



# BREAKING THE CHAINS

THE ARAB WORLD AND IRAN  
PRESS FREEDOM REPORT 2009



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Cover image: West Bank, Ramallah 2008. TV crew hit by tear gas while scouting for shelter.  
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# International Covenant on Civil and Political Rights, Article 19

**1** Everyone shall have the right to hold opinions without interference.

**2** Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

**3** The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

The Covenant allows derogations on this right for the protection of national security, public order (Article 19-3/b) and in a situation of «a public emergency which threatens the life of the nation...to the extent strictly required by the exigencies of the situation.» (Article 4-1).

## MEMBERS INCLUDE:

Algeria, signed 1968, ratified 1989

Bahrain, accession 2006

Egypt, signed 1967, ratified 1982

Iran, signed 1968, ratified 1975

Iraq, signed 1969, ratified 1971

Jordan, signed 1972, ratified 1975

Kuwait, accession 1996

Lebanon, accession 1972

Libya, accession 1970

Morocco, signed 1977, ratified 1979

Somalia, accession 1990

Sudan, accession 1986

Syria, accession 1969

Tunisia, signed 1968, ratified 1969

Yemen, accession 1987



Reuters cameraman Fadel Shana is seen holding a camera next to an Israeli tank in the Gaza Strip. Shana, 23, and two other Palestinian civilians were killed on April 16, 2008, in what local residents said was an Israeli air strike in the Gaza Strip. © REUTERS/Handout (GAZA)

# Introduction

**This has been a turbulent twelve months for journalists in the Arab World and Iran with conflicting developments for journalists across the region.** The growing optimism of improved security in Iraq in 2008 should be set against the assassination attempt against the President of the Iraqi Union of Journalists and the despair of families of journalists targeted and killed in Gaza. The release of Yemeni journalist Abdul-Karim al-Khawi, jailed for associating with terrorist organisations, was welcomed everywhere, although the three year prison sentence handed to Muntadhar al Zaidi for throwing a shoe at George Bush press conference was widely condemned as disproportionate.

The Arab Charter on Broadcasting launched in February 2008 and aimed at increasing government control over critical content was quietly dropped during the year in the face of mounting criticism from journalists' unions and campaigning groups at home and abroad. But this has not stopped many governments from seeking new means to restrict and intimidate journalists. For their part, journalists are encouraged by increasing public demands for greater independence, pluralism and truth telling. The public want a forum for their views and for the media to expose corruption and injustice and promote debate to resolve political and social issues.

As in previous years, journalism remains challenged by traditional forces intent on limiting the range of discussion and debate. Many issues are taboo and journalists struggle to identify the limits of free expression that are compatible with the national culture.

Paradoxically, journalists are both freer but also under greater pressure to toe the line. The boundaries of discourse are expanding but the penalties for journalists who overreach themselves remain punitive and severe. There are more arrests and prosecution of journalists who

attempt to report on public concerns about security and terrorism. There are prosecutions of those who criticise the head of state, bring the government into disrepute, insult the monarch or question religious affairs. Reporters and writers can be threatened with loss of jobs or with violence and in Iraq and Palestine they may be targeted and killed.

In response journalists unions throughout the region are leading a campaign for the release of all imprisoned journalists and a reform of legislation to end the criminalisation of legitimate journalism encompassed in this Breaking the Chains report. Journalists' unions have also launched a new campaign this year to promote the highest standards of journalism and to moderate the debate between the competing interests of the public and national institutions. This will enable journalists to both work freely but within a professional and ethical framework embodied in the Ethical Journalism Initiative, launched at the Dubai EJI conference in February.

This is the second Breaking the Chains report to be launched by the IFJ and its affiliates in the region. The report focuses on national developments, legal obstacles to journalism that need to be reformed and a list of key cases of journalists prosecuted for their work in the past 12 months. It also documents the actions taken by the journalists unions in each country and their support for the rights of their members.

The drama of the past years, often seen in violent and tragic images, speaks for itself. The **Iraqi** Union of Journalists, emerging from a brutal and bloody period, saw the assassination of its President, Shihab Al Tamimi, and the attempted murder of his successor, Moaid Al Lami. It is planning a major conference in May 2009 on Journalists Standards and Editorial independence that should mark, if not the end of attacks on journalists, then the begin-

ning of the normalisation of Iraqi journalism. The union's energy is turning increasingly to professional issues and the growth of a Iraqi journalism and the draft media law. Meanwhile, in the North of Iraq the Kurdish Union of Journalists celebrated the new media law adopted in September that removed criminal defamation and recognised the IFJ Professional Code of Conduct.

The Israeli invasion of Gaza saw five journalists lose their lives and a number of media installations damaged during bombing raids. The IFJ-led mission to Gaza immediately after the ceasefire called for an international inquiry into the deliberate targeting of media and breach of UN Resolution 1738 on the protection of journalists in conflict zones. The IFJ has also protested to both Hamas and Fatah in **Palestine** over the arbitrary arrests of several journalists working for opposition media. There were disturbing allegations of maltreatment and torture. There is particular concern over the victimization of the head of the Gaza section of the Palestinian Journalists Syndicate, Sakher Abou El Oun, who became the target of a Hamas campaign based upon false accusations since the mission that he helped organise.

In the **Yemen**, the journalist Abdul-Karim al-Khaiwani received the Amnesty International 'Special Award for Human Rights Journalism under Threat' delivered by the IFJ President Jim Boumelha during the Congress of the Yemeni Journalists Syndicate. Following his pardon the Yemeni President gave assurance to the YJS congress that the case would now be closed and that press freedom would be guaranteed.

**Iran** has seen the imprisonment of six journalists at the beginning of 2009 where pressure on the media doesn't cease. In **Morocco** the government took action against Al Jazeera's programme *Magarbi Daily News*, suspend-

ing the broadcasts on 'technical grounds'. Meanwhile authorities in Morocco, Algeria and Tunisia all banned an edition of the French *L'Express* for an article 'Le Choc Jésus-Mahomet' deemed insulting to Islam.

The **Tunisian** government continues to intimidate critical media and journalists activists. However, the creation of the Syndicate National des Journalistes Tunisiens in January 2008 has inspired a groundswell of confidence and activism among ordinary members backing a leadership that is outspoken in its criticism of government violations of journalists' rights. The union is determined to improve the prospects of ordinary journalists seeking to build opportunities and a career in the profession.

To draw public attention to the cases, the BTC campaign organised a day of action on 5 November which saw journalists' unions from throughout the region stage a series of public events demanding improved rights and an end to the prosecution of journalists for doing their work. For further information please visit <http://mena.ifj.org/en>

For all of the problems and continuing ordeal endured by many journalists, the struggle for free voices in media is beginning to have an impact. The *Breaking the Chains* story remains one of sacrifice and courage on the part of independent media and journalists, but the message is getting through that it is time for reform of laws and a new mind-set in the political administration. In almost every country journalists are defining in ever-more stark terms the minimum conditions that media need in order to play a useful role in the creation of a new democratic order.

Oliver Money-Kyrle  
*IFJ Director of Programmes*

# ALGERIA

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The struggle for press freedom in the nineties established a strong tradition in Algerian media of outspoken criticism towards the country's establishment and its politics. This tendency is in steady retreat. Government pressure on independent media has in recent months hardened, amid a tense political debate on the Constitution, revised on 12 November 2008 to scrap the limit on two presidential terms.

In parallel to the intensifying political pressure on independent media and the increase in trials against independent media and their journalists, the authorities have licenced numerous papers, to lead the official line and drown out dissident voices, providing them with substantial benefits through public advertising. Meanwhile, other publications, such as daily *El Watan*, faced growing harassment throughout the year for their independent reporting. In October, the authorities banned *Free Man's Newspaper*, the latest book of Mohamed Benchicou,

former editor of the now-banned *Le Matin*. In November, an issue of *l'Express*, French weekly, was banned for its series of articles about Christianity and Islam, deemed disrespectful of Islam and in breach of the country's laws. And in early April 2009, three French weeklies, *L'Express*, *Marianne* and *Journal du Dimanche* were banned for featuring stories on Algerian President Abdelaziz Bouteflika, who was running for a third term in office.

The Ministry of Communication has on several occasions affirmed the government's readiness to amend the Penal Code's articles providing for imprisonment for press offences. Despite assurances made to the IFJ in January 2007 and February 2008, no review has taken place and prosecutions against the media, in particular investigative journalism, carry on. The IFJ and its affiliate, the Syndicat National des Journalistes (SNJ), continue to demand fair trials for media and withdrawal of prison sentences for press offences.

But the growing battle for freedom of speech should not hide the impact of the social and material uncertainty in which Algerian journalists live on their work. When journalists are under-paid, work without contracts and cannot afford health insurance, quality journalism and free speech is endangered. In April 2008, a decree defining labour relations between journalists and media employers was adopted (*Statut des Journalistes*), providing Algerian journalists from private and public sectors with a legal framework defining their profession and guaranteeing their basic rights. This positive outcome must now be implemented.

## Legislation

In 2001, the Penal Code (1990 law) was amended to increase sentences for press offences. Currently, offending religion through writing, cartoons, or speech can lead to five



SNJ-Journalist Stand Up for Press Freedom on 5 November 2008, Algiers. © SNJ

years imprisonment and €1,300 fine – Art 144 bis2); offending the parliament, officials, judicial authorities or armed forces can lead to up to two years imprisonment and €6,500 – art 144); and offending the President of the Republic (Article 144bis) can lead to up to one year jail sentence and €3,000 fine.” The sentence can be doubled in the event of a repeated offence.

Additionally, a February 2006 decree – enacted in the frame of the national peace and rec-

onciliation charter – provides for up to five-year prison terms and fines for those who speak or write to “exploit the wounds of the national tragedy, tarnish the country’s international image or its officials’ reputation”. The state of emergency decree allows legal action against what is considered a threat to the state or public order. Persons charged with acts against the security of the state may be held in pre-trial detention for up to 20 months, according to the Code of Penal Procedure.

