he read only the first two paragraphs. He didn't read the whole article. … I said to the judge, 'Look, if you do this, you can put in jail the publisher of the Koran or the Bible because some kook quoted a few verses and then became a terrorist.'

**AW:** I want to ask you about the day the protesters came to the *Tempo* offices. They stormed their way in, there was a scuffle inside, and then you all went to the police station. Was anybody ever punished for that?

**BH:** One person got a suspended sentence. Another guy got acquitted.

**AW:** People want these press laws to be reformed.

**BH:** At least the media law has assigned journalists the role of watchdog for the public interest. The thing is, you cannot be critical and guarantee that people will not feel

insulted. So you should be free from all these defamation laws if you can prove that all those things considered insulting were done within the corridor of good journalism.

**AW:** I saw something today in the paper listing corrupt judges. … Are judges protected by these insult laws?

**BH:** Oh, yeah, yeah, yeah. They're even protected by our Penal Code. Certain officials are protected. So if you insult certain officials—

**AW:** Even if what you say is true?

**BH:** Of course, for insult, truth is not the matter.

**AW:** What about apologizing to Tomy Winata?

**BH:** It would be a betrayal to apologize. I cannot apologize for this article, because that would be saying that this kind of article cannot be published, and that is a problem for freedom of the press.

**AW:** Some have said they actually think that if you do go to jail it would be a good thing for press freedom, because it would be so outrageous.

**BH:** I said to the people who work at *Tempo*, 'Look, even if you have to be like a candle, give light for others so they can find the true way, even at the cost of losing ourselves, that would be worth the fight.' … The problem is, I'm not so sure that when they send us to jail that thousands of people will go on the street marching. I'm afraid that what will happen is, they will need more of us to go to jail before a reaction like that happens. … But my worst nightmare is if putting us in jail is just enough to make everybody else scared, so there's no more need to send anyone else to jail because they have already gained control. And we will be in jail for nothing.

**AW:** So tell me about the impact that these cases have had on *Tempo*.

**BH:** We spend a full Monday every week in court … and one case in a year might cost us an amount similar to one month's salary for the entire staff.

**AW:** Monday is your court day. If it's Monday it must be—

**BH:** The Monday Blues.

**AW:** So, looking forward, what's the future? Are you optimistic?

**BH:** I'm more optimistic about the Supreme Court [where an appeal of the trial verdict would be heard]. My hope is this would have a similar effect to [the U.S. Supreme Court case] *The New York Times vs. Sullivan* in 1964—that the Supreme Court will change the media law or create criteria where the burden of proof will be such that it will be very difficult, unless a journalist writes with reckless disregard for the truth, that they cannot be made a criminal.

**AW:** Do you think that the press plays a special role in Indonesia these days?

**BH:** Oh, especially now, it is a very critical role. We have a weak government, and many cases wouldn't be opened up if the press were not there.

**AW:** What is the public attitude toward the press? Does the public appreciate it?

**BH:** No, you're a pain. … The elite, many of the elite, are very critical. One reason [former President] Suharto was in power for so many years was that he was very adept at co-opting the elite. So the elite under him had a much larger proportion of [wealth] than the rest of society. So the elite are against press freedom.

**AW:** What do these cases say about the media in Indonesia today?

**BH:** My worry is about the criminal case because it represents the current government view on press freedom—and clearly their attitude is against press freedom.

**AW:** What more can we do to support you?

**BH:** The most important thing is pressuring the government. To me, the criminalization of the media is the policy of the government. I mean, I am not worried about civil litigation, because, you know, everybody has a right to civil litigation. ■

*For updates on the Harymurti case, visit* www.cpj.org.

international law—and that the criminal proceedings themselves violated the American Convention on Human Rights because they were not "necessary in a democratic society."

Such precedents—and the advocacy tactics that led to them—give hope not only in Latin America but also in places such as Indonesia, Ukraine, and the Democratic Republic of Congo, where reporters are regularly prosecuted, convicted, and sometimes jailed on criminal defamation charges. Bertoni noted that the Inter-American Court is examining criminal defamation in the context of international human rights laws—a very encouraging note for the media worldwide.

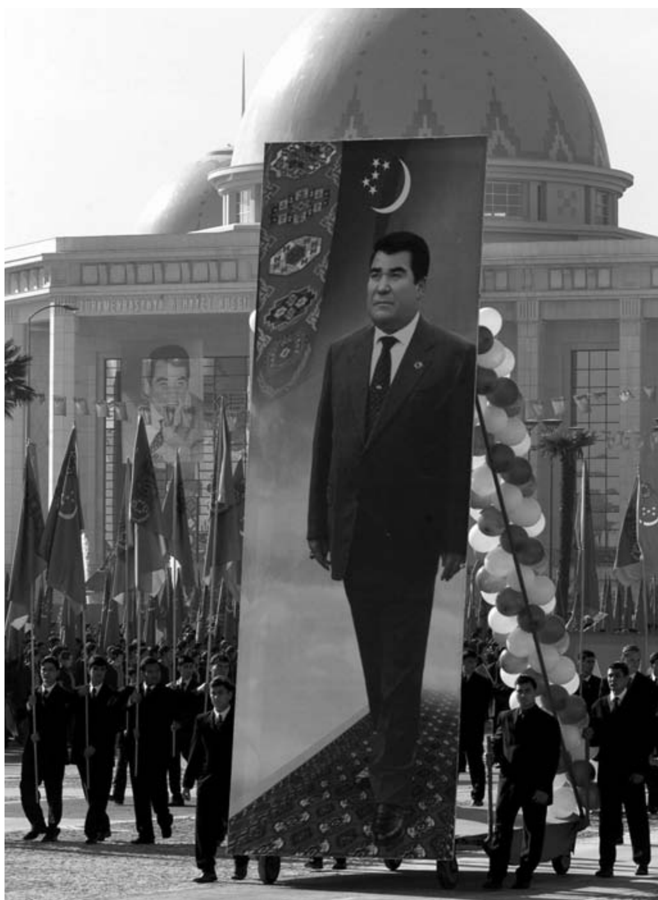
On the afternoon the verdict came down in the Herrera case, *La Nación*'s newsroom staff gathered for a champagne toast. Herrera, accompanied by his wife, gave an emotional speech thanking everyone for their support. Eduardo Ulibarri, a former editor at *La Nación*, praised Herrera for his fortitude.

But the party did not last long. "After the toasts, we all went back to work," says managing editor González. "After all, we had a newspaper to put out." The next day, Herrera's legal victory was the lead story on Page 1. ■

## Friends of Herrera

Eight groups filed friend-of-the-court briefs in the Herrera case. They included Article 19, Periodistas, Colegio de Periodistas de Costa Rica, the World Press Freedom Committee, the Center For Justice and International Law, the OSI Justice Initiative, and the Inter American Press Association.

CPJ's brief was signed by The Associated Press, CNN, *El Comercio*, The Hearst Corp., *The Miami Herald*, *El Nuevo Día*, *La Prensa*, The Reforma Group, Reuters, *El Tiempo*, and Tribune Co.



Reuters/Shamil Zhumatov

**A procession commemorating Turkmenistan's Independence Day carries a giant portrait of President Saparmurat Niyazov in the central square of the capital, Ashgabat, on October 27, 2002.**

# Under Siege

*From Ashgabat to Washington: A Turkmen correspondent's journal recounts abduction, assault, and freedom.*

**By Saparmurad Ovezberdiyev**

**with an introduction by Nina Ognianova**

*Saparmurad Ovezberdiyev, 65, a correspondent for the U.S. government–funded Radio Free Europe/Radio Liberty (RFE/RL), fled his native Turkmenistan in mid-July after years of reprisals for his work.*

*A 14-year network veteran, Ovezberdiyev reported from the capital, Ashgabat, about human rights abuses, unemployment, drug addiction, and other problems—topics not covered in the state-controlled Turkmen media. Because of government persecution, reporters who dare criticize the government use pseudonyms. But Ovezberdiyev reported under his own name—the only RFE/RL correspondent to do so.*

*From September 2003 to June 2004, Turkmenistan's National Security Service (MNB) waged an intensive campaign of intimidation against Ovezberdiyev. The U.S. Embassy in Ashgabat, which had monitored the attacks, took an active role in helping Ovezberdiyev move to Washington, D.C., where he continues to work for RFE/RL. He arrived on July 13 with sons Ravsha and Bakhtiyar. His wife, Oguldurdy, has remained in Turkmenistan to take care of her elderly mother.*

*The excerpts below are from his personal journal, which was written shortly after his arrival in Washington.*

***Saparmurad Ovezberdiyev** now reports for RFE/RL in Washington, D.C. **Nina Ognianova** is researcher for CPJ's Europe and Central Asia Program.*

### The Abduction

My telephone rang at about 2 p.m. on Thursday, September 11, 2003. "Nine months ago, you applied to the Ministry of Foreign Affairs for a visa to go to Moscow," said the caller, who introduced himself as the ministry's consular officer. "We want to help. Come see us today."

