



2006 Annual Report

EUROPE AND THE FORMER SOVIET BLOC

GAP WIDENS BETWEEN GOOD PERFORMERS AND BAD

Press freedom generally deteriorated in this region in 2005, with five journalists murdered because of their work (up from two the previous year) and growing repression in several former Soviet bloc countries. Some rulers resorted to the old methods in their efforts to silence all dissidence and working conditions for journalists worsened in Uzbekistan, Belarus, Russia and Azerbaijan, whose governments took steps to ward off the kind of uprisings seen in Georgia (2003), Ukraine (2004) and Kyrgyzstan (2005).

The gloomy picture was lightened by Ukraine, where President Victor Yushchenko took office in January and seemed more in favour of press freedom than his predecessor Leonid Kuchma. The killers of journalist Georgy Gongadze, murdered in 2000, were identified and due to be tried early in 2006, but those who ordered his execution remain to be arrested and punished.

Belarusian President Alexander Lukashenko worked to shut down his country's few independent newspapers as the March 2006 presidential election approached, crippling them with huge fines and blocking printing and distribution. Several key papers in the capital, such as *BG Delovaya Gazeta*, were doomed. Journalists, especially those from the Polish minority, who reported on opposition demonstrations were tried and imprisoned.

Violence against journalists in Russia was frequent and impunity prevailed in a country where news is still closely controlled by the government. Two journalists were killed and a third escaped being murdered in 2005. More than a year after the death of editor Paul Khlebnikov of the Russian edition of the US magazine *Forbes*, the authorities closed their investigation and said Chechen independence militant Kozh-Akhmed Nukhayev had ordered the killing. The government steadily took control of all the country's TV stations and stepped up pressure on the few independent papers, seriously threatening news diversity. Chechnya remained a void for news and journalists could not go there freely.

Repression of independent journalists became routine in Uzbekistan after the bloody uprising in Andijan in May 2005. President Islam Karimov's witch-hunt featured the arbitrary arrest of three opposition journalists and a broad government drive to discredit journalists. Foreign media were accused of fomenting the rebellion and some, such as the international press freedom group *Internews*, *BBC TV* and *Radio Free Europe/Radio Liberty*, were forced to close their Tashkent offices.

These media working conditions moved closer to the situation for journalists in Turkmenistan, where President Saparmurad Nyazov has abolished freedom of expression and installed total censorship. State media employees there are banned from having contact with foreigners and a privately-owned press does not exist. Foreign journalists were virtually banned from the country and some appeared to be on a "black list."

Press freedom sharply declined in Azerbaijan, where the murder of independent journalist Elmar Husseyinov in March 2005 illustrated the violence and threats faced by the media. Another journalist died in June, six months after police beat him up. Attacks on press freedom increased before, during and after the 6 November parliamentary elections.

MORE EFFORT NEEDED IN WESTERN EUROPE

Police in European Union (EU) countries, especially France, Italy, Belgium and Poland, were busy in 2005 searching journalists' homes and demanding they reveal their sources of information. The European Court of Human Rights considers privacy of sources a cornerstone of press freedom, but several member-states stepped up their violations of this key to independent investigative journalism.

Violence against journalists remains rare in EU countries, but in France, nine were physically attacked or threatened in 2005 during a trade union dispute in Corsica and during the nationwide urban riots in November. News diversity in Italy was still being undermined by prime minister and broadcasting mogul Silvio Berlusconi's conflict of interests (he controls the public media and much of privately-owned broadcasting) but the situation was unique in the EU.

The countries that joined the EU in 2004 have made impressive advances in press freedom. The Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Slovakia and Slovenia are havens of freedom

of expression along with northern European countries. The only blot was in Poland, where a journalist could still be heavily fined, as one was in 2005, for writings deemed to offend the pope.

Serious threats to press freedom persist in the Balkans and the rest of Eastern Europe and laws in Croatia, Romania and Bulgaria (which will all join the EU in 2007) remained well below European standards. Violence against journalists has not entirely disappeared in these regions and one was murdered in Kosovo, four threatened with death in Serbia-Montenegro and one physically attacked in Albania.