## Cases

NAME / MEDIA	FACTS
Nedjar Hadj Daoud, <i>Al-Waha</i> Online Publication Director	<b>02.03.09</b> The director was jailed in Ghardaia (Centre), to serve a six-month jail sentence for libel by the Cour de Cassation in 2008. The case stems from a 2005 <i>Al-Waha</i> article exposing sexual assaults by a local government employee against his colleagues. Decision of Court of Cassation cannot be appealed, but the journalist was provisionally freed on medical grounds a week after his arrest.
Abdelwahab Souag, <i>El Watan</i> , Reporter	<b>02.03.09</b> A Mascara court fined the correspondent €500 for publishing two articles on a Muslim cleric, alleged to have been defamatory. Souag has appealed against the verdict.
Lamine Yahya Layadi, <i>Le Carrefour D'algerie</i> , Reporter	<b>11.02.09</b> A court in Mascara (West) sentenced the reporter in absentia to a year in prison and a €200 fine for defamation. The charges were brought by a city official over a corruption article. Layadi appealed.
Abdallah Zarfaoui, <i>El Khabar</i> , Journalist Driss Belkacem, <i>El Shourouk Al Yawmi</i> , Journalist, and Houari Ghib, <i>Al Nahar</i> , Journalist	<b>11.13.09.08</b> The three journalists were arrested for periods ranging between 5 and 24 hours, were interrogated and asked to reveal their sources for the articles their newspapers published in the Algerian city of Tebessa about security forces foiling a terrorist attack.
Omar Belhouchet, <i>El Watan</i> Director, Chawki Amari, <i>El Watan</i> Columnist	<b>09.08</b> The Supreme Court overturned the defamation convictions, two months jail sentences and €10,000 fine handed down by a Jijel Appeal Court in March 2008 to both journalists for insulting the Wali (state official) of Jijel. The high court ordered a new trial.
Omar Belhouchet, <i>El Watan</i> Director, Salima Tlemcani, <i>El Watan</i> Reporter	<b>22.12.08</b> Three-month prison sentence and €500 fine each over a 2004 report published by <i>El Watan</i> newspaper exposing the activities of alleged healers who claim to cure illnesses despite not having any medical qualifications. The decision will be appealed.
Hassan Bourras, <i>Al Bilad</i> , Reporter	<b>28.10.08</b> Two-month prison sentence in appeal and a €400 fine over a 2006 article published in <i>Al Bilad</i> (Arabic daily) exposing the Municipality of Al Bayadh (southwest Algiers).
Noureddine Boukraa, <i>Annahar</i> Journalist	<b>26.10.08</b> Three-month suspended sentence and €300 fine over a November 12, 2007, article in which the journalist accused members of the local police (in Annaba) of influence-peddling.
Ali Dilem, <i>Liberté</i> , Cartoonist, Farid Alilat, <i>Liberté</i> , Editor, and Ali Ouafak, <i>Liberté</i> , Editor	<b>15.05.08</b> The three journalists working for <i>Liberté</i> were fined €200 by an Algiers court, on defamation charges. The case was filed by the Defence Ministry and stem from a 2004 cartoon published in <i>Liberté</i> daily portraying Gen. Mohamed Lamari former head of Algerian Armed Forces.

# BAHRAIN

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Bahrain has enjoyed growing levels of media freedom, with strong campaigns being led by journalists, towards recognition of press freedom and ethical standards in the media. Press law 47, passed in 2002, protects media independence, but until recent amendments, provided for imprisonment for press offences. Despite a growing diversity on the media scene, the broadcasting sector remains largely run by the state. The Internet is strictly monitored and closures of websites by the Information Ministry, are frequent.

Throughout the year, the country has been the scene of an intense political debate and religious confrontation in which the media have been accused by many politicians of being too political and fuelling sectarianism in the country. In this context, the Bahrain Journalists Association (BJA) launched a campaign against sectarianism in the media, and ran a petition that was signed by more than 200 journalists in May 2008. Bahrain's King Hamad Bin Issa Al Khalifa called on Bahrainis to protect the unity of the nation and on journalists to support BJA's initiative and "to verify the credibility and veracity of the information before it is published".

In July 2008, leaders of national unions from across the Middle East and North Africa agreed at a meeting in Bahrain to take action over corruption inside media and to expose journalism that incites sectarian conflicts. The meeting, hosted by the BJA, planned a regional conference to confront the crisis of ethical standards in media (held in February 2009 in Dubai) and to open an IFJ office in Bahrain, to help implement the Ethical Journalism Initiative campaign activities. The office was officially opened on 11 April 2009, in Al Manama.

Bahrain Journalists' Association represents a wide range of media and is chiefly concerned with protecting press freedom and defending individual journalists from prosecution through

legal assistance, public protests and lobbying. It has been active in helping draft the new media law, proposing recognition of electronic media in the new law. It also lobbies for the introduction of labor law provisions that would allow professional associations to transform into a trade union and enable the BJA to defend journalists working conditions as well as professional rights.

## Legislation

Press Law 47, passed in 2002, provides for sentences ranging from six months to five years imprisonment for criticising the state's official religion, the king and inciting actions that undermine state security.

In addition, the law allows fines of up to €6,000 for 14 other symbolised s, including publishing information related to cases under investigation or being tried. Article 5 excludes electronic publications from the press law. Ar-



IFJ General Secretary, Aidan White, with BJA President, Isa Al-Shaiji, at Manama court, Bahrain, 30 June 2008. © Al Ayyam

Article 19 allows the banning of publications that “harm morality or different confessions, leading to disruption of social stability”.

Additional restrictions to press freedom came with the anti-terrorism law enacted in August 2006.

In May 2008, the Bahraini government introduced amendments to press law

47/2002, of which the most important eliminate prison sentences for journalists and prior censorship on publications. The law is still waiting for adoption by the Parliament. However, it is still possible to charge and jail journalists on the basis of the Penal Code and anti-terrorism law.

For further information visit BJA site: <http://www.bja-bh.org/en>

## Cases

NAME / MEDIA	FACTS
Maryam Al-Shoroogi, <i>Al-Wasat</i> Journalist	<b>01.12.08</b> Arrested and interrogated by the Public Prosecution Office and charged with libel and harming the country's unity. Al-Shoroogi had written an article exposing the use of discriminatory recruitment practices in the country, based on political affiliation.
Lamis Dheif, Journalist, <i>Al Wakt</i> daily	<b>02.2009</b> The Higher Council of Magistrature brought charges against the journalist, after she wrote under the title <i>The Big Shame</i> , an article exposing unethical practices in the courts. The case is still pending,

# EGYPT

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With more than 500 newspapers and periodicals available, the Egyptian press is the most diverse and extensive, serving a vast audience in the Arab region. However, most of domestic publications are owned by entities close to the government or opposition political parties, and the press faces considerable political pressure by the authorities. The broadcasting sector is run and controlled by the Egyptian Radio and Television Union (ERTU), a state-owned company affiliated to the Ministry of Information. There is an increase in the number of private TV stations, which predominantly air entertaining programmes; however, this sector is growingly challenging the public sector, with its high quality talk-shows.

Other pressures consist of harassment, heavy censorship, banning of publications, employ-

ment termination, lawsuits, fines and imprisonment of journalists and bloggers, enforced by a sophisticated repressive legal arsenal and archaic judiciary practices.

Most cases were filed by officials, at different levels of the government's hierarchy. Major newspaper editors have been charged and condemned to jail for criticising top officials or simply covering topics such as the president's health, or reporting street demonstrations (Infra). Meanwhile, Abdel Kareem Suleiman, a blogger arrested in November 2006 and sentenced in February 2007 to four years in jail on charges of disparaging religion and defaming the Egyptian President, continues to be detained at Borj El Arab prison, near Alexandria.

## Legislation

The 1971 Constitution provides for freedom of expression, but the law places tight limits on it. In line with Article 148 of the Constitution, the state of emergency abrogates constitutional and any legal provisions protecting freedom of the press. Under the 1958 Emergency Law the President can order censorship of any correspondence or publication and all means of expression and advertising before they are published; order their seizure or suspension or shut down printing houses if this censorship is deemed necessary to protect public peace or national security. In May 2008, The State of Emergency Law, applied since 1967, was extended for another two years, despite President Mubarak's commitment to abolish it.

But the cornerstone of this powerful legal repression is the Penal Code governing the press (law 58/1937) and the amendments brought to it in July 2006, which applied further restrictions. Signed by President Mubarak in January 2007, the law provides up to five years prison for journalists convicted of slandering a foreign head of state and



Ibrahim Eissa, editor of Egyptian daily newspaper *Al-Dustour*. ©Belga-AFP Photo

maintains articles that allow for detention of “whoever affronts the President of the Republic” and journalists whose work “disturb public security or harm public interests.”

The Code provides for fines and jail terms for deliberately diffusing news calling for the change of the constitution or the public institutions (Art. 174, up to five years), offending public morality (Art. 178, up to two years and €1,400), vilifying the president of the Republic (Art. 179) or the king/president of a foreign country (Art. 181), the parliament or the army (Art. 184). Article 188 provides for up to one-year imprisonment for whoever

“deliberately diffuses false news, tendentious rumors, publicity that disturbs security, or harms public interests”. Art 178 and 190 make editors-in-chief and publishers accountable for negligence which may create libels printed in their newspapers.

An archaic and incoherent procedure remains in the legal system, the “hisba”, which allows citizens who have no personal link or interest in a case, to bring charges in the name of public interest.

For further information see EJS website: <http://www.ejs.org.eg>

## Cases

NAME / MEDIA	FACTS
<i>Al-Masry Al-Youm</i> : Magdi Al Galad, Editor, Faruk Al Disouki, Journalist, and Yusri Al Badri, Journalist <i>Al-Wafd</i> : Abas Al Tarabli, Editor and Ibrahim Qara, Journalist	<b>26.02.09</b> the five journalists working for opposition or independent papers were fined approximately €1500 each for violating a court decision forbidding media coverage of the trial of Hisham Talaat Mustafa, an Egyptian magnate charged with murdering his mistress, Lebanese pop star Suzanne Tamim.
Nader Gohar, <i>Cairo News Company (CNC)</i> Director	<b>26.10.08</b> The director was given a €20,000 fine by a Cairo Court for broadcasting protests against food price hikes, without a license. The complaint was brought by The Broadcasting Authority.
Hesham Basyoni, <i>Al Gomhoria</i> , Journalist	<b>24.10.08</b> The journalist was removed a from his position after investigating and writing a story about abuse and forced labour of Egyptian women in Saudi Arabia.
Ibrahim Issa, <i>Al Dustour</i> , Editor	<b>28.09.08</b> Sentenced on appeal to two-months prison (initial sentence of 6 months) for “insulting the President” and “spreading false rumours harming the country’s reputation”. The charges were brought by ruling party members over an article on president Mubarak’s health. On 6 October, Issa was given presidential pardon. He faces charges in ten other cases.
Kamal Murad, <i>Al-Fajr</i> , Journalist	<b>17.06.08</b> Arrested in Rahmanyia while photographing police beating farmers. Held for two days, he was later charged with inciting violence, defamation and holding a false identity. He faces up to three years in prison.
Abdel Kareem Suleiman*, Blogger	<b>22.02.07</b> Sentenced in Alexandria to four years in prison on charges of disparaging religion (3 years) and defaming the Egyptian President (1 year). Kareem Amer has been in detention since November 2006.