A half-hour later I was in a cab approaching the ministry. Soldiers suddenly appeared to detour our car; another soldier stopped us and directed the cabbie to step outside. In seconds, two unfamiliar men were sitting on either side of me saying they worked for the MNB. They grabbed me by the armpits, shoved me into a van with tinted windows, and put a black sack over my head. One of them stuck his hand in my breast pocket and pulled out my RFE/RL press card.

We drove for about 15 minutes before I felt the van stop and heard gates opening into what I later learned was the courtyard of the Ministry of National Security. The agents grabbed me by the armpits and took

me out and up some stairs. I heard the heavy thud of a jail cell door while they seated me on an iron bed, took the sack off my head, and started firing questions at me. The interrogation was on.

They threatened me with 20 years in prison for high treason because of interviews I'd conducted for RFE/RL in which I took to the streets of Ashgabat and talked to regular citizens. They said the interviews could cause riots in Turkmenistan, that their messages contradicted the policies of Turkmen President Saparmurat Niyazov. They urged me to write a statement confessing that I was an enemy of the people.

Friday and most of Saturday came and went. The MNB agents told me that an investigator would come from the General Prosecutor's Office to open a criminal case, but no one ever did. They fed me meagerly: a dark-colored lump they said was rye bread; some oily soup; something they called "partridge grass" tea. Through the barred window of my cell I could hear a dog barking and straining at its chain leash.

At nightfall on Saturday, MNB operatives took me back down to the ground floor. An agent told me they were driving me back to town, and that I should tell my wife I'd spent the last three nights with a lover. They returned my belt, a shoehorn, and 6,000 manats (about US$1.15). My RFE/RL press card was not returned.

While I was away, both of my home telephones had been turned off, as were my neighbors' telephones and the phones belonging to a neighbor's business. (I had used those telephones many times before when the government shut off mine.) My wife and her relatives, sensing trouble, had inquired after me at the MNB. But a soldier replied brusquely that I was not there, and that she should go to the police department. The police told her to look in the morgue.

RFE/FL/Melody Jones

**Saparmurad Ovezberdiyev at work in Washington, D.C.**

On Friday, my son Bakhtiyar contacted the U.S. Embassy in Turkmenistan and reported that I had disappeared. The embassy interceded, telling the Ministry of Foreign Affairs it knew that an RFE/RL correspondent had been taken, and that the incident would cause international publicity. Looking back now, I understand why I never saw the investigator from the prosecutor's office.

**One of the men said they had dug a grave to bury me alive. 'We are tired of your endless broadcasts and radio interviews,' he told me.**

### The Cemetery

The blows came from behind, striking me on the head and back as I was taking out the trash at my home at about 9 a.m. on November 14, 2003. Before I could turn around, the two men wrapped my denim shirt around my head so I could not see their faces. Then they pushed me into a car and drove off. Along the way, one of them struck me repeatedly on the head with a plastic container filled with water. They say that such a weapon leaves no marks on a victim's body.

One of the men said they had dug a grave to bury me alive, and that's where we were going. "We are tired of your endless broadcasts and radio interviews," he told me. They pulled out a pair of wire cutters, squeezing the pinky on my left hand with the tool.

"OK, your death is here. Say your prayers; we are now going to bury you alive," said the other when we had stopped. They ripped off my denim shirt, forcing me out of the car and to the ground, where they started beating me again. Finally, one of them ordered me to lie still on the cold ground.

As I heard the roar of a car driving away, I lifted my head and realized that I was at the Vatutinskoye City Cemetery. My shirt, shoes, and socks were gone; so was my cap. This was how I looked as I walked toward the cemetery gate.

### The Blockade

The siege began at 9 a.m. on June 18, 2004. A car with two MNB agents stopped at my home, in front of the gate leading to a courtyard shared by my family and five others. They turned off my home telephones, leaving me without any means of communication or Internet access.

For nearly a month, MNB operatives drove up to my house at 6:30 each morning and stayed until midnight. They changed cars a few times each day.

The agents stopped everyone at our courtyard gate, wrote down their personal information (name, address, place of employment), and then refused them entry. Visitors were told not to return. A few days after the start of the blockade, MNB agents went to my wife's workplace and that of my eldest son. Both were fired.

During those days, I received a lot of help from the U.S. Embassy in Turkmenistan. In an embassy car, staff

members drove by the MNB agents watching my house, as if reminding them that the United States was keeping an eye on the situation and protecting my family.

**The Way out**

On July 12, 2004, at 11 p.m., my two sons and I arrived with our luggage at the airport in a U.S. Embassy car escorted by two embassy staff members. A few hours earlier, the U.S. Embassy in Turkmenistan had sent a letter to Foreign Affairs Minister Rashid Meredov stating that RFE/RL correspondent Saparmurad Ovezberdiyev and his two sons were going to fly to the United States, and that any problems arising with the departure would be viewed as an international incident.

So we began the check-in procedures, and our passports were inspected. Several men in plain clothes suddenly arrived and stood behind the customs inspectors, reporting something via handheld radios. The customs inspectors pulled everything from our suitcases: jackets, shoes, socks, all of our clothes. They turned the pockets inside out, checked the liners on each piece of clothing, looked inside the shoes.

All this went on for one hour and 40 minutes and would have continued if Lufthansa, the German airline whose plane would take us to Frankfurt, had not insisted that it was time to depart. When we boarded the plane, two U.S. Embassy staff members congratulated us on the safe outcome. At 2 a.m. on July 13, they called U.S. Ambassador Tracey Ann Jacobson to report that my two sons and I had safely boarded the plane. She was awake and, apparently, concerned about our fate. I said to myself: “Good night Madame Ambassador, and long live freedom.” ■

# In Exile

*Free from fear, three journalists see challenges and opportunities in their new homes.*

**By Jennifer Friedlin**

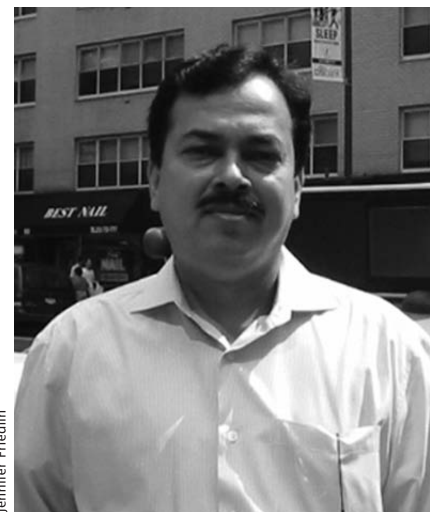
Sharif Shahabuddin recalls his mounting concern after a group of men suddenly blocked his car and slammed it with heavy objects in Bangladesh’s capital, Dhaka, in March 2003. Then senior correspondent for the daily newspaper *The News Today*, Shahabuddin had angered extremists and triggered a series of threats with articles about the growth of Islamic fundamentalism and official corruption in the country.

He escaped unharmed that night, but his thoughts turned to his wife and teenage son at home. “Every moment I was in Bangladesh I was afraid something would happen,” Shahabuddin says.

Shahabuddin is one of more than 30 journalists who have sought asylum and resettled in other countries during the last three years with the help of CPJ and its Journalist Assistance Program. Had they stayed in their home countries, many of them would have faced imprisonment, torture, or even death.

Yet despite the safety and freedom that asylum offers, many of these journalists encounter new struggles in their adoptive countries. Asylum seekers often have to wait extended periods of time before they can secure permission to work, making it difficult to survive financially.

Even when newcomers are allowed to work, they often have difficulty finding jobs commensurate with their skills and experience. Cultural and language barriers must also be overcome.