Turkey, which also hopes to join the EU, amended many of its laws but some in fact increased restrictions on journalists. The vagueness of several articles of the new criminal code that came into force on 1 June 2005 left the way open to unjustified prosecutions and very wide interpretation by judges. Press freedom violations were much fewer during the year but self-censorship remained strong and some tricky topics, such as Kurdish and Armenian affairs, continued to cause legal problems for journalists who reported on them.

Europe desk

ALBANIA

Self-censorship, difficult access to supposedly-public information and politically-inspired distribution of government advertising are the main obstacles to growth of a genuinely free media. Defaming government officials still carries a two-

year prison sentence. The poor relationship between politicians and the media in recent years was shown by the physical attack by the mayor of Korca on a journalist from a major TV station on 26 June 2005.

AZERBAIJAN

The sharp rise in violence against journalists included the murder of editor Elmar Husseyinov in March 2005.

Elmar Husseyinov, editor of the opposition weekly *Monitor*, was shot dead on his way home from work on 2 March. The country has no broadcast media diversity and the written press is fiercely divided between opposition and government mouthpieces.

Police physically attacked 26 journalists in the run-up to parliamentary elections in November, beating up 14 during a demonstration by the Azadlig opposition coalition in Baku on 9 October despite their having press badges. Two were seriously injured and hospitalised. A dozen more were beaten during a 26 November opposition protest against electoral fraud and calling for the government's resignation.

Photojournalist Alim Kazimli, of the main opposition daily *Yeni Musavat*, died of a brain haemorrhage in June as a result of a beating by police in Baku on 28 December 2004.

The authorities continue to directly and indirectly pressure independent media by restricting access to supposedly public information, obstructing newspaper printing, distribution and advertising and by excessive use of libel actions and huge fines.

The country's press law is still way below European standards and journalists face up to three years in prison for defamation (article 147.2 of the criminal code) and up to six for "insulting the reputation and dignity" of the president (article 148).

BELARUS

The government keeps a tight grip on the state media in this former Soviet republic shunned by the international community and persecutes the few independent outlets that fight to survive.

Seventeen journalists from the country's Polish minority were arrested over three months in 2005 and two of them were given jail sentences for "taking part in an illegal demonstration" while covering a protest by small business owners for an opposition website.

The regime is increasing its pressure on the independent media as the July 2006 presidential election approaches.

The only independent daily, *Narodnaya Volya*, already crippled by fines from losing libel suits, had its accounts frozen on 20 September. Minsk city authorities seized all copies of the weekly *Den* in August and then forced it to close by striking its publishers, Denpress, off the official register of publications. The country's main independent paper, the twice-weekly *BG Delovaya Gazeta*, was being financially strangled with enormous fines imposed in libel cases.

With all opposition papers now forced to print in neighbouring Russia, the monopoly state post office, Belposhta, said it would stop handling subscriber copies of a dozen independent papers from 1 January 2006, ensuring their probable closure.

Vassili Grodnikov, of *Narodnaya Volya*, was found dead in his apartment in a Minsk suburb on 18 October with mysterious head injuries. He had been investigating gangs involved in swindling elderly apartment tenants.

Official investigators into the death of journalist Veronika Cherkasova, of the weekly *Solidarnost*, at her home on 20 October 2004, still insisted it was probably a love or family murder, even though just before she was killed, she was investigating arms sales by Belarusian officials to Iraqi President Saddam Hussein when he was in power.

The enquiry into the July 2000 disappearance of cameraman Dmitri Zavadski, of the Russian TV station *ORT*, possibly involving top government officials, is still making no progress.

CYPRUS

Press freedom improved in 2005 but obstacles to the free flow of news between the northern and southern parts of the island still weigh heavily on journalists and their work. One example was the refusal of the Greek-

dominated Republic of Cyprus, which joined the European Union in May 2004, to allow journalists working in the Turkish Republic of Northern Cyprus who wanted to cover a football match in the south.

DENMARK

Denmark has one of the world's best records for press freedom and came first in the Reporters Without Borders worldwide index in 2005. This freedom extended to the September 2005 publication by the country's biggest daily paper, *Jyllands Posten*, of cartoons of the Prophet Mohammed, setting off strong reaction in the local Muslim community and, in early 2006, in majority Muslim countries, where depicting Mohammed is forbidden.

A paper in Egypt reprinted the cartoons without penalty however in October. But two *Jyllands Posten* cartoonists received death threats that month. Editor Carsten Juste hired security guards to protect them and they were forced to go into temporary hiding.