\*The journalist was detained according to IFJ information at the time the report went to press.

## IRAN

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At the end of March 2009, 7 media workers were imprisoned in Iran. Since May 2008 14 journalists have been arrested, according to the Association of Iranian Journalists. The pressures exerted by the conservative government during the last three years have led to increased self censorship and a corollary fall in cases against journalists.

Trials were often held with procedural irregularities and without proper legal defence. According to various sources, detention conditions were appalling often leading to serious health problems among prisoners. Journalists are isolated as much as possible and routinely denied access to lawyers and family.

The Press Supervisory Board (PSB -Ministry for Culture and Islamic Guidance) cancelled the permits of at least 34 news media and repression of the press, broadcasting outlets and online publications continued. Most

newspapers and magazines have been suspended or shut down for their critical reporting of local or national political figures: daily Tehran *Emrooz* was shut down in June for publishing articles criticising President Ahmadinejad's poor performance as Tehran's mayor. The paper resumed publications later in December when the court cancelled the order of PSB. *Kargozaran* newspaper, *Tarabestan Sabaz* magazine and newspaper *Sargarmi* were suspended. Foreign media and publications reflecting minorities' views were not spared: in January 2009, the new BBC Persian TV channel was also banned from operating in Iran.

The government also toughened its rule towards online publications and their publishers deemed disrespectful of moral and religious values. Hundreds of blacklisted websites are banned from the country and tens have been suspended in recent months for or belonging to minority groups.



Deputy editor-in-chief of the reformist *Kargozaran* newspaper, Badrossadat Mofidi, at her desk as the latest copy of the daily is seen in Tehran on December 31, 2008. © AFP BELGA/BEHROUZ MEHRI

Women journalists who reported on or criticised the status of women in the country faced harsh reprisal including arrests and shutting down of their online publications such as *Change for Equality and Zanestan*.

Launched in 1997, the Association of Iranian Journalists (AoIJ) the only national organisation defending journalists, counts 3,800 members. Since its creation, there have been many attempts by the authorities to control the association that peaked in June 2008, when the Labor Ministry conducted a campaign to dissolve the union, for alleged irregularities in its 2006 elections. The AoIJ held a new election in August 2008.

The Association provides legal support for journalists who are wrongly charged, sentenced or removed from their work. Journalists who have been tried face massive obstacles finding new work. The Association addresses the Judicial system, the Ministry of Islamic Culture and Guidance and its Press Supervisory Board about journalists' harassment or prosecutions. It issues quarterly publications on the status of journalists and media in Iran.

In October 2007, the European Parliament adopted a resolution condemning victimisation of journalists and human rights violations in Iran and asked for the release of all prisoners of conscience. On 18 December 2008, the UN general assembly passed a resolution urging Iran to end the death penalty.

## Legislation

The Constitution guarantees press freedom as long as "fundamental principles of Islam" and "the rights of the public" are respected (Art 24). As per article 168 "political and

press offences will be tried openly and in the presence of a jury in courts of justice". However, the Constitution and other legal press freedom guarantees are routinely ignored.

Article 34 of the 2002 press law requires that press offences should be prosecuted in open court before a specially constituted press jury. However, Islamic Revolutionary Courts who normally only deal with major crimes, are used to prosecute journalists. They are empowered to try "any offence against internal or external security." Their procedures allow them to hold defendants for indeterminate periods of time. Proceedings are held in secret, and the defendant has no right of access to defence lawyers: this is in contravention with the International Covenant on Civil and Political Rights ratified by Iran in 1975.

The 2002 press law forbids any offences against the country's leaders or clerics, publishing material that "creates divisions among the different strata of society," or "harms the bases of the Islamic Republic." (Art 6). Crimes against the state, insults toward Islam or espionage (Art. 501 of the Criminal Code) can lead to the death penalty.

Press courts can impose criminal penalties on individuals and order closures of newspapers and periodicals (Art 12 and 35). A Council within the Ministry of Culture and Islamic Guidance may initiate prosecutions and is empowered to refer cases to the press court. A bill providing for death penalty for creating websites that promote "corruption, prostitution or apostasy" was passed on 11 Dec 2008 by the Parliament

For further information, please visit the AoIJ website: <http://www.aoij.ir/en/>

## Cases

NAME / MEDIA	FACTS
Roxana Saberi*, Freelance	<b>18.04.09</b> The U.S-Iranian freelance journalist was arrested late January and held at Tehran's Evin prison. On 18 April, Saberi was sentenced by Tehran Revolutionary court to eight years in prison, for allegedly spying on behalf of United States. Proceedings were held behind closed-doors.
Omidreza Mirsayafi, <i>Rooznegaar</i> blogger	<b>15.12.08</b> Given a two and a half years prison sentence for "insulting the Islamic Republic's leaders" by a Tehran revolutionary court. He died in jail in March 2009,
Yosef Azizi Banitruif, Freelance Journalist	<b>20.08.08</b> Given a five year prison sentence on charges of "activities against national security." The journalist had condemned violence against demonstrators from the Arab minority in the south-west of the country. The journalist has appealed.
Ejlal Ghavami*, <i>Payam-e mardom-e Kurdistan</i> (banned) Blogger and Human Rights Activist	<b>July.08</b> The Sanandaj revolutionary tribunal (Iranian Kurdish region), sentenced Ghavami to a two-year suspended prison sentence for "publishing false news". Imprisoned for another case (three years jail sentence given in June 2007 for "undermining national security", he was freed on 8 May 2008,
Said Matinpour*, <i>Yarpagh</i> (banned) Blogger and Human Rights Activist	<b>11.06.08</b> Given an eight-year suspended prison sentence by a Tehran revolutionary court for "links with foreigners" and "publicity against the Islamic Republic".
Emadoldin Baghi, <i>Jomhouriat</i> (banned) Editor and Human Rights Activist	<b>31.07.07</b> Sentenced by a Tehran revolutionary court to three years jail for "activities against national security", linked to his publications against the death penalty. Baghi had already served a three-year prison sentence for similar charges. Jailed in Tehran, he was allowed a temporary leave in January 2008 and freed in October on health grounds. He nevertheless risks jail-terms in another case, linked to his human rights activities,
Adnan Hassanpour*, <i>Asou</i> (Banned in 2005) Journalist	<b>16.07.07</b> The journalist was sentenced to death by a revolutionary tribunal in Marivan, (Iran's Kurdish region), for "activities subverting national security" and "espionage". In September 2008 Tehran Supreme Court overturned his death sentence for a procedural error and sent his case back to a lower court. Arrested in January 2007 Hassanpour is still jailed in Tehran.
Kaveh Javanmard*, <i>Karfto</i> Journalist	<b>17.05.07</b> Arrested in December 2006 by Ministry of Intelligence agents, he was sentenced to three years imprisonment by a court in Sanandaj (Iranian Kurdistan). He is still in prison.
Mohamad Falahiazadeh*, Al-AlamTV Journalist	<b>29.04.07</b> Sentenced by a revolutionary tribunal to a three year jail term, on "espionage" charges. Arrested in November 2006, for reporting on protests involving the Arab minority, he is held in Tehran prison, reportedly in poor health condition.
Mohammad Sadeq Kabovand*, <i>Payam-e-Mardom</i> (banned in 2004)	<b>01.07.07</b> The journalist was arrested and incarcerated in Tehran prison for "Publicity against the State" In June 2008, the Tehran Revolutionary Tribunal condemned him to eleven years imprisonment, a decision confirmed in Appeal in October.

\*The journalist was detained according to IFJ information at the time the report went to press.

# IRAQ

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A dramatic turn around in the country's security situation this year and a stabilising of the political situation has seen a major decline in media killings, with 16 journalists and media staff killed in 2008 – all Iraqi nationals – compared to 65 journalists killed in 2007 and 69 in 2006. Nearly 300 journalists and media workers have lost their lives since the 2003 US invasion. The threat of sectarian violence and terrorism remains, but a corner has been turned.

In November 2008, the Iraqi Union of Journalists (IUJ) launched a Press Freedom Observatory which listed 77 cases of attacks against journalists during the year 2008, including killed journalists, attempts of killing, kidnapping, arrests and confiscation of media material.

The murder on 27th February 2008 of Shihab Al-Timimi, president of the IUJ caused deep shock in the Iraqi and International media community. On 20th September a bomb attack targeted his successor, Moaid Al-Lami, outside the IUJ headquarters in Baghdad. The explosion, which left Al-Lami with chest and arm injuries, came only two months after his election as new IUJ president and seven months after his predecessor was shot dead by extremists. The IFJ supported the congress elections by Iraqi journalists of their new leadership in July 2008, a process that showed

fresh commitment within Iraqi media to building democracy and unity.

Concerns remain over the lack of proper investigation into cases of media deaths at the hands of United States soldiers. Around 20 journalists and media staff have been killed by US troops since March 2003. On 1st January 2009, Hadil Emad, 25, an editor with Biladi TV, was shot in Baghdad by US soldiers while heading home. She remains in a critical situation. The IFJ continues to call for an independent process of investigation of US killings and attacks against the media.

The IFJ has asked Iraqi authorities to deliver on a promise to investigate all unsolved media killings. The IFJ General Secretary reiterated this demand during a meeting at UN General Assembly in New York in September 2008 to discuss further steps to strengthen the United Nations Security Council resolution 1738, a 2006 measure lobbied by the IFJ and its member unions to protect journalists in conflict zones.

According to the Iraqi Interior Ministry, around 50 investigations are being conducted to solve killings and abductions of journalists. However, only one has led to the arrests of suspected killers of three Al-Sharqiya media workers and their driver, murdered in Mosul, in September 2008.

Iraqi Kurdistan has known a more stable environment in recent years. In August 2008 the IFJ and its two affiliated organisations in Iraq, the KJS and the Iraqi IUJ organised a conference in its capital Erbil, demanding the end of impunity in media killings and calling on the Iraqi Parliament and the Parliament of Kurdistan region to pass the Journalists' Protection Law.

The meeting was used to further develop the national programme of work for the Iraqi Media Safety Group (IMSG), an organisation launched



KJS Stand Up for Press Freedom on 5 November 2008, Erbil, Iraqi Kurdistan. ©KJS



Meeting on Press Freedom held in Baghdad by the Iraqi Union of Journalists (IUJ), November 2008. © IUJ

in 2007 by the IFJ, with the International News Safety Institute (INSI), IUJ and KJS. In December 2008, 45 men and women journalists working in Iraq and covering the conflict completed safety training courses in Baghdad. Attended by officials of the Iraqi President and Prime Minister cabinets, the meeting agreed to open a safety centre in Erbil.