Jennifer Friedlin

**Bangladeshi journalist Sharif Shahabuddin in New York**

*Freelance writer* ***Jennifer Friedlin*** *was formerly a reporter for* The Jerusalem Post, *Reuters, and The Associated Press.*

Shahabuddin, Aaron Berhane of Eritrea, and Tin Maung Than of Burma are three journalists who have sought asylum in North America recently. Their experiences reflect a mixture of new opportunities, unexpected hardships, and difficult questions. Here are their stories.

**An Eye Back Home: Sharif Shahabuddin**

Traveling to New York with his wife and son on a tourist visa in May 2003, Shahabuddin decided to apply for political asylum. Eighteen months later, he remains in New York, where he is still waiting for his case to be approved. He expects it to take up to six more months and several hearings with an immigration judge before it is decided.

In the meantime, Shahabuddin, 59, has not been able to work. The Shahabuddins live in Queens with relatives who assist them financially. Shahabuddin fills his days by watching television news, surfing the Internet, and keeping a journal that he plans to turn into a book about his experience.

On occasion, Shahabuddin writes stories for newspapers back home and for local newspapers serving the Bangladeshi community in New York. But, he says, he is careful about what he writes. He does not want to anger officials in Bangladesh while he is in limbo in the United States.

"When I get asylum, I will have rights and protection, and I will be able to fight against the Bangladeshi government," Shahabuddin says. "I can do what I did in the past: fight against the corruption and the human rights abuses."

Ideally, Shahabuddin would like to return and help build a democratic society in Bangladesh, now considered one of the most corrupt countries in the world—and one of the most violent for journalists. The ruling Bangladesh Nationalist Party has been responsible for many brutal assaults against journalists, as was its predecessor, the Awami League Party.

Until the political climate back home eases, Shahabuddin says he is content to stay in the United States. He is particularly pleased with the prospects for his 17-year-old son, Shafquat Rahman, a junior in high school. "In Bangladesh, I had to pay for Shafquat's education. Here it's free," says Shahabuddin, adding proudly, "He has a 96 average."

But the news from home is often bleak: Since January, two of Shahabuddin's friends and colleagues, Manik Saha, a stringer for the BBC, and Humayun Kabir, an editor of the daily *Dainik Janmabhumi*, have been killed. Yet even in moments of loneliness and boredom, Shahabuddin says he feels grateful for the opportunity to live in the United States.

**Even as Berhane builds a life in Toronto, he longs for the day he can return home to Eritrea, reunite with friends and family, and help create a free society.**

**A Challenging Transition: Aaron Berhane**

Aaron Berhane dreams about returning to his native Eritrea to continue the fight for democracy he began as publisher of the independent newspaper *Setit*. "I wish I could go home because I was so ambitious," says Berhane, who now lives in Toronto. "I started the first independent newspaper because I wanted to contribute something to my country."

Berhane fled after the government, under President Isaias Afewerki's increasingly dictatorial rule, shuttered the independent press in 2001 and began hunting journalists in their homes. He spent three months in hiding before escaping to Sudan. In August 2002, Berhane received political asylum in Canada.

Courtesy Aaron Berhane

**Eritrean journalist Aaron Berhane in Toronto, Canada**

Berhane, 34, says he enjoys Toronto's cultural diversity, but that the transition has not been easy. During his first year in Canada, he studied English and took a job as a cashier to support himself.

"It was a challenge. A cashier is much lower than my status and capacity, but I had to do it to make a living," Berhane says.

"I comforted myself by comparing myself to my colleagues who are in jail," he recalls. At least 17 Eritrean journalists are imprisoned without charge, according to CPJ research, making Eritrea Africa's leading jailer of journalists.

Along with its deplorable record on human rights, Eritrea's economic development virtually halted due to the devastating 1998-2000 border war with neighboring Ethiopia, as well as the effects of a serious drought. With no private press and few international journalists on hand, very little information emerges from the country.

For Berhane, this has made it difficult to continue writing about his home country, but he still looks for ways to remain connected. In 2003, he received a fellowship for journalists

at risk and started auditing classes at the University of Toronto. During a course on screenwriting, Berhane began to think about the reach a film could have in Eritrea, where the illiteracy rate is high.

"With a newspaper I could reach only the people who could read my message, and 50 percent of the Eritrean people are illiterate," explains Berhane. "In Canada, I realized that by producing a film I could convey my message to people who can't read."

Knowing that a film critical of the Eritrean government would never get past the censors, Berhane wrote a "romantic comedy" about an Eritrean woman looking for love in Canada. The script is laced with discreet messages about the benefits of democracy and a multiparty political system.

Today, Berhane is trying to raise funds to produce his film while looking for money to start a community newspaper for Eritreans in Toronto, who number about 3,100, according to a 2001 Canadian census.

Yet, even as Berhane builds a life in Toronto, he longs for the day he can return home, reunite with friends and family, and help create a free and democratic society. "There is no way I can go back until this regime is out of power," Berhane says. "But once it is overthrown, I will go back."

### A Professional Crossroad: Tin Maung Than

Exile in the United States has given Tin Maung Than the chance to begin a new chapter in his varied professional life. Trained as a doctor in his native Burma (now called Myanmar by the ruling military junta), Tin Maung Than gave up a career in medicine to become a journalist in the late 1980s, after the military declared martial law in response to a democratic uprising.

"I was so occupied with politics, and the only way I could communicate with my people was to publish a magazine," Tin Maung Than says. He became the editor of *Thintbawa* (Your Life), a monthly magazine that became known for using cryptic double entendres to criticize the military regime.

After a few years, government censors began catching on and cracking down. Eventually, Tin Maung Than feared for his life, and in 2000 he, his wife, and their two young daughters fled across the border to Thailand. A few months later, they arrived in the United States, where they secured asylum.

Today, Tin Maung Than, 50, and his family live in Rockville, Md., and are in the midst of applying for permanent residency. He works as a policy analyst for the Burma Fund, a Washington, D.C.–based organization that promotes democratization in Burma. He also contributes regularly to two Burmese-language radio stations, Radio Free Asia and the Democratic Voice of Burma.

Courtesy Tin Maung Than

**Burmese journalist Tin Maung Than**

"Here I am free and I can speak my mind and I can make any comment on any issue," Tin Maung Than says. "When I began speaking on the radio, it was difficult for me because in Burma we have to think about censorship. I got used to saying things with double meanings, and here I have to say things directly and to the point."

While he enjoys the newfound freedom, Tin Maung Than has arrived at a professional crossroad. He no longer wants to continue working solely on issues pertaining to Burma, but he does not have the language skills to work for a U.S. news outlet.

"I would like to continue my life here, but up until now I have remained in the past," Tin Maung Than explains. "If you want to continue in the United States, you have to cut from your past and live here. I'm still living in the past, working for my country and thinking about the issues related to Burma."

With Burma receding into the background and his journalistic options limited, Tin Maung Than has recently begun thinking about taking the medical licensing exam and returning to his original career as a doctor.

"Compared with other people, I have had a comfortable transition to life in the United States," Tin Maung Than acknowledges. "But at some point, I realized that I didn't know which direction to go." ■

## Help for Those in Distress

CPJ's Journalist Assistance Program directly intervenes to help journalists who find themselves in extreme distress because of their work. Since its inception three years ago, the program has helped more than 100 journalists under threat in more than 30 countries worldwide, including Afghanistan, Bangladesh, Belarus, Burma, Colombia, Cuba, Haiti, Liberia, Pakistan, Russia, Rwanda, Sri Lanka, Uzbekistan, and Zimbabwe.

CPJ helps journalists find safe havens, obtain legal counsel, and receive medical treatment. The program also arranges medical evacuations, provides professional support to journalists resettling in exile, and lobbies for journalists' refugee or asylum status. More than 30 journalists have sought asylum and resettled with CPJ's help. ■

AP/Misha Japaridze

**Masked, armed police officers raid the offices of the Media-Most holding company in Moscow in May 2000.**

# Glasnost and Now

*Repression, censorship, and murder: Russia and other former Soviet republics hurtle backward.*

**By Ann Cooper**

**TOGLIATTI, Russia**

Valery Ivanov and Aleksei Sidorov came of age in a world bursting with possibilities. It was the late 1980s, and a tidal wave of free speech was sweeping away the communist dictators who had ruled their homeland, the Soviet Union, for decades.