With new opportunities to promote independent journalism and to strengthen trade-union work in Iraq, an IFJ-IUJ Conference on media ethics is to be held in Baghdad in May 2009. It will focus on Editorial Independence and Public Service Values and it will be part of the Ethical Journalism Initiative campaign developed in the region.

Iraqi journalists ended the year in the spotlight following the TV footage of Muntadar al-Zeidi, a journalist working for *TV Al-Baghdadiya*, throwing his shoes at US president George Bush in Baghdad. The 14 December gesture symbolised protest at the violent chaos that has prevailed under US occupation of which journalists have been major victims. The journalist was reportedly severely beaten and remains in detention in Baghdad. On 12 March al-Zeidi received a 3 year jail term condemned

by the IFJ and the IUJ who have called for his immediate release.

## Legislation

Legacies of the former regime' legal system, the 1968 Publications Law and the 1969 Iraqi Penal Code contain numerous restrictions to press freedom. The Publications Law provides for up to seven years jail for publicly insulting the government, the national assembly or public authorities, inciting violence and civil disorder.

The IFJ supports the IUJ in its demands to the Parliament and the government to prompt the adoption of the Journalists' Protection Law, of which the IUJ presented a draft in 2007.

In the region of Kurdistan, the Kurdistan Journalists' Syndicate's (KJS) campaign for the reform of media legislation led to the adoption of a new media law in September 2008. The new law enshrines principles of press freedom, abandons the use of imprisonment and press bans against journalists and media and has, additionally, recognised the core principles of the IFJ's global ethical code in the law. However, the law, which applies in Iraqi Kurdistan, still provides for heavy fines that can be imposed on editors and journalists for causing religious offence or "spreading hatred and division."

For further information see:

IFJ killed List 2008: <http://www.ifj.org/assets/docs/051/091/eb26233-523985b.pdf>

IFJ Report mission to Iraq, January 2008:  
***Beyond the Violence, a Challenge to Journalism Emerges***

Iraqi Media Safety Group:  
<http://www.iraqmsg.org/indexen.php>

Kurdistan Journalists Syndicate:  
<http://www.kurdistanjournalists.com>

## Cases

NAME / MEDIA	FACTS
Muntadar Al-Zeidi*, Al-Baghdadiya TV, Journalist	<b>12.03.09</b> Arrested for throwing shoes at US president George Bush in Baghdad the journalist was handed a three year sentence for 'assaulting a foreign leader'. He was reportedly severely beaten and remains in detention in Baghdad. His condemnation was reduced to one year jail in April 2009.
Ali Salah, Corresp Al Sharquiya TV	<b>04.12.08</b> The channel's correspondent in Kerkouk was subject to a murder attempt with grenades having been placed in front of his house, after a series of death threats commanding him to stop journalistic work.
Hassan Abd Allah Al Mujmaai, Editor, <i>Al Watan</i> daily	<b>02.12.08</b> American forces arrested the journalist in his home in the region of Al Ashaki (Governorate of Salah El Dine) without arrest warrant. Reasons of arrest were not revealed.
Shwan Daudi, <i>Hawal Weekly</i> , Chief Editor	<b>04.11.08</b> A one month jail term was handed down to the journalist by the Court of Suleymania in the Kurdistan region of Iraq. Daudi was prosecuted for a four year old article that criticised the Kurdish courts in a lawsuit brought by one of the court's judges. Daudi, who has appealed, was released on 13 November.
Iman Bilal, Correspondent, Al Hurra TV in Karbala	<b>17.09.08</b> The journalist was subject to harassment by the Director of Water Administration in Karbala, for a report she wrote on Cholera cases in the region.
<b>03.09.08</b> The governorate of Babel issues a decision forbidding journalists to cover a demonstration organised by employees of the Municipality.	
Mohammed Ibrahim Jassam*, Freelance Photographer	<b>01.09.08</b> Arrested by Iraqi and US soldiers at his home in Baghdad. Ibrahim, who also worked for Reuters News and some Iraqi media, is held by the American forces at Camp Cropper prison near Baghdad. With no evidence against him, the Iraqi Central Criminal Court ordered his release, on 30 November. The US authorities in Iraq refused to comply on the grounds of "security risks".
Jaafar Shafaq, Journalist	<b>24.08.08</b> Men in military clothes assaulted the journalist's house in Baghdad and opened fire on his family. Jaafar, a member of the KJS was shot in the stomach and lost the use of a hand.
Ali Al Mashadani, <i>Reuters</i> Photographer	<b>26.07.08</b> Arrested by US forces in the Iraqi parliament press centre in Baghdad. No charges were brought against him.
Haidar Al Haidari, Correspondent, <i>Al Wasat</i>	<b>10.07.08</b> Police officers in Babel attacked and beat the correspondent during the opening of a new security facility between the towns of Al Halla and Al Daiwania.
Azad Arkuchi, <i>Public TV Newroz</i> Director	<b>01.07.08</b> The director was attacked near Erbil – Kurdistan, by men wearing army uniforms. Abducted and severely beaten before being released later in the night, on the road.
Ahmed Nouri Razak, <i>Associated Press (AP)</i> Cameraman	<b>04.06.08</b> Arrested by a US-Iraqi military patrol and detained at a US military base in Tikrit, for "security reasons", Ahmad was released 23 August 2008.
Saad Kosai, Correspondent, <i>Al Hurra TV</i> , Daoud Suleiman, Photographer, <i>Al Hurra TV</i> , Hussein Ibraahim, Photographer, <i>Al Hurra TV</i>	<b>19.06.08</b> Security forces in Basra arrested the team of Al Hurra TV in the area of Al Aishar and confiscated their cameras and other equipment. The Security said this arrest was conducted because the journalists did not carry an official accreditation.
Mohamed Wahib, Correspondent of BBC, Adam Mahdi, AP correspondent	<b>07.05.08</b> American forces arrested both journalists as part as an operation in a neighborhood of Baakouba city. Reasons of the arrest were not given.

\*The journalist was detained according to IFJ information at the time the report went to press.

# JORDAN

Significant progress in consolidation of press freedom has been observed in Jordan in recent years. There have been improvements in the press industry with the emergence of new publications and broadcasting stations over the last three years. If the broadcasting sector still needs to be opened more widely, the media in general enjoy one of the region's highest levels of press freedom.

A Law on Access to Information was passed in June 2007, requiring Jordanian public institutions to disclose information to journalists and citizens. The law came as a response to journalists' concerns that – poor access to information was the most important obstacle facing the profession in Jordan. Failure to provide the requested information within 30 days entitles citizens and journalists to bring a complaint before the Information Council. This law, alone in the Arab region, has been criticised by some for the long 30 day time limit as being unsuitable for journalists who require a faster response to meet deadlines.

During the summer, a number of political and economic scandals burst in Jordan, with government officials being accused of corruption, and fierce criticism of controversial new laws regarding privatisation and the sale of key

public properties. The media took sides in the battle between different powers in the country. The King of Jordan, Abdallah II, intervened calling on the media to be more responsible. The Jordanian Press Association (JPA) has also launched initiatives for the adoption in the media of professional standards to foster quality journalism.

## Legislation

The Press and Publications Law, approved in March 2007 by the country's Parliament, enacted long awaited measures, abolishing imprisonment for press offences, reducing the number of restrictions on the content of what may be published and eliminating the possibility of closure of publications as a criminal sanction. By engaging constructively with Parliament, the Jordanian Press Association (JPA), an IFJ affiliate, played a significant role in this achievement. This major legal reform was further enshrined, when King of Jordan Abdullah expressed his opposition to the jailing of journalists for their work, at a meeting held in November 2008 with top Jordanian newspaper editors.

However journalists can still be jailed under other legislation such as the Penal Code and the Emergency law. According to the Penal Code, "Insulting the King" and "stirring sectarian strife and sedition" exposes its authors to the threat of three years in prison and a fine of €600. Citizens may be prosecuted for slandering the government or foreign leaders, and for offending religious beliefs.

The code also provides for journalists' imprisonment, if they "defame any religion protected under the constitution", "offend the prophets", or "insult to religious sentiments and beliefs, fuelling sectarian strife or racism."



A government ad informs the Jordanian public of their right to information. © 2008 OULA FARAWATI

Additionally, the new Press and Publication Law provides for excessive fines – up to 20,000 Jordanian Dinars (€23,000). The threat of such a high penalty has a serious chilling effect on the media. The IFJ joins the JPA in calling

for the reform of outstanding laws which allow the jailing of journalists in Jordan.

For further information visit JPA website: <http://www.jpa.jo>

## Cases

NAME / MEDIA	FACTS
Fayez Al-Ajrashi, <i>El-Ekhbariya Weekly</i> , Editor	<b>28.10.08</b> Arrested and charged with “fuelling sectarian discord”, the journalist was released on 1st November 2008, after paying a bail of €3000. He has also been charged with defamation of Amman’s governor, for his article on corruption. The case is still pending before the court.

# KUWAIT

Kuwait has one of the most vocal media in the region. The 1962 Constitution provides for speech and press freedoms within limits defined by national laws, and the media scene gained in recent years diversity rarely witnessed in other parts of the region.

In March 2006, the parliament passed a new Press and Publications law that eased the process of licensing new newspapers. The country counts today 14 Arabic and 3 English dailies and dozens of periodicals. The lively private broadcasting sector counts 8 private Television channels.

These media reflect the diverse opinions in the country, with many outlets privately owned. If self-censorship within mainstream media continues when it comes to the ruling family and religious matters, no such restraint is observed in criticising the government.

The Kuwait Journalists Association (KJA) established in 1964, actively promotes improvements in the law and continues to lobby for reductions in fines on journalists. It provides legal support to journalists through a voluntary team of lawyers.

In January 2009, The KJA organised a seminar, on 'Media's Responsibility in Covering Conflicts and Crises'. Former Minister of Information Dr. Anas Al-Rashid and MP Saleh Al-Mulla attended the meeting, which praised the press in revealing some business issues of public interest. It also stressed truth and transparency values, and the media's role in preserving the social fabric of a rich and diverse community.

## Legislation

The 2006 Press and Publications law allows political daily papers to be launched, forbidden under the old 1963 press law that limited the press to five dailies.

The new law transferred to the courts print media related cases, until then under the responsibility of the Ministry of Information. The courts can still impose administrative sentences, as confiscation, closure, and withdrawal of licenses.