For 70 years, the Communist Party held near absolute control over what Soviet citizens could see, hear, and read. The party buried the dark secrets of Josef Stalin's brutal repression. Disgraced leaders such as Nikita Khrushchev were swiftly airbrushed out of history, their very existence denied for decades. The basic factual elements of life, such as death tolls from natural and man-made disasters, were state secrets.

Then came glasnost, Mikhail Gorbachev's policy of limited free speech, which began to erode the party's controls as Ivanov and Sidorov reached adolescence. By the time the two bonded in a college friendship and went on to seek their fortunes in the world, the Soviet Union was history, Russia's media propaganda machines were privatizing, and journalism had become an admired, even heroic, profession.

It was the profession chosen by Ivanov, founder and editor of *Tolyattinskoye Obozreniye*, and his friend Sidorov, who became the weekly newspaper's deputy editor. Together they practiced a scrappy investigative journalism previously unknown in one of post-Soviet Russia's most corrupt cities, the auto manufacturing center of Togliatti.

"The newspaper was set up to conduct investigations, to find political, social, and criminal issues and unravel them," recalls Stella Ivanova, Ivanov's sister.

Week after week, the paper illuminated the criminal underworld warring for economic control of Togliatti and its lucrative auto business. Links between criminal gangs and the city's government were exposed; the paper's reporting on local corruption forced one Togliatti mayor from office.

By 2002, its sixth year of operation, the crusading paper had uncovered many crimes and made many enemies. On April 22 of that year, Ivanov was gunned down in a contract-style killing outside his home. He was 32. Sidorov quickly replaced his slain colleague, boasting that the paper would continue to investigate crime and corruption. After all, Sidorov told *The New York Times*, "They can't kill us all."

Eighteen months later, while Sidorov was returning home from work, a man wielding an ice pick stabbed him to death. Sidorov was 31, a victim of a post-Soviet form of media control more brutal and absolute than the Communist Party's censorious Glavlit bureaucracy. The Organization for Security and Cooperation in Europe called it "censorship by killing."

When the Soviet Union collapsed nearly 13 years ago, its 15 republics became independent countries whose leaders at least initially paid lip service to the notion that democracy would replace communism, and that state-controlled propaganda would give way to free and independent media.

But throughout most of the region, tantalizing new freedoms,

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*CPJ Executive Director **Ann Cooper** covered the final years of the former Soviet Union as Moscow bureau chief for National Public Radio. In June, she led a mission to Togliatti to press for answers in the slayings of two editors.*

such as the launch of privately owned newspapers, have been offset by new repressions. A range of authoritarian tactics—from state control of newsprint and advertising to politicized court rulings and financial pressures—has stifled or silenced journalists and thwarted the development of vibrant, independent media. Broadcasting remains either a state monopoly or subject to heavy-handed government influence in most former Soviet republics. And while privately owned newspapers exist in all but one of the former republics, Turkmenistan, many of these publications face constant government interference.

As a result, most former Soviet states lack the press freedom essential to free and fair elections. These countries have few media outlets willing or able to investigate government corruption aggressively. And they have little of the transparency and accountability necessary to promote strong economic growth.

Research by the Committee to Protect Journalists shows that of the 15 former Soviet republics, only three have established strong press freedom conditions: the tiny European states of Latvia, Lithuania, and Estonia.

At the other extreme is Turkmenistan in central Asia, where a megalomaniacal dictator uses Soviet-era tactics to throttle independent sources of information. The president appoints newspaper editors; censorship is enforced; and publishing houses are under strict state control. Unfiltered news comes only from foreign radio broadcasts, and Turkmen citizens say they listen only in the safety of their own homes—just as they did under Soviet rule.

In between those extremes, the region's media struggle desperately with a broad range of problems. Central governments in Georgia, Armenia, and Moldova are too weak to thwart rogue violence against journalists and too intolerant to countenance criticism. Autocratic regimes in Azerbaijan, Belarus, and central Asia keep most journalists too frightened to report or write news that conflicts with the official version of events.

In Ukraine, President Leonid Kuchma has been under fire for four years for his alleged role in the murder and beheading of an investigative Internet journalist. Secret recordings made by one of Kuchma's security guards are said to implicate the president, who has resisted persistent international calls for an independent investigation.

Yet nowhere is the press freedom struggle more dramatic than in Russia, named by CPJ this year as one of the 10 worst places in the world to be a journalist. "In the West, it's established that a citizen has a right to know, and to get information, and journalists have a right to have access to important information and to give it to the public," says Rimma Mikhareva, deputy editor of *Tolyattinskoye Obozreniye*. "I don't think this concept exists in Russia."

AP/*Tolyattinskoye Obozreniye*/Alexei Yablokov

***Tolyattinskoye Obozreniye* editors Valery Ivanov (left) and Aleksei Sidorov, both of whom were killed for their paper's hard-hitting coverage**

In the glasnost era of the late 1980s, independent-minded journalism was beginning to flower in Russia, even though the Soviet state and the Communist Party continued to own newspapers, printing houses, and television stations. By August 1991, when a group of hard-line communists tried to overthrow Gorbachev and his reforms, journalists could no longer be counted on as passive propagandists.

Some reporters and editors openly defied the putsch. Editors of 11 papers banned by the coup leaders united to produce an underground newspaper handed out on the streets. Twenty-four-year-old reporter Tatiana Malkina, from a generation that had not known the fears of its parents, dared to ask the hard-liners on a live TV broadcast: "Could you please say whether or not you understand that last night you carried out a coup d'etat?" And as tanks surrounded Soviet television headquarters, reporter Sergei Medvedev and his bosses at state TV risked all to broadcast a forbidden report on resistance to the coup—including the searing image of Boris Yeltsin defiant atop an armored vehicle sent to subdue him.

That one scene helped bring down the three-day coup. A few months later, in December 1991, the Soviet Union was history, and a new era seemed to arrive for the Russian media. "A truly independent press is on its way," Malkina forecast that fall.

Such promises went unfulfilled. Media privatized but faced huge financial difficulties. Western investment encouraged new, independent publications but was seldom enough to sustain them. Those that survived were likely to rely on one of several compromising schemes: ownership by oligarchs made rich in shady privatization deals who used their media holdings to promote political agendas; state subsidies that left papers beholden to the very interests they covered; or the sale of news space to corporations via contracts that promised favorable coverage.

Survival has come at the cost of credibility, leaving the Russian public ambivalent about the press—even as criminals attack the few journalists who still dare to probe or question. When American investigative editor Paul Klebnikov was gunned down outside the Moscow office of *Forbes Russia* in July, he became the 11th journalist to be slain in a contract-style murder since President Vladimir Putin took office four years ago. No one has been brought to justice in these murders, and the government's indifference is palpable.

At the same time, the Putin administration has muzzled critical reporting. Kremlin-backed restrictions made it extremely difficult for opposition candidates to be heard during last year's parliamentary and presidential elections. Military restrictions have prevented independent reporting on the conflict in Chechnya. And Russian authorities shuttered *Chechenskoye Obshchestvo*, one of the only independent Chechen newspapers reporting on the conflict, a month before the republic's August elections.

Under Putin, all national television broadcasting has been brought under the direct control or heavy influence of the Kremlin. The removal last summer of independent-minded anchors and public affairs programs, reportedly in response to Kremlin complaints, reinforced the notion that TV news is a state enterprise. And while children died and a middle school burned in a horrific siege in Beslan in September, viewers of state television were given a recitation of the government's 2005 privatization plan.

Even print journalists, who have far smaller audiences, face great risk in criticizing the Kremlin. In September, after the national daily *Izvestia* carried dramatic coverage questioning the government's handling of the Beslan crisis, chief editor Raf Shakirov was swiftly fired, reportedly because of Kremlin pressure. Kremlin interference was also alleged when two top Russian investigative reporters, Andrei Babitsky and Anna Politkovskaya, were prevented from covering the hostage story. On their way to Beslan, Babitsky was locked up on spurious charges of "hooliganism," and Politkovskaya was felled by a mysterious case of poisoning.