However, the awaited decriminalisation of press offences did not come through. The law still prohibits publishing material that criticises Islam and religious sensibilities, public morality, the emir, the constitution, the judicial system and the "basic convictions of the nation." It strengthens punishments for criticising Islam for which it provides for up to one-year imprisonment and a fine of €60,000.

In an initiative to promote amendments to some provisions of the Press and Publications law, the Kuwait Journalists Association approached the Parliament and organised a series of meetings with a group of parliamentarians. Despite the dissolution of the Parliament in March 2009, the KJA continues to lobby for the amendment and the reform of the Press and Publications Law.

For further information visit KJA website:  
<http://www.kja-kw.com>



KJA meeting on 'Media's Responsibility in Covering Conflicts and Crises', 25 January 2009. ©KJA

## Cases

NAME / MEDIA	FACTS
Fouad Al-Hashem, <i>Al-Watan</i>	<b>28.05.08</b> Given a €20,000 fine for defamation for a series of articles written about Qatar – Israeli politics. The charges were brought by the Qatari Prime Minister. Appeal was due for September 2008, but the case is still pending.
Saad Al-Ajimi, <i>al-Arabiya</i> Correspondent	<b>June.08</b> Charged with defamation for broadcasting a programme about Al-Qaeda network in Kuwait”. Charges were brought by a cleric Hamid al-Ali. In April, the Kuwaiti Court rejected the charges against the journalist.

# LIBYA

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Libya has succeeded in recent years to break its international isolation. In 2006 the United States State Department removed Libya from its states terrorism list where it had been for 27 years. In October 2007, the country was voted to serve on the United Nations Security Council for two years starting January 2008.

This new international climate raises hopes that the Libyan government engages in a process of national reforms. Although signs of change have been made by the regime, they remain insufficient in regard to the progress the country needs to make to come in line with international democratic standards.

The Libyan Jamahiriyah Broadcasting Corporation is the state broadcaster. As of 2008 there were 7 national newspapers, 18 regional and local newspapers, 8 TV channels and more than 15 national and local radio stations.

The few foreign publications available are thoroughly censored and occasionally prohibited. Until recently the Libyan Government owned and controlled all print and broadcast media.

The press still acts as a mouthpiece for the ruling regime and self-censorship, maintained through a tight web of informants, remains the best protection against prosecution. However, local media report on minor corruption affairs. Highly cautious in state-owned press, the tone is freer in the publications of Libya al Ghad media group.

Small improvement came in 2006 with the opening provided by the internet and satellite television. In January 2006 Saif al-Islam Qaddafi the son of Libyan leader Muammar al-Gaddafi declared that the government was allowing private radio and television stations and printed news publications. The same year, Saif al-Islam Qaddafi's private Media Company *One Nine Media* launched a Radio Station Allibya FM, the first privately owned

media broadcasting station in Libya. The group also launched its own satellite channel, Allibya TV. Also called Libya al Ghad media group, it publishes two newspapers Oea and Cyrene and owns printing house.

As for the internet, online publications have multiplied in recent years publishing a variety of news signed by authors under their real names or pseudonyms.

In June 2008, Libya withdrew its support to the Arab League Charter imposing regulations on Broadcasters in the Arab region. The decision was announced by the General Secretary of the Libyan Journalists Association (LJA), Ashour El Tellisi.

The Libyan Journalists' Association applied for IFJ membership in 2008 and was accepted as an Associate Member in the organisation. The Association counts more than 850 journalists and media workers members and has 20 branches throughout the country. The LJA provides to its members professional training and support.

## Legislation

Speech and press freedoms are legally provided for "within the limits of Public Interest and Principles of the Revolution." Constitution of parties and political activities are still banned by Libyan laws and the 1972 Publications law provides for imprisonment for press offences.

Article 29 of the law prohibits publication of any decisions of the Revolutionary Command Council or the Ministers Council without their authorisations. It also bans publication of [any material that questions the goals or principles of the Revolution, focuses on the negative aspects of any topic or affair while ignoring its positive side in order to tarnish the Jamahiriya].

The same article provides that all offences listed will be punished by imprisonment and a fine of 1000 dinars maximum, these sanctions not excluding harsher ones provided for in the Penal Code.

The LJA works on opening the debate to discuss the reform of the 1972 Publications law, so it encompasses electronic media and provides for press freedom. The Association also works on developing a Code of Ethics for journalists.

## Cases

NAME / MEDIA	FACTS
<p><i>Benghazi Radio:</i> Ahmad al-Maqsabi, Journalist, Ahmad Khalife, Journalist, Khaled Ali, Journalist and Suleiman al-Qaba'ili, Programme Producer</p>	<p><b>November 2008</b> A Libyan citizen, Sharifa al-Sounoussi, made critical comments of the government's policies during the eighties, on a local Benghazi radio programme, "Masa al-Kheir Banghazi" (Good Evening, Benghazi). The following day, the director of the radio channel, Yunouss al-Mojberi, banned the four journalists, from the radio. According to reports, the Benghazi radio station was raided the same day by security forces.</p>

# MOROCCO

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The drift towards raised pressure on the media that marked 2007, persisted this year with targeting of publications and media professionals who crossed the red lines, publishing pieces about security affairs, religion, social taboos or the royal family. Under the press law, journalists can still be jailed. Courts – which have been criticised for their lack of independence – have imposed exorbitant fines on media outlets, jeopardizing their existence

Through nomination powers, the king exerts substantial influence over state-owned broadcasters and the High Authority for Audio-Visual Communication, which issues broadcast licenses. On 9 May 2008, the government suspended the licence of *Al Jazeera's* programme *Magarbi Daily News* – a service that broadcasts news on the Maghreb region from Morocco, on “technical” and “legal” grounds.

The last October 2008 issue of French weekly *L'Express* was banned for an “attack on Islam”,

in an article on Islam and Christianity. Algerian and Tunisian authorities soon followed with similar measures. In February 2009 publisher Nouredine Miftah and editor Maria Moukrim of the *Al-Ayam* newspaper were questioned for gathering story material about the king's mother.

Journalist Hurmatallah who had been given a 7 month jail sentence in 2007 for writing an article on terrorism issues, was only freed in July 2008, after a massive international campaign for his release.

The IFJ supports its affiliated union in Morocco, the Syndicat National de la Presse Marocaine (SNPM), in its campaign to amend the current press code and remove sections that still criminalize journalists.

## Legislation

The 2002 Press Law and the 2003 Anti-Terrorism Law provide for financial penalties



Demonstration organised by civil society organisations on 12 November 2008 -national day of journalism - in Rabat, denouncing government attacks against the press. ©EPA/BELGA/KARIM SELMAOUI

and up to five-year jail sentences on journalists and publishers who libel, defame, criticise the monarchy, Islam or discuss territorial integrity. In these circumstances, article 29 authorises the banning of publications.

The press law provides for up to five years imprisonment and €11,000 fine for causing offence to the royal family. Similar provisions are applicable when the publication attacks Islam,

the monarchy or territorial integrity (Art 41). Defamation of the courts, armies, ministers and national administration, is punishable by one year imprisonment and €11,000 fine (Art 45 and 46). Similar provisions punish defamation of heads of foreign states, prime or foreign affairs ministers.

For further information visit SNPM website: <http://www.snpm.ma>

## Cases

NAME / MEDIA	FACTS
Rachid Niny, <i>Al-Massae</i> Director	<b>30.10.08</b> Rabat appeal court confirmed a March decision that convicted the director for libel and fined him €540,000. Four plaintiff judges took action over an Al-Massae November article suggesting local officials had attended a “gay wedding” in the town of Ksar el Kebir. One month later, in a separate case, the director was fined €52,000 for libel against the President of the Rabat bar association, over an article reporting claims of illegal land acquisitions.
Mohamed Erraji, Blogger <i>Hespress</i>	<b>08.09.08</b> Charged with “disrespect for the king”, the blogger was sentenced by an Agadir tribunal to two years in prison and a fine of €440 after three days pre-trial detention, for writing a critical article about charity policies in the country. The appeal court overturned the decision on 18 September, on procedural grounds.
Younes Aftit, <i>Assabahia</i> Journalist	<b>14.07.08</b> Spanish border guards harassed and assaulted the journalist near the Moroccan border crossing point outside Melilla. Aftit was threatened with a gun while taking photos.
Hassan Rachidi, <i>Al Jazeera</i> Bureau Head in Morocco	<b>11.07.08</b> Fined €4,500 for “broadcasting false information and conspiracy”, under the terms of article 42 of the press code. The case stems from Al Jazeera incorrectly reporting that people had died during protests in the south-western Moroccan port of Sidi Ifni. They later broadcast a correction. The Communication ministry also withdrew Rachidi’s media accreditation.

# PALESTINE

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The conditions for journalism in Palestine have been severely undermined in recent years by political divisions. Hostile actions, including detentions and torture in some cases, have been taken against individual journalists suspected of working for one side or another. This situation intensified when Hamas, after winning the 2006 elections, took control in Gaza, in June 2007. State owned or pro Fatah media were shut down in Gaza continuing to operate from the West bank only, while Hamas-owned TV station Al Aqsa was prevented from broadcasting from the West Bank. Both the Palestinian Authority in the West Bank and the Hamas administration in Gaza have been responsible for targeting and arbitrarily arresting journalists working for 'opposition' media. Journalists have been severely affected by this political schism and the organisation of the Palestine Journalists Syndicate (PJS), which strives to represent all journalists equally, has been destabilised.

In Gaza, the situation reached terrifying levels when Israeli Force launched an invasion of the Strip in December 2008. During the bombing five media workers were killed and up to 15 seriously injured according to PJS

To assess the violations and threats to media workers covering the military conflict in Gaza, a mission of international journalists' leaders from the region and the wider global community of journalists, was organised to the Gaza Strip. Led by the IFJ and the Federation of Arab Journalists (FAJ), the visit was carried out from 22-23 January 2009, immediately after the unilateral ceasefire declared first by Israel and subsequently by the Islamic movement Hamas.