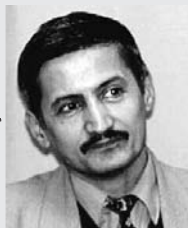
No one expected Russia's post-communist transition to be smooth for the media. But almost 13 years after communism's collapse, press freedom has been nearly erased, and journalists' lives are endangered. Healthy criticism of the Kremlin has been silenced as a result, and even basic information on a catastrophe such as Beslan is hidden from the public. Politkovskaya, writing in the London-based *Guardian* newspaper, says it all looks sadly familiar. "We are hurtling back into a Soviet abyss," she says, "into an information vacuum." ■

## Eleven Murders, No Justice

Eleven journalists have been killed in contract-style murders since Russian President Vladimir Putin took office four years ago, according to reporting by the Committee to Protect Journalists. No one has been brought to justice in any of the slayings. Here are the victims:

CJES

**Igor Domnikov**
***Novaya Gazeta***
**July 16, 2000**
**Moscow**



CJES

**Iskandar Khatloni**
**Radio Free Europe/ Radio Liberty**
**September 21, 2000**
**Moscow**

CJES

**Eduard Markevich**
***Novy Reft***
**September 18, 2001**
**Reftinsky**

CJES

**Dmitry Shvets**
**TV-21 Northwestern Broadcasting**
**April 18, 2003**
**Murmansk**

CJES

**Sergey Novikov**
**Radio Vesna**
**July 26, 2000**
**Smolensk**

CJES

**Sergey Ivanov**
**Lada-TV**
**October 3, 2000**
**Togliatti**

*Nashe Vremya*

**Natalya Skryl**
***Nashe Vremya***
**March 9, 2002**
**Taganrog**

**Aleksei Sidorov**
***Tolyattinskoye Obozreniye***
**October 9, 2003**
**Togliatti**

**Adam Tepsurgayev**
**Reuters**
**November 21, 2000**
**Alkhan-Kala**

**Valery Ivanov**
***Tolyattinskoye Obozreniye***
**April 29, 2002**
**Togliatti**

AP/Misha Japaridze

**Paul Klebnikov**
***Forbes Russia***
**July 9, 2004**
**Moscow**

*For updates on journalist slayings in Russia, visit www.cpj.org.*

# Censoring a Crisis

*In western Sudan, where tens of thousands have been killed, neither local nor international media can get the real story.*

**By Kamel Labidi**

In a recent piece on *Sudanese Online*, journalist Helal Zaher Essadati bemoaned the local press's coverage of the crisis in Darfur, where more than 50,000 people have been killed and more than 1 million displaced in a campaign supported by the Sudanese government. Pro-government journalists stay at their "air-conditioned desks in Khartoum," he wrote, but when independent publications report on the atrocities, they "are banned or suspended and honorable journalists and writers are brought to unfair trials."

But not many in Sudan will read Essadati's comments, thanks to continuous government efforts to block the Internet news site inside the country, according to the Sudanese rights group Sudan Organization Against Torture. This case of censorship is only part of the Sudanese government's plan to keep the world from learning about its systematic campaign of attacks, rapes, and murders aimed at black Muslims in Darfur.

Since Darfur erupted in early 2003, authorities in Khartoum have waged a two-pronged war against the media—jailing, harassing, and censoring local journalists while making travel and reporting for foreign correspondents almost impossible.

*Kamel Labidi is a freelance journalist based in Egypt and former director of Amnesty International–Tunisia.*

Reuters/Luc Gnago

**Sudan Liberation Army members train in western Sudan.**

Today, what U.N. Secretary-General Kofi Annan has called "the worst human rights crisis in the world" continues, and journalists remain unable to cover the story adequately.

In Sudan, practicing press freedom has had a high cost since Gen. Omar al-Bashir overthrew a democratically elected government there in June 1989. Under al-Bashir, several topics have been declared off-limits for the media, including internal armed conflicts, the opposition, corruption among high-ranking officials, and criticism of the president and his top aides. Crossing these so-called redlines can be disastrous for journalists, leading to harassment, imprisonment, and torture.

Darfur became one of the top redlines for the beleaguered Sudanese media in February 2003, when military groups of African descent created the Sudan Liberation Army (SLA) to counter attacks by Arab, government-backed militias, known as *janjaweed*. The SLA was also protesting the marginalization of Darfur, a drought- and poverty-stricken region in western Sudan, by Arab leaders in Khartoum. In the past, skirmishes between farmers of African descent and nomads of Arab origin, both Muslim, have erupted from time to time over such issues as access to water. But the disagreements were regularly settled through negotiations between their respective leaders. These small clashes erupted

into civil war when the leaders of the main African tribes, Fur, Masalit, and Zagawa, realized in early 2003 that they were targets of an ethnic-cleansing campaign orchestrated by the Khartoum-based government, which prides itself on its Arab origin.

According to al-Haj Warrag, a manager of the privately owned daily *Al-Sahafa*, today there are nearly 17 redlines that Sudanese editors and reporters must not cross. Editors often receive phone calls from security officials instructing them not to criticize President al-Bashir, the influential and feared Vice President Ali Osman Mohamed Taha, the ubiquitous security forces, or the government-controlled judicial system. Journalists are also asked not to report on human rights violations, to turn a blind eye to armed conflicts, and to print only pro-government news.

In July, the online Sudanese leftist paper *Al-Midan* ran a confidential letter from the security forces leadership to a group of journalists and editors close to the government titled "Instructions on How the Media Should Tackle the Darfur Sedition," what the government calls the opposition in Darfur. The letter stressed the importance of tarnishing the image of what it called "the exiled leading figures known for their hostility to the nation" and of warning that foreign intervention in Darfur would turn Sudan into "a home to extremists more dangerous than Afghanistan and Iraq." The letter also urged these journalists to attack Western governments for "being unfair and relying on biased reports and false information."

The result of this kind of pressure has been evident in local coverage of the Darfur crisis. "Only the government's side of the story appears in print and is broadcast by the state-controlled radio and television," says Raja al-Abbassi, a Sudanese journalist based in Cairo. "Most people are kept in the dark as far as the situation in Darfur. But few people have the possibility to watch Arab satellite TV stations, such as Al-Jazeera, to get the true picture of Darfur."

And when journalists and others do speak critically about the conflict in Darfur, they do so at great risk. When Al-Jazeera's Khartoum bureau began airing broadcasts about the devastation in Darfur, authorities harassed and detained bureau chief Islam Salih, who was eventually sentenced to one month in prison. In July, a high-ranking government official threatened to shutter the independent newspaper *Al-Ayyam* because of its critical coverage of the Darfur crisis, says al-Abbasi. "Editors are constantly warned against the high cost of ignoring these instructions and are afraid of being accused of hurting the country's interests and facing the consequences of the government's anger," she says.

The government regularly denies Sudanese journalists the right to investigate large-scale massacres of villagers and help identify those who burned houses and farms, raped women and girls, and forced hundreds of thousands of farmers and their families into exile in neighboring Chad. Meanwhile, reports Amnesty International, it is "impossible" for foreign journalists "to work freely in Darfur." Initially, international correspondents had to travel to Chad to get the story from refugees. Now, acquiring a visa to Sudan is extremely difficult, and once journalists do, they remain under the tight surveillance of a "government minder." And those Sudanese citizens who dare speak to journalists about their plight have faced government harassment.

Sudanese journalist Yusif al-Bashir Musa has been detained seven times and tortured since he began his perilous and unstable career in 1990. But he still believes that he has no other choice but to cross "unacceptable redlines" and help his country "turn the page of autocratic rule, armed conflicts, and poverty." Musa, who has an amputated leg, was detained for nearly three weeks in May 2003 and tortured for writing an article about the destruction of Sudanese air force planes in Darfur by the SLA.

"The detention conditions were extremely painful and degrading. Not only did they inflict physical torture on you, but they enormously hurt you by denying you the right to see your kids and wife for weeks," he says. Musa believes that what happened to him at the hands of the police was meant to spread fear and self-censorship among Sudanese journalists.

But rather than stopping the free flow of information, these increased attacks on the media seem to have widened the circle of press freedom defenders in Sudan. The leading figure of these press freedom advocates, Mahjoub Mohamed Salah, has earned a reputation for fighting for independent journalism for nearly five decades. Salah has been arrested, and his paper, *Al-Ayyam*, suspended and confiscated several times during the last few years.