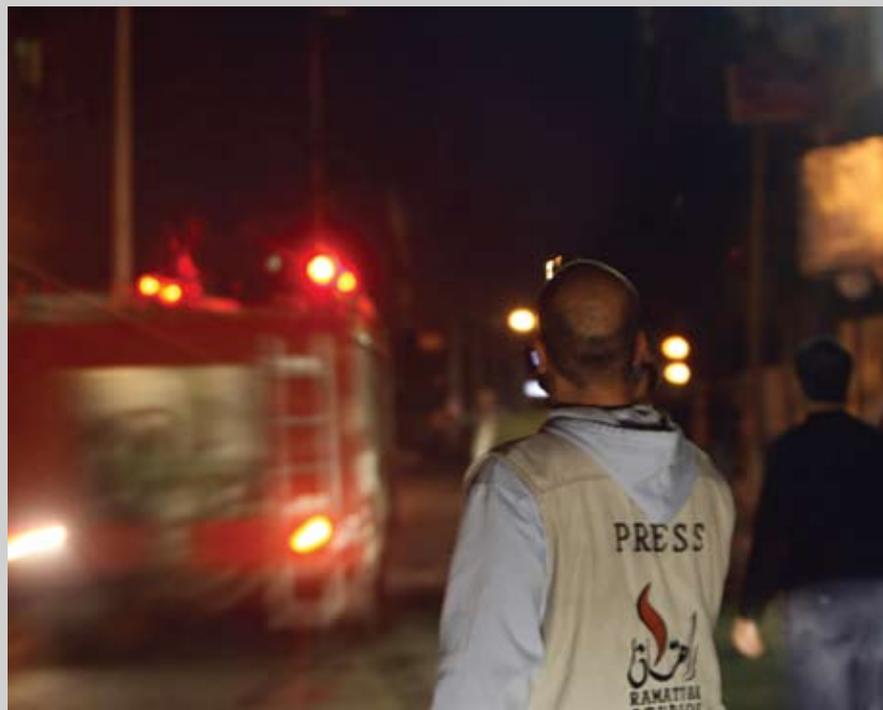
The mission found that media were subjected to intimidation, direct military assault and deliberately prevented from working freely during the 22-day military offensive launched

by Israel. The findings confirm evidence of frequent targeting of media during the operations. Attacks on media by Israeli forces inside Gaza followed the blockade of foreign media which had been partially imposed on November 5 and was made total when hostilities began on 27 December 2008. The ban on foreign journalists was maintained despite an Israeli Supreme Court order of January 2 allowing access to Gaza to a limited number of journalists. Throughout this period there was a lack of safety and basic protection for media workers in Gaza.

Targeting of media included the bombing of the offices of Hamas' TV station al-Aqsa (28 December 2008), of al-Johara Tower, in Al-Rimal neighbourhood in Gaza City, which was hit twice by Israeli aircraft, even though the building was clearly marked as housing media staff (9 January 2009) and the attack on the al-Shuroug Tower in Omar al-Mukhtar Street housing several media groups (15 January 2009).

These actions and the ban on access to Gaza by foreign journalists is further evidence

Palestinian cameraman films a fire truck arriving on a building housing several media offices after it was hit by an Israeli air strike in Gaza City on January 9, 2009. ©MOHAMMED ABED/AFP/BELGA





Palestinian journalists (from L to R) Akram al-Loh, Yussef Fayyad and Hani Ismail leave jail after being released by Hamas on 3 December 2008. ©AFP/BELGA

of concerted efforts by Israel to intimidate, control and manage media. Israeli journalists have been denied access to Gaza since October 2006. For many years, journalists working for Palestinian media in the region have been unable to get access to Israeli-controlled press accreditation which would allow travel between Gaza and the West Bank. They have also been unable to travel to Jerusalem where many of the Palestinian and foreign media offices are based.

The Mission concluded that a full investigation into these violations of international law and unjustified interference in the work of media is required. Israel should be held accountable by the international community for its violations of international law protecting journalists in armed conflicts, including its disregard for the Geneva Conventions and the provisions of UN Security Council Resolution 1738.

The Mission made a series of urgent recommendations for practical humanitarian and professional actions to assist Palestinian journalists. It also proposed fresh measures to encourage solidarity among Palestinian journalists in Gaza and the West Bank and to assist

the PJS, including the establishment of an interim committee which will set the framework for the first elections in more than 10 years and write a constitution for the PJS, and a series of round tables or seminars in Gaza and the West Bank to promote a much needed debate within the Palestinian journalism community on solidarity, unity, and media ethics.

Read the full report: [Justice in the News: A response to Targeting of Media in Gaza](#)

## Legislation

The 1995 Basic Law guarantees freedom of conscience and expression, but there is no Press law or any other specific media related regulations. The laws that govern journalism in the region are still emergency provisions, dating back to the British mandate and superimposed by the Israeli occupation.

The Basic law provides for jail terms for publication of news that “threatens national unity or incites crime, division and steers sectarianism in the community.” In practice, the breakdown of law and order in Palestine makes existing regulation largely irrelevant.

## Cases

NAME / MEDIA	FACTS
As of the end of February 2009, six journalists were believed to be in the Palestinian Authority's custody, arrested in the West Bank. They are Samer Khawireh, Ahmed Bikawi, Tarek Shihab, Iyad Srour, Farid Hammad and Bassam al-Sayeh.	
Sakher Abu El Oun, Head of the PJS Gaza Branch, AFP correspondent	<b>19.03.09</b> The journalist was summoned by the Hamas Security Forces in Gaza and was interrogated on the PJS activities and its relations with the IFJ and the Federation of Arab Journalists (FAJ) before being released. He was summoned again on the 21 March, and both his ID and passport were confiscated with interdiction to travel. Abu El Oun was subject to constant pressures in recent months and arrested in November on his way to Egypt.
Isam Al Remawi, Wafa News Agency Cameraman	<b>26.01.09</b> The cameraman was arrested in the WB at his office by the Preventive Security Services who interrogated him for five days and detained him a further nine days before releasing him on 10 February. The IFJ learned that Isam was beaten and manhandled during his interrogation by officials who questioned him about his work and to whom he supplies photographs to.
Khadir Shahin, <i>Al-Alam TV</i> Journalist Mohammed Sarhan, <i>Al-Alam TV</i> Producer	<b>05.01.09</b> The two Palestinian journalists were charged by Israeli prosecutors for broadcasting information on the deployment of Israeli soldiers into Gaza without clearance from Israeli censor authorities.
Yasri Al Jamal, <i>Reuters</i> , Photographer	<b>02.01.09</b> The photographer was arrested and beaten up close to Hebron, in the village of Beit Amr, by Israeli soldiers. He was taken to the hospital consequently; all his equipment was destroyed.
Aala Salama, <i>Sawt Al Quds Radio</i> , Correspondent	<b>30.11.08</b> Police forces in the south of the Gaza strip attacked and arrested the correspondent, after he had covered the Haj, the Muslim pilgrimage. He was reportedly tortured during detention.
Akram Al-Loh, Journalist, <i>Al Hayat Al Jadida</i> , Yusef Fayyad, Journalist, <i>Al Hayat Al Jadida</i> , Hani Ismail, Freelance	<b>12.10.08</b> The three journalists working for media close to the Fatah party were detained in Gaza by Hamas and only released on 3 December 2008.
Fouad Jarada, <i>Palestine TV</i>	<b>26.07.08</b> Security forces in the Gaza strip arrested the journalist in his home in Tell Al Hawa, and detained him in Al Mechtel prison. He was released after 20 days without being charged or the reasons of his arrest being revealed.
Souah Abu Seif, Cameraman Assistant, <i>ARD TV</i>	<b>26.07.08</b> Security forces in Gaza arrested the cameraman assistant working for the German TV ARD, in his home in Tell Al Hawa. On 30th of July, ARD closed its offices in Gaza in protest against interference in media matters by local authorities. Abu Youcef was released on the 31 July after 6 days in detention during which he was interrogated.
Mohamed Nembr Bakr Kanita, Freelance Journalist	<b>25.07.08</b> The journalist was arrested in Gaza and detained till 12 August 2008, without any charges brought against him. The IFJ has learned that the journalist was tortured during his detention. Kanita had already been arrested earlier in February by the police in Gaza on his way to the Egyptian Embassy.
Wael Issam, <i>Al Arabiya</i> Reporter	<b>02.07.09</b> The journalist was expelled from Gaza, through Rafah border. According to <i>Al Arabiya</i> a group of police agents went to the hotel and asked the journalist to leave the strip immediately and threatened him with reprisals if he stayed. The office of <i>Al Arabiya</i> had been bombed in January 2007 by a Palestinian militia.
Mohamed Al Moghair, Freelance Journalist	<b>16.06.08</b> The 24 year old journalist was arrested by Israeli Intelligence agents, during his crossing of Al Karama bridge between Jordan and Palestine. Israeli agents forced him to remove all his clothes in verification proceedings. He was then interrogated about the trip he had taken to Europe and was beaten up until he lost conscience and was taken to Ramallah hospital. He was able to travel home to Gaza, after the intervention of the Dutch Embassy. Moghair who works for several foreign media, was travelling back from London where he was awarded the Martha Gelhorn journalism prize.

# SOMALIA

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Attacks against journalists were persistent throughout the country, one of the most dangerous for journalists in the Arab world. News media in Somalia are operating in an extremely adverse environment that empowers warlords, fundamentalists, self-styled regional administrations and transitional federal government to attack and perpetrate crimes with impunity.

Publishing or broadcasting any news report, fact, point of information or opinion is dangerous. Fundamentalists accused journalists and their media houses of being traitors, while the government accused them of spreading lies and undermining the peace process and national reconciliation. Regional authorities attacked journalists on unsubstantiated reporting and defamation grounds, while other opposing factions blamed the media for not giving them enough coverage.

Journalists were caught in an iron grip between the different parties to the conflict in the country. Repressive practices against journalists intensified and diversified. As a country torn by armed conflict, journalists were victim of various attacks that went with total impunity. These include arbitrary detentions, kidnappings and killing of journalists, two of which were targeted and died in 2008.

## Legislation

Repressive laws are issued by different authorities and include a set of media laws, a 1960 penal code and an anti-terrorism law. However, given the political context, there is no nationwide enforcement of law in Somalia and media are routinely attacked without any legal justification.

In December, 2007, the Transitional Federal Government of Somalia (TFG), whose authority is mainly effective in southern and central regions, passed a media law that restricts press freedom. The law introduced manifold restric-

tions aiming at controlling and paralysing the media. Vaguely worded articles or repressive ones provide for heavy fines for press offences, restrictions on who can be a journalist and on media licensing, facilitating broad interference by the Ministry of Information in media matters.

TFG also passed anti-terrorism law it uses to stifle freedom of expression, particularly the coverage of opposition groups based in Eritrea and the journalistic travels to Asmara are deemed as acts promoting terrorism. Mohammed Shidane Daban, a journalist working with Banadir Radio, was arrested on January 4 at Mogadishu's airport as he was coming back from Asmara and was charged under this terrorism law.

Puntland Regional State of Somalia, which mainly controls north-eastern regions of the country, passed security law in April 2006 that curbs media freedom as police and armed forces use it to challenge media independence.