Salah was last arrested on May 4 because he had established a committee to defend press freedom and oppose a restrictive draft press law submitted to Parliament by President al-Bashir. Salah and four other press freedom advocates were arrested while on their way to give a memorandum signed by more than 200 journalists to the Parliament.

Their arrests did not prevent other journalists from taking the memorandum to Parliament or from making it clear that only a free press can heal the country's deep wounds and problems—especially those in Darfur. They believe that the carnage in Darfur "could have been averted," says Magdi al-Naim, a Sudanese researcher and director of the Cairo-based Institute for Human Rights Studies, "had the Sudanese authorities refrained from stifling press freedom." ■

# Border Busters

*In Armenia and Azerbaijan, journalists overcome government restrictions and old biases to promote a new dialogue.*

**By Amanda Watson-Boles**

**YEREVAN, Armenia**

There are no direct flights from here to Baku, Azerbaijan, less than 300 miles away. Getting there requires a stopover in neighboring Tblisi, Georgia, or even Moscow, more than 1,000 miles to the north.

The travel gymnastics are not surprising. In 1924, the Soviet Union created the Nagoro-Karabakh Autonomous Region in western Azerbaijan. As more Azerbaijanis populated the majority ethnic Armenian region and the Soviet empire began collapsing, Nagorno-Karabakh's desire for independence led to war in 1988. Nagorno-Karabakh fought with backing from Armenia, and Azerbaijan lost 20 percent of its land.

A cease-fire was signed in 1994, but not before 30,000 died and nearly 1 million fled. Today, Armenian troops control Nagorno-Karabakh and the section of Azerbaijan that separates the region from Armenia, though border skirmishes remain frequent.

At the same time, governments in both countries have sought to control the news media, manipulating them to serve their political ends and stoke the fears and animosities of their people. Azerbaijani officials use outright intimidation, closures, and imprisonment against the press. In Armenia, authorities control the media through ownership, regulation, and other more subtle pressures.

Despite these restrictions and the bitter, decades-long divide between the two countries, some journalists from Armenia and Azerbaijan are working together in small yet remarkable ways to promote more thorough and balanced coverage. Satellite links are bridging the border to connect journalists with newsmakers. A radio station is taking on urgent political topics and gaining popularity. A Web site has drawn dozens of journalists to promote a civic and civil dialogue.

Yet even as they engage, some journalists are skeptical that their efforts will ever overcome deep-seated hatreds; Nagorno-Karabakh is such an inflammatory issue that journalists in both countries compare it to the Israeli-Palestinian conflict.

That's why cooperation is essential, even if the benefits are a long way off, says John Boit, regional director for the Southern Caucasus at the nonprofit media training organization Internews. "Fair information has the power to make us change our perception and to make rational decisions," he says, "while unfair information reinforces stereotypes, stirs up anger, and leads to stupid decisions."

### A 'bridge' to the future

Journalists on both sides call the current situation a "frozen conflict" because the 1994 cease-fire merely suspended fighting. Armenian President Robert Kocharian approved military maneuvers in Nagorno-Karabakh to take place in August. In July, Azerbaijani President Ilham Aliyev said his country would "never make any compromises" in its stance that Nagorno-Karabakh belongs solely to Azerbaijan.

Amid these tensions, local press clubs here and in Baku organize joint satellite press conferences known as "bridges," during which journalists from

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***Amanda Watson-Boles** is CPJ's senior editor. This article is based on a June 2004 trip to Yerevan, Armenia, and Baku, Azerbaijan.*

both countries interview politicians and government leaders, discuss the news, and then report what they learn in their own media.

Yerevan Press Club President Boris Navasardian, who helps run the satellite bridges, says journalists "get direct and visible access to the sources of information from the other side and exchange opinions on hot problems."

When the satellite program was launched in December 2002, journalists' reactions were virulently nationalistic. "In the beginning," Navasardian says, "journalists came to the satellite conferences and argued with the people they were interviewing." But then they began to understand that they "were there to get as much information as possible," not to advocate their country's position.

AP/Photolur

**Armenian soldiers perform military maneuvers in Nagorno-Karabakh in August 2004.**

He says the satellite program has been a valuable tool—but at US$2,000 per hour, cost is a severe limitation. "We find it very important that such 'bridges' take place every few months," says Navasardian, "but we do not always have enough finances for it."

### 'Hot topic' radio

Five years after its inception, Yerevan-based Radio Van has become the most popular station in its market. Station Director Shushanik Arevshatyan credits its mix of music and talk shows in which audience members discuss "hot topics." One weekly program—heard by listeners from Yerevan to Baku to Tblisi—covers controversial cross-regional issues, including Nagorno-Karabakh.

Armenia's National Commission of Television and Radio Broadcast has refused the station a license to broadcast outside Yerevan. Officials give no explanation, although Arevshatyan notes that Radio Van's programs don't follow the government line.

Yet Radio Van, which broadcasts from a decrepit downtown building here, demonstrates the power of the Internet in reaching larger audiences. The station streams its broadcasts on the Web so listeners beyond the Armenian capital get its programs.

During the talk programs, Arevshatyan says, journalists and listeners in all three countries discuss issues such as the environment, gender inequity, minority rights, and the military. Through these shows, she hopes to "fill the existing informational vacuum" that lies between the countries. It seems to be working: The cross-national broadcasts are among the station's most popular.

"Our programs point to a great necessity of establishing this link between these two nations," Arevshatyan says.

### Direct from the Web

Journalists across the Caucasus engage in online forums and interview experts and government officials on *www.caucasusjournalists.net*, a Web site launched by the Yerevan-based Region Centre. Since its inception in 2003, journalists have "conducted more than 20 cross-border interviews with newsmakers in the region," according to the Eurasia Foundation, which provides financial support. Many of these have been published in regional media outlets.

The Web site also allows the 152 journalists from Armenia, Azerbaijan,

Courtesy Boris Navasardian

**Boris Navasardian, president of the Yerevan Press Club**

and Georgia registered with the program to publicize their work online and connect with their colleagues.

Laura Baghdasaryan, a journalist originally from Tblisi, Georgia, runs the program. She has not run into government interference because, she says, the work is "quite nonpolitical." The Web site gives equal emphasis to opposition and pro-government media. Journalists working in the network agree to what she calls "the golden rules of journalism"—upholding ethics and avoiding corruption and manipulation of information.

As a result, Baghdasaryan acknowledges, the work is not radical, "but we do contribute to the process" of cooperation. With Nagorno-Karabakh "suspended between war and peace," she says, the program provides a way for Armenian and Azerbaijani journalists to get direct and accurate information about each other—something that is in short supply. "Common people in these countries have no idea what happens in other countries," she says, "so journalists contribute by getting information exchanges started."

### A cross-border collaboration

Shahin Rzayev, project manager for the Baku office of the London-based Institute for War and Peace Reporting

(IWPR), traveled to Armenia with other Azerbaijani journalists in 1997 and 2004 to meet with politicians, political scientists, and journalists.

"Armenian journalists are very open when we talk about professional issues … and when we forget about politics and history," Rzayev says. For IWPR's Web site, he has collaborated often with Armenian journalist Mark Grigorian to cover stories of concern to both countries, such as the March 2000 arrest of a journalist by Nagorno-Karabakh authorities and the March 2001 peace talks between the two countries.

Grigorian has suffered for this work. In October 2002, he was seriously wounded by shrapnel when an attacker threw a grenade at him in downtown Yerevan. At the time, Grigorian was working on an article about the October 1999 attack on the Armenian Parliament, during which eight high-level politicians, including the prime minister, were killed. He believes that he was also targeted for the "mild and peaceful position" he takes on the Nagorno-Karabakh issue.

Grigorian has since moved to London, where he continues to work with his Azerbaijani counterparts. "These contacts are good because professionals can find each other," he says. But he admits that, "Working together becomes more and more dependent on the politics. It's a political decision."

And Rzayev openly wonders how much influence they have. Most Azerbaijanis get their news from government-controlled television, where the coverage fuels pro-war sentiments. "How can we overcome the local TV stations saying that Armenians are killers?" he asks with some pessimism.

Yet he continues his work. Rzayev and IWPR project manager in Armenia, Karen Topchyan, are collaborating on pieces about intermarriage between Armenians and Azerbaijanis and business dealings between the two countries. "All we need is trust between journalists," he says, "and good reporting." ■

Courtesy Shahin Rzayev

**Shahin Rzayev, project manager for the Baku office of the London-based Institute for War and Peace Reporting**

## Controlling the News

After emerging from the Soviet era of absolute government control, media in Armenia and Azerbaijan remain far from free.

In Azerbaijan, authorities have hamstrung independent and opposition publications with dozens of crippling defamation lawsuits, while the government asserts total control over broadcast media outlets, either directly or indirectly, through the National Broadcasting Council, whose nine members are appointed by the president. The council has the authority to license and regulate private broadcasters and can petition courts to suspend an outlet's license for up to two months if it violates broadcasting laws.

Journalists in Azerbaijan also face imprisonment and violent attacks. When demonstrations erupted to protest the October 2003 elections, widely viewed as fraudulent, several journalists were beaten. One, Rauf Arifoglu, editor of Azerbaijan's largest opposition newspaper, *Yeni Musavat*, is being tried for allegedly organizing antigovernment protests. Many journalists believe that Arifoglu's detention and trial came in retaliation for his strong criticism of President Ilham Aliyev and his government. Senior officials have also filed numerous civil defamation lawsuits that may bankrupt *Yeni Musavat*. Making matters more difficult, many opposition newspapers are denied access to the state printing house and distribution system.

Government tactics to control the press in Armenia are more subtle. In a country where 85 percent of the population gets its news from television, authorities have consolidated control over this medium by denying a broadcast license to Armenia's only independent channel, A1+. Boris Navasardian, president of the Yerevan Press Club, explains that opposition politicians do appear on TV talk shows, but "the government decides the dose."

In April 2004, when thousands of opposition supporters filled the streets to call for a referendum on President Robert Kocharian's rule, the government tightened restrictions on news coverage, according to Navasardian. On top of the clampdown, police and Kocharian partisans assaulted dozens of journalists covering the rallies, severely injuring some.

Armenia's printed press suffers less government interference because only 3 to 5 percent of the population reads newspapers, says Tigran Avetisyan, a reporter at the daily *Aravot*. However, political parties or businessmen own most publications, so papers are likely to reflect those interests rather than present objective reporting. ■

—Amanda Watson-Boles

# ‘Rebellion’ for Press Freedom

*In the Democratic Republic of Congo, the press freedom group Journaliste en Danger defends and advocates.*

**By Julia Crawford**

**KINSHASA, Democratic Republic of Congo**

It’s visiting time at Centre Pénitentiaire et de Réeducation, and long lines of women in colorful headscarves are waiting to bring food to relatives being held in this dirty, crowded prison.

Charles Mushizi is there, too, as he is every week to visit jailed journalists. Mushizi is legal adviser to the Congolese press freedom group Journaliste en Danger (JED), and on this Sunday in June five journalists are in jail, including three new arrivals who have been put in “preventive” detention for allegedly defaming local dignitaries. One journalist, a diabetic, is sick from the poor diet and unsanitary conditions at the prison.

Mushizi pushes his way through the crowded paths of the prison, and the journalists are brought, one by one, into a courtyard to meet him and two CPJ representatives. The journalists complain that there is no due process, that conditions are unsanitary. Before Mushizi leaves, he visits the prison director, who promises to move the sick journalist to better facilities. But it will take a stream of follow-up letters from JED before the journalist, Albert Kassa Khamy Mouya, is finally granted a provisional release.

This is the kind of hard, persistent work that JED does every day in this central African nation where journalists still face violence, harassment, and imprisonment. Formed six years ago during the brutal regime of former President Laurent Kabila, JED provides legal and practical help to journalists in danger and presses for government reform.

**Formed six years ago during the brutal regime of former President Laurent Kabila, JED provides legal and practical help to journalists in danger and presses for government reform.**

“Setting up JED was a kind of rebellion against the systematic arrests, beatings, and censorship of the press,” says Donat M’baya Tshimanga, JED’s president since its inception. M’baya and JED Secretary-General Tshivis Tshivuadi, journalists by trade, have been in danger themselves for what they have reported.

In May 1997, Tshivuadi was forced to flee Kinshasa and spend six months in hiding because of an article he wrote in *Le Phare* (The Lighthouse), the Kinshasa-based daily where he was deputy editor. The article accused former President Laurent Kabila, who had just seized power, of trying to create an ethnic army similar to that of the ousted dictator Mobutu Sese Seko. *Le Phare*’s editor was arrested the next day, beaten, and tortured, while security agents came hunting for Tshivuadi. When he went into hiding, he says, his family was left without resources, not knowing where he was.

“It made me realize we needed an organization to defend journalists and to protect them,” says Tshivuadi.

So M’baya and Tshivuadi began working from a small, unmarked office with just a secretary, writing stories by hand to publicize and protest attacks on the press. JED gained international stature in October 1999, when it became a member of the Canada-based International Freedom of Expression Exchange (IFEX), which transmits JED’s alerts around the world. IFEX Outreach Coordinator Kristina Stockwood calls JED “indispensable.”

“Since they have been on the ground, we have an incredibly reliable

***Julia Crawford**, CPJ’s Africa Program coordinator, led a two-week mission to the Democratic Republic of Congo in June 2004.*

and credible source of information covering cases we otherwise wouldn't hear about," Stockwood says. "Seeing information going out of the country and coming back on the international newswires has also had a good impact on the DRC authorities."

The uncertainty and danger of JED's work was highlighted in January 2001, when its leaders were forced underground after Laurent Kabila's government accused them of working for Rwandan-backed rebels. The charge was as good as a death sentence in a country at war with its eastern neighbors; security agents came hunting for them. It was only after Kabila was assassinated later that month, and his son Joseph became president, that JED reopened.

Now M'baya and Tshivuadi have a team of five people working for them, and the JED logo adorns the office entrance for all to see. Their friends include major international and African press freedom groups, something they believe helps protect them from arrest. Under Joseph Kabila, the DRC has signed on to a peace process leading to democratic elections in 2005; the country's transitional constitution guarantees press freedom, though officials do not always respect that guarantee.

Attacks on the press remain frequent, as evidenced by the threats, assaults, and imprisonment of several journalists since Rwandan-backed rebels briefly took control of the eastern city of Bukavu in June.

But now, says Tshivuadi, "no case of an attack on the press can go unnoticed. People will know as soon as a journalist is imprisoned, for example. And that pressure contributes enormously to getting them released."

**JED President Donat M'baya Tshimanga**

**JED Secretary-General Tshivis Tshivuadi**

JED is also asserting itself now politically, leading a campaign to remove criminal penalties for press "offenses" and denouncing abuses of the judicial system. "The biggest danger to the democracy we are trying to build here in Congo is our judicial system," M'baya says. "If you have no money, you will never win in the courts. Journalists are weak; they have no money. And as soon as someone brings a charge against a journalist, the first thing is that the judge gets them arrested and sent to prison.

"If a journalist denounces a case of corruption, the courts don't even try to find out if the journalist is right. No, no, the journalist is wrong to denounce corruption, wrong to denounce human rights abuses, wrong to criticize those with political power, to talk about the security situation in the east of the country or contradict the official version put out by the government. Our judicial system is far from independent, and I think it's a big danger for this country."

While JED believes that no journalist should be jailed for his or her work, it is concerned about the quality of journalism in the DRC. "Many of the cases we have seen of journalists arrested and imprisoned are because they don't always respect their code of ethics," says Tshivuadi. "There are many journalists who have not been to training schools to learn how to collect, process, and distribute information."

M'baya and Tshivuadi are stepping up JED's training efforts, particularly in the run-up to next year's elections, the DRC's first democratic poll since independence in 1960. For example, a recent workshop with journalists and politicians covered the dangers of "hate media," a pervasive concern with anti-Rwanda and antiforeigner propaganda still rife in the Congolese press.

While pushing for higher professional standards, JED is also focusing on governmental reform. Any recent gains in press freedom, M'baya says, must be seen in light of one stark fact: Not a single law has been passed to guarantee the public's right to know, or to protect journalists from criminal liability.