In Somaliland, there is current Media Bill, which undermines internationally accepted standards of freedom of expression. The new bill increases the powers of the Ministry of Information to control the media. It also gives the Minister of Information powers to suspend media organisations, arrest journalists and take over ownership of media organisations. The bill

Press freedom organising against targeting of the media in Somalia, 2008. ©NUSOJ



also empowers the Minister of Information to intervene in the managerial, financial and editorial systems of the media outlets.

According to law, a journalist is anyone that holds a press card issued by the Ministry of Information. The Ministry can withdraw the

press card. Journalists working with local media and international media cannot carry out professional assignments without the permission of the Ministry of Information.

For further information visit NUSOJ website: <http://www.nusoj.org>

## Cases

NAME / MEDIA	FACTS
Jama Ayanle Feyte, Online Journalist	<b>30.03.09</b> Bari regional court in Bossasso (North East) condemned the journalist to two years imprisonment for libel and insult about Puntland leaders and dissemination of false information in Somali news websites of Dayniile.com and lasqoray.com. Ayanle, who was arrested on 26 March, was not allowed to have a solicitor. He has appealed.
Mohamad Abdi Guled, <i>Yool Weekly</i> , Editor	<b>17.03.09</b> the Hargeisa regional court sentenced the editor to a five-month prison term for publishing without license to do so and "spreading lies". The editor was arrested on 26 February and accused for writing an article published in the newspaper two days earlier, which reported on plans to assassinate a number of Somaliland political leaders. Abdi Guled was released on bail on 20 March.
Hilal Sheik Shuayb, <i>Warsan</i> Radio	<b>25.11.08</b> The director was arrested in Baidoa, (South-west) by TFG police on order of the regional governorate. The journalist was accused of airing live the ruling of a Baidoa court judge who sentenced a TFG soldier to be executed after the soldier was found guilty of killing a police commander. Following the ruling, the soldier was executed on 25 November. Shuayb was released on 29th November.
Hassan Mohamad Jama, <i>Galkayo</i> Radio, Director	<b>16.11.08</b> The director was arrested in the radio studios which were raided by Puntland police forces in the Mudug region. The radio was shut down, reportedly by order of the President of Puntland, following news reporting aired by the radio on the president's visit to Galkayo and his alleged weapon shipment to be commissioned in the city. The radio resumed operations after two days while the journalist was released by Galkayo court after five days.
Hadis Mohamad Hadis, Freelance	<b>03.11.08</b> The journalist was arrested at Igal International Airport in Hargeisa by officers from Somaliland's Criminal Investigations Department (CID). The arrest came after local residents witnessed and reported on Hadis filming two bombings in the city on 29 October. Hadis was released after two weeks detention with no trial.
Abdiqani Ismail Goh, <i>Radio Las Anod</i> , Journalist	<b>17.09.08</b> the journalist was arrested after the head of the Somali Red Crescent (SRC) in Las Anod, submitted a complaint to police against him regarding a news report on SRC's food distribution that the journalist posted on the Internet. Abdiqani was released on 22 September without trial. In May, he was summoned to Las Anod police station for questioning after he was accused of disseminating information against the Somaliland government and the administration in Las Anod. Since then, he has been followed by the police, according to him and fellow journalists.
<i>Las Anod Radio</i> : Abdiasis Ahmed Suleyman, Journalist and Mohamed Ali Elmi, Journalist	<b>05.09.08</b> Somaliland police in Las Anod arrested the two journalists, for their criticism of the Somaliland administration's policies in Las Anod. The two journalists were both held at a police station for six days without being taken before a court.
Ahmed Jeylani, <i>Radio Voice of Holy Kuran</i> , Journalist	<b>22.08.08</b> The government police arrested the journalist in the Bondhere district of Mogadishu. He was detained overnight and released without any explanation.
Mohamad Mahmud, <i>Radio Daljir</i>	<b>17.08.08</b> The journalist was summoned to the Central Police Station of Bari, Puntland, for the radio coverage of the election campaign of Mr. Nuradin Adan Diriye, a presidential candidate in Puntland Regional State. Head of Police said the journalist and the radio station breached a presidential decree prohibiting coverage of presidential campaigns until 1 November, and therefore was detained for 2 days.
Abdulkadir Mohamad Nunow, Director <i>Horseed Radio</i>	<b>25.06.08</b> The director was arrested in the premises of the radio station, by Puntland soldiers. Arrest order came from Puntland Ministry for Security Affairs, reportedly for a news report aired on 23 June, exposing the situation of people kidnapped from Puntland and held in a Somaliland controlled region. The journalist was held overnight without being charged.

## SUDAN

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The peace agreement that ended the civil war between North and South in 2005 and the Interim Constitution adopted the same year provide for freedom of the press.

The country has a diverse media landscape, counting a dozen national dailies in English and Arabic, and a large number of radio stations, public and private. Although broadcasting is subject to tight monitoring by the authorities, international and opposition stations work and broadcast in Sudan. In the southern region, semi-independent, the poor infrastructure limits media activity.

The past year, however, witnessed increasing pressures exerted on the media, caught in a web of political conflicts. The government used its powers to establish among the press, the practice of sending newspaper

stories to the censor before publication. Censorship also materialized in last-minute raids on newspapers or their printing houses, suspension and banning of publications.

In April 2008, The Sudanese Journalists' Union (SJU), an IFJ affiliate, held a meeting with 27 newspaper editors and officers from the security services responsible for media. The meeting agreed to end the practice of sending material to the censor before publication. The newspapers also agreed to adhere to the media code of conduct and to further discussions on how to protect press freedom and responsible journalism.

However, pressures on the media continued. In June 2008, security forces raided a Khartoum printing press and ordered the suppression of an entire page of *Ajras*



Sudanese men read news in the absence of ten political newspapers in Khartoum on November 18, 2008. © AFP BELGA PHOTO/ASHRAF SHAZLY

*Al-Huriyya* day's issue. In September, the National Press and Publications Council suspended two English-language dailies, the Citizen and the Sudan Tribune, for 27 and 4 days respectively. Suspension was ordered for "administrative irregularities".

In November, more than 60 journalists from different media organisations in Khartoum rallied outside the parliament and staged a hunger strike to protest widespread government censorship. Newspapers including *Ajras Al-Hurriya*, *Al-Maidan* and *Royal Al-Shab* stopped publishing in support of the protest. Following demonstrations, tens of journalists were arrested for several hours.

Established in 1946 and counting over 2500 members inside Sudan and abroad, the Sudanese Journalists' Union joined the IFJ in 2007, as a full member. The union campaigns for more press freedom and against the imprisonment of journalists in the country. It has been instrumental in raising awareness on the need to respect ethical journalism standards and media independence in Sudan.

## Legislation

The 2004 Press and Publications law provides for freedom of press and expression. The law has established the Sudanese Press Council which is responsible of national media policies and acts as a regulatory body. The Council counts 21 members, 9 of which are members of the SUJ.

In the beginning of 2008, the SUJ addressed the Justice Ministry to make article 130 of the Penal Code not applicable for press offences. In a positive move, the Ministry answered it will take action for the article to be removed from the law. Article 130 of the Penal Code allows for newspapers closure and jailing of journalists.

Early 2009, the SUJ presented a draft for the amendment of the 2004 Press and Publications law, in the framework of the legal and constitutional changes brought in the country after the signature of the Peace Agreement. The draft law is currently subject to a national consultation with working groups including journalists and Parliament representatives.

## Cases

NAME / MEDIA	FACTS
Nhial Bol, <i>The Citizen</i> , Editor	<b>10.10.08</b> The editor was arrested in Juba (capital of the southern region). He was held for three days during which he was interrogated on his recent article exposing corruption in the Justice Ministry. The editor was released on 12 October. No charges were formally brought against him.
Hussein Khogali, <i>Alwan</i> , Editor	<b>14 .05.08</b> National Intelligence agents raided the printing house for Alwan and closed its offices indefinitely. Charges were brought against its newspaper's editor, for "attacking state security", and "publishing classified military information.

# TUNISIA

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The government continues to control media licensing and allocation of public advertising to reduce pluralism and development of independent media in the country. Attacks against the media included the harassment of journalists and media outlets, job terminations, threats to employment in independent media or opposition party mouthpieces, office raids, confiscation of equipment, blocking of internet sites and mail, brief arrests and prison sentences.

In October 2008 the Ministry of Interior seized the weekly newspaper *Mouwatinoun*. The shut-down came after Neziha Rejiba, editor of the online magazine *Kalima*, wrote in *Mouwatinoun* about the destruction of *Kalima* and accused Tunisian authorities of being behind the attack. Multiple news sites have been shut down, disabled by hackers, or blocked including the IFJ's. Another newspaper, *Al Tariq Al Jadid*, mouth piece of the opposition party Al Tajdid was seized on two occasions, the latest on 27 March 2009 when issue no. 121 was banned from distribution in the country for four days.

The IFJ has joined with other press groups in the Tunisian Monitoring Group to protest the hacking and destruction of *Kalima* website on October 14 and the harassment

of *Kalima*, CNLT and OLPEC representatives and has called on Frank La Rue, the new UN Special Rapporteur on freedom of expression, to monitor the situation and visit Tunisia. In January 2009, police sealed off the area where radio *Kalima* is located and denied access to the station for several days. The siege occurred as the radio started airing its programmes by satellite.

In February, the Appeal court of Gafsa (South) upheld a six-year jail sentence given in December 2008 to Fahem Boukadous, of the satellite TV station *el Hiwar el Tounissi*. Boukadous had been arrested filming workers' protests in the region of Gafsa, and was convicted of "participating in riots and attacking state property." Boukadous is now hiding from the authorities.

The Syndicat National des Journalistes Tunisiens (SNJT) was launched in January 2008 following the dissolution of the Association des Journalistes Tunisiens and its re-launch as trade union. It has since proved its commitment to journalists' rights, through its defence of striking journalists, initiatives to launch a national collective agreement and the launch of its press freedom report on 3 May 2008 that criticised failings in the Tunisian media.

In January it successfully backed Tunisian Journalists striking at the State TV and Radio Companies in their demand for secure employment and better working conditions. After a weeklong sit-in the management of Tunisian State radio television agreed to normalise the situation of some 420 employees, including 70 journalists.

## Legislation

Article 48 of the Press law provides for up to five years imprisonment and a fine of between

Tunisian journalists take part in a demonstration of support with the people and media of Gaza in Tunis, 01 January 2009. © EPA/BELGA/STRINGER



1.000 and 2.000 dinars for defaming the president of the Republic through any media listed in article 42 of the same law.

law, a law that is, in addition, no longer adapted to changes occurring in journalism work and new media technologies.

In its 2008 Press Freedom report, the SNJT criticised the repressive content of the Press

For further information visit SNJT website: <http://www.snjt.org>

## Cases

NAME / MEDIA	FACTS
Lotfi Al Hajji, <i>Al Jazeera Net</i> , Reporter	<b>14.03.09</b> The journalist was harassed by Security and Political police agents who stopped him in Bizerte and prevented him from going to Tunis to attend a seminar around "The role of press freedom in fostering human rights". His car papers were confiscated and he was forced to go back to Bizerte.
Badr Assalam Al Trabelsi, <i>El Hiwar el Tounissi TV</i>	<b>05.02.09</b> The reporter was arrested, searched and detained in a security area. Al Trabelsi was on his way to cover a seminar held in the headquarters of the opposition Progressive Democratic Party (PDP).
Fahem Boukadous Activist, <i>El Hiwar el Tounissi TV</i>	<b>04.02.09</b> The Appeal court of Gafsa (South) upheld a six-year jail sentence given in December 2008 to the political activist, for filming workers' protests in the region of Gafsa. Condemned in absentia, the reporter was convicted of "participating to riots and attacking state property." Given the media ban maintained by the authorities in the region of Gafsa, Boukadous took to report on events in the region, and was condemned for his reporting.
<i>Radio Kalima</i> : Dhafer Otay, Coordinator and Faten Al Hamdi, Journalist	<b>27.01.09</b> Coordinator of <i>Kalima</i> , Otay was arrested as he was returning from a short break by security forces who detained him all day. The radio offices were shut down, its media material and outputs confiscated and its staff arrested and harassed.
Neziha Rejiba, <i>Kalima Online Magazine</i> , Editor	<b>27.10.08</b> Rejiba was summoned to appear before a public prosecutor for an article published in <i>Mouwatinoun</i> about the destruction of <i>Kalima</i> website and holding Tunisian authorities responsible for the attack.
Amina Jabloun, <i>El Hiwar el Tounissi TV</i> , Journalist	<b>09.11.08</b> The journalist was arrested by security agents and arrested for an hour and a half in the town of Hammam Al Ghazaz.
Ayman Arrazki, Reporter, <i>El Hiwar el Tounissi TV</i>	<b>30.09.08</b> A frequent target of harassment by police agents, the reporter was threatened and physically manhandled.
Slim Boukhdar, <i>Al Arabiya</i> Correspondent, Human Rights Activist	<b>20.09.08</b> Since his release from jail in July 2008 (where he served 8 months) Slim continues to face intimidation, threats, verbal and physical attacks. He was reportedly temporarily abducted on 20 September by plainclothes agents in Sfax.

## UNITED ARAB EMIRATES

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In the Emirates, new communication technologies, have provided a greater choice to people to access a variety of media. Margins of freedom in reporting on social, economic and political issues are on the increase. In recent years, the emirate of Dubai has emerged as a media hub for the region, in traditional media, broadcasting sector and new media technologies. The country boasts the only electronic media law in the region.

An important step towards more press freedom was taken in September 2007, when a decree was issued by United Arab Emirates Prime Minister, Mohammad Bin Rashid Al Maktoom. The decree provided that journalists should not be jailed for their work, setting a precedent for the decriminalisation of media law in the region.

However, the media law has not yet been amended and concerns arose about the proposed text. According to media reports, a draft of a Law on Media Activities approved on 20

January 2009 by the Federal National Council contained a series of articles restricting press freedom. If endorsed by the President of the United Arab Emirates, Sheikh Khalifa bin Zayed bin Sultan Al Nahyan, the law would be a serious blow to freedom of the press. The UAE Journalists' Association, an IFJ affiliate, is engaged in negotiations with the National Media Council in the country to reform the Press and Publication law.

In February 2009, the UAE-JA hosted in Dubai the launch of the IFJ-Ethical Journalism Initiative (EJI) in the MENA region. The EJI is a campaign that fosters ethics and higher quality journalism around the world. Journalists' unions, media organisations from the region, as well as specialists from the media community worldwide participated in this conference that focused on a range of issues including: Building Democracy through truth, independence and media responsibility, The Challenge of Pluralism and Diversity, Ethics in Times of



MENA IFJ affiliates, at the Ethical Journalism Initiative launch in Dubai, 9 February 2009. ©UAE-JA

War and Building the Peace and Editorial Independence and Fighting Corruption.

## Legislation

Article 30 of the Constitution guarantees freedom of speech and press, but a range of legal provisions restrict these rights. The 1980 Press and Publications Law provides for prosecution under the Penal Code for listed categories of offences: criticism of the government and ruling families, statements that endanger public order, etc.

In January 2006 the government passed the Information and Privacy “cyber crime” law, which provides fines and prison terms for common “cyber crimes” (hacking, financial fraud, etc.) but also contains penalties for Internet users who oppose Islam, insult any religion or its rituals, or broadcast immoral material or private items in breach of public decency.

For further information visit UAE Journalists Association website:

<http://www.uaejournal.org.ae>

## Cases

NAME / MEDIA	FACTS
Sami Al-Alraymi, <i>Al Emirate Al Yaoum</i> , Editor-in-Chief Abdellatif Alsayegh, Arab Media Group, CEO	<b>18.11.08</b> The Emirati Court of Appeals suspended the newspaper and fined both journalists €4,400 each for defamation. The case concerned a report published by <i>Al Yaoum</i> in 2005 on doping of race horses at the Emirates-based Warsan Stables which subsequently brought the lawsuit against the newspaper. The two journalists have appealed against the ruling before the Supreme Court.

# YEMEN

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In 2008, media reports in Yemen listed around 250 cases of attacks against press freedom including physical attacks, kidnappings, prosecutions, threats, banning from covering news or access to information, denial of media accreditations and blocking of websites.

The authorities continued to use the war in the northern region of Saada to impose censorship. Journalists have been tried and sentenced for reporting on political and social issues or writing articles critical of the authorities. The government employed other means, such as manipulation of courts, to intimidate media.

On 21 July 2008, Willem Marx, a British reporter working for HDTV who was traveling in the north of Yemen, was arrested and expelled from the country the same day. Marx had reportedly obtained authorization to film. His two fixers, Ali Nasser al-Bokhaiti and Mohammed al-Bokhaiti, were arrested.

On 26 January 2009, the Sanaa Appeal Court confirmed the conviction of the award winning journalist Al Khaiwani for “dissemination of anti-government propaganda”. Al Khaiwani, former editor of the online magazine Al-Shoura, won the Amnesty International 2008 “Special Award for Human Rights Journalism Under Threat” following his arrest and detention for allegedly conspiring with Al-Houthi rebels fighting the Yemeni government in 2007. He was sentenced on 9 June 2008 to six years in prison on charges of “terrorism.” On 30 June, the IFJ Launched a Campaign for Justice for Al Khaiwani. The IFJ called for the case to be reviewed and allegations against him to be substantiated by evidence that can be tested in open court. Al Khaiwani was pardoned by the Yemeni President Ali Abdallah Saleh in September 2008, after a worldwide solidarity campaign for his release. The January 2009 ruling came as a shock and a warning from the authorities to Al Khaiwani that he could be rearrested anytime. Responding to

a call made by the IFJ President Jim Boumelha, President Saleh announced on 14 March 2009, during the YJS congress, that the case would be closed and Al Khaiwani allowed to work freely as a journalist.

Despite these violations, Yemen has a broad range of printed media representing different political factions in the country. The Yemeni Journalists' Syndicate (YJS), an IFJ affiliate, reflects this diversity. The union, that represents journalists working in Yemen and defends their rights, has strongly condemned recent government policies and abuses against the press and provided for legal assistance when needed. The YJS held elections to renew its leadership in March 2009.

## Legislation

The constitution provides for freedom of speech and of the press “within the limits of the law”.

The 1990 Press and Publication Law criminalises criticism of the “head of state” and the “goals of the Yemeni Revolution”, as well as publication of “false information” that may spread “chaos and confusion in the country”. Article 103 of the press law bans publication of anything “harming the Islamic faith or denigrating a monotheistic religion”.

For further information visit YJS website:  
<http://www.yemenjournalist.org>



Yemeni journalist Abdul-Karim al-Khaiwani receiving the Special Award for Human Rights Journalism Under Threat in Sanaa on 16 March 2009. ©Yemen News Agency (SABA)

## Cases

NAME / MEDIA	FACTS
Abdul Karim Al-Khaiwani, <i>Al-Shura</i> Editor	<b>26.01.09</b> Sanaa Appeal Court upheld the editor's condemnation 9 June 2008 to six years in prison on charges of "terrorism", despite the pardon granted by the Yemeni President in September 2008. The case stem from contacts Al Khaiwani had made and photographs he had obtained of a region that has been the stage of fighting between the government and al-Houthi's group.
Willem Marx, <i>HDTV</i> , Reporter, Ali Al-Bokhaiti, Fixer Mohamed Al Bokhaiti, Fixer	<b>21.07.08</b> The British reporter working for HDTV, was traveling through the northern region when he was arrested and expelled from the country the same day. Marx had reportedly obtained authorization to film in the country. His two fixers, Ali Nasser al-Bokhaiti and Mohammed al-Bokhaiti, were arrested.
Sabri Ben Makhashen, <i>Al Muharrer Weekly</i> , Editor	<b>12.06.08</b> The editor was reportedly the target of a murder attempt in Hadramout, which caused him injuries to his legs. On 1 July, he was assaulted by security forces while covering a story, and consequently taken to hospital. On the 16th, he was transferred from the hospital to prison; The editor was released on the 20th after 5 days of hunger strike. On 5 August, the offices of the newspaper were ransacked.





# STOP JAILING JOURNALISTS

Algeria: Syndicat National des Journalistes Bahrain: Bahrain Journalists' Association Iran: Association of Iranian Journalists  
Iraq: Iraqi Union of Journalists Iraq: Kurdistan Journalists' Union Jordan: Jordan Press Association Kuwait: Kuwait  
Journalists' Association Morocco: Syndicat National de la Presse Marocaine Palestine: Palestinian Journalists Syndicate  
Somalia: National Union of Somali Journalists Sudan: Sudanese Journalists' Union Tunisia: Syndicat National des Journalistes  
Tunisiens United Arab Emirates: Journalists Association — United Arab Emirates Yemen: Yemen Journalists Syndicate



**The International Federation of Journalists (IFJ)** is a non-governmental, non-profit organisation that promotes coordinated international action to defend press freedom and social justice through the development of strong, free and independent trade unions of journalists. The IFJ mandate covers both professional and industrial interests of journalists.