"We have seen all the authorities, we've asked them to draft a law that would show they want to change things and that they are different from the old regime," he says. "They say they came to chase away dictatorship, that they came to install a democratic regime. But they continue to rule using the laws of that dictatorship. And we think that is a contradiction." ■

# Without a Net

*An online journalist endures brutal imprisonment in Tunisia—and lives to post again.*

**By Amanda Watson-Boles**

**PARIS, France**

Back in 2001, Zouhair Yahyaoui was like many other young college-educated men in Tunisia—unemployed. Then 33, Yahyaoui launched a Web site, the online Internet forum *TUNeZINE*, in July of that year using the alias "ettounsi," or "Tunisian" in Arabic. The site soon gained a reputation for its biting satire and political commentary, and along with it came scores of young readers.

Thus began an arduous journey that led Yahyaoui through Tunisia's politicized judicial system and into its brutal prisons. His fate, as one of the first Internet journalists to be persecuted for his work, drew worldwide attention that finally won his release.

Today, he's back home in Tunis, Tunisia's capital, again publishing on the Internet, avoiding government censors as best he can, and churning out political humor and critiques that can be seen most everywhere around the world except his own country.

**He doesn't look like a crusading journalist. Quiet with slightly unkempt curly hair and dressed in a tan blazer, he seems more like a young professor.**

Since Tunisian President Zine El-Abidine Ben Ali assumed power in 1987, the government has used rigid censorship to stamp out almost every voice of dissent. The Internet had been an exception for a time, but even that came under increasing repression—a fact Yahyaoui came to know all too well.

By mid-2002, Yahyaoui's *TUNeZINE* had attracted the government's attention. Yahyaoui regularly published outspoken articles by independent journalists and human rights activists criticizing the government. He published an online poll satirizing a 2002 referendum, largely viewed as illegitimate, in which 99.52 percent of voters approved constitutional changes allowing Ben Ali to run for an unprecedented fourth term.

But Yahyaoui went too far for the government's tastes in May of that year, when he posted an open letter written by his uncle, a judge, who criticized the lack of judicial independence in Tunisia. Days later, on June 2, government security officers descended on the Internet café in Tunis where Yahyaoui worked on his site and arrested him.

He was quickly charged and convicted of intentionally publishing false information and using stolen communication lines to post *TUNeZINE*. In July, an appeals court confirmed the verdict but reduced his initial 28-month prison sentence to 24 months.

When Yahyaoui was arrested, officers tortured him during interrogation. He recalls how he was hung from the ceiling, naked except for a pair of underwear, and beaten. He was kicked, slapped, and punched. Conditions in prison were poor: rotten food, dirty cells, bad health care. To protest, the journalist waged about 10 hunger strikes, totaling 105 of the 531 days he spent behind bars.

He also fought his mistreatment by getting as much information about prison conditions to the outside world as possible. Each Thursday, he would visit briefly with his mother and sisters—the only family members allowed to see him—and tell them what he could before the guards cut him off. The women would return home and call Yahyaoui's fiancée, who lives in Paris, to report what they had heard from him. She

***Amanda Watson-Boles** is CPJ's senior editor. This profile is based on an interview with Yahyaoui in Paris in June 2004.*

would then publish Yahyaoui's accounts online immediately.

But publicizing his plight only made some guards more relentless, Yahyaoui says. In late March 2002, he was placed, naked, in solitary confinement for two days. His response? Another hunger strike after he was released from confinement.

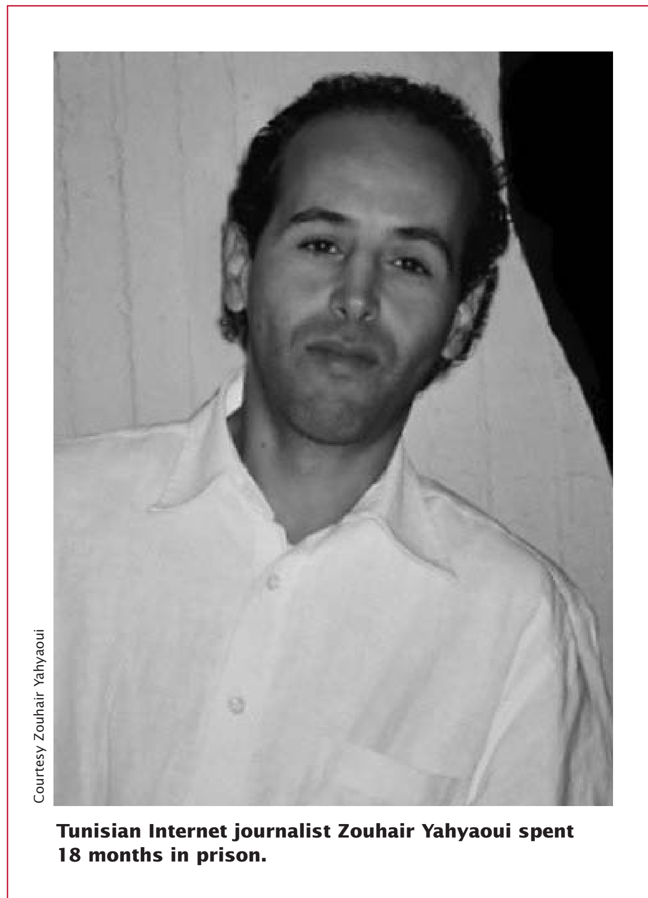
His persistence won him admirers in prison. "Some prisoners who shared my room called me 'Bouna,' or 'Our Father,'" he recalls, because it was thanks to his hunger strikes that he and other prisoners eventually had running water and fresh bread. Some prison guards also respected Yahyaoui, "even if they had to hide it from others," he says. "They always repeated the same phrase to me: 'I would like to help you, but I have a family to feed.'"

Yahyaoui was finally freed on November 18, 2003, after an intensive and long-term international campaign on the journalist's behalf. Tunisian officials said they released him because he had served half his sentence, although Yahyaoui points out that he had served considerably more.

Even with Yahyaoui's freedom secured, the situation remained dire in Tunisia. In fact, the day he was released, Internet journalist Naziha Rejiba, who edits the online Tunisian publication *Kalima*, received an eight-month suspended prison sentence on spurious charges of violating currency exchange laws. CPJ research suggests that Rejiba was targeted for criticizing the government's human rights record.

On January 5, 2004, an assailant believed to be working with the state security services attacked prominent Internet journalist and human rights activist Sihem Bensedrine, also of *Kalima*, when she exited her home in Tunis. Web censors have banned *Kalima* inside Tunisia, and the government has also forbidden the publication from printing hard copies.

With attacks mounting, U.S. President George W. Bush spoke of "the need to have a press corps that is vibrant and free" when Ben Ali visited the White House in February 2004, according to the *Los Angeles Times*. Despite Bush's words, little has changed.



Courtesy Zouhair Yahyaoui

**Tunisian Internet journalist Zouhair Yahyaoui spent 18 months in prison.**

Sitting in a café in Paris, where he is visiting his fiancée, Yahyaoui doesn't look like a crusading journalist. He is quiet, timid, even nervous. With slightly unkempt curly hair and a tan blazer, he seems more like a young professor than the seasoned activist he has become. None of the sharp wit so evident in Yahyaoui's writing is apparent as he talks softly, sipping a beer and smoking cigarettes. But as he recounts his imprisonment, his resolve becomes apparent.

Though he continues to publish *TUNeZINE*, things are far from easy. Thanks to the international pressure that spurred his release, Yahyaoui hasn't suffered government harassment since being freed. Instead, authorities have targeted his family, cutting their phone lines, arresting his brother twice, and trying to force one of his aunts out of his mother's house.

He says he sometimes can't connect to such services as Yahoo! Mail and Google news because of government blocks, and at times he must change e-mail hosts to evade government censors. He uses proxies to ensure that his e-mails are untraceable. Despite the hardship, new postings appear on *TUNeZINE* every day, though the site is blocked inside Tunisia.

These days, all of Yahyaoui's energies are focused on *TUNeZINE*, which doesn't bring home any money. But, he says, "I always agreed to work whatever job assures me independence in the face of dictatorship."

As the fall elections near, Yahyaoui is concerned that the government will begin cracking down on dissent. "The regime of Ben Ali tries to snuff out our voices and to undermine our will. … I am very pessimistic." But he will continue to publish his site. "Since few people use their right to free expression in Tunisia," he says, "it is necessary that someone shows them that it is possible—providing he pays the price, of course." ■

"Must be a false alarm, chief. Nothing here but a murdered journalist."

Illustration: Mick Stern