The cartoons row had unexpectedly big consequences – a major crisis between Denmark and the Arab/Muslim world in 2006 and stormy debates in Europe about freedom of expression.

FRANCE

The right to keep journalistic sources private, the key to freedom of expression, was at the centre of discussion in 2005.

Judges ordered searches of the main offices of the magazine *Le Point* and the daily papers *L'Equipe*, *Berry Républicain* and *Le Parisien* and eight journalists were asked by police to disclose their sources of information. Five were charged with involvement in publishing legally confidential material about a case of alleged drug use by the European cycling team Cofidis.

Reporters Without Borders, the French Federation of News Agencies (FFAP) and the Right to Information group met a senior justice ministry official, Laurent Le Mesle, on 28 January and gave him a memorandum seeking to strengthen the right to protect sources for investigative journalists.

Two cameramen for TV stations *France 2* et *France 3* and *Agence France-Presse* photographer Olivier Laban-Mattei were roughed up in late September

after violent demonstrations in the Corsican city of Bastia against the privatisation of the Corsican ferry company SNCM. Jean-Marc Plantade, head of the economics desk at *Le Parisien*, received telephoned death threats after the paper ran an article on 17 October saying SNCM employees were stealing the proceeds of on-board sales.

At least five French and foreign journalists were physically attacked while covering urban riots at the end of the year. A *France 2* team was set upon in the Paris suburb of Aulnay-sous-Bois on the night of 2-3 November by dozens of youths who forced the journalists out of their car, which they then overturned and set fire to.

*France 3*TV reporter Mady Diawara was hit in the face by a stone while filming the end of Ramadan in the Paris suburb of Montfermeil on 4 November. The next day, a reporter for the state-owned South Korean TV station *KBS*, Mihye Kim, was attacked by five youths in Aubervilliers, near Paris, while interviewing local people near a warehouse that had been burned down the day before.

ITALY

The independence of the country's media is threatened, uniquely in Europe, by the fact that the prime minister, Silvio Berlusconi, owns the three main privately-owned TV stations, through the broadcasting company Mediaset, and indirectly controls the three *RAI* state-owned TV stations. Six

journalists were threatened in 2005 after they investigated corruption in the Genoa football team. The right to privacy of journalistic sources, guaranteed in article 10 of the European Convention on Human Rights, was once more violated by a search of the offices of the daily paper *Corriere della Sera* in May.

KAZAKHSTAN

The regime sharply increased pressure on the media in the run-up to the 4 December 2005 presidential election, filtering opposition Internet websites, obstructing printing and distribution of independent newspapers and seizing those considered too critical of President

Nursultan Nazarbayev and his associates. Journalists were often physically attacked, threatened and abused. Batyrkhan Darimbet, editor of the opposition weekly *Azat*, died in very suspicious circumstances and may have been killed because of his work.

Kosovo

2005 was marred by the killing of journalist Bardehul Ajeti, who had reported on organised crime in the newspaper *Bota Sot*. Journalists are still strictly censoring themselves because of a general failure to punish criminals that exposes

them to such reprisals. Relations are still tense between Serbs and Albanians in the province, which has been run by the United Nations since 1999 and where talks on its future status are due to start soon.

KYRGYZSTAN

The authorities routinely hounded the country's few independent media outlets in the run-up to parliamentary elections on 27 February 2005, fearing a general uprising as thousands of demonstrators protested against the exclusion of some opposition candidates. The "Tulip Revolution" overthrew President Askar Akayev on 24 March after 14 years in power in the former Soviet republic and the media scene was transformed.

The arrival in power of opposition leader Kurmanbek Bakiyev in July raised the media's hopes, but the situation changed little. Self-censorship is still common and criticism of the president rare. The new government is trying to regain control of privately-owned TV stations by purchasing shares in them through private investors.

POLAND

Poland was the European Union member-state that least respected press freedom in 2005. One journalist was heavily fined for writing an "offensive" article about the pope, which is against the law. An investigative journalist

with the satirical weekly *Nie* faced between three months and five years in prison for refusing to reveal his sources. His computer hard-drive was confiscated in June, preventing him from working.

ROMANIA

The tapping of the phones of two Romanian journalists working for foreign media by the secret police illustrated the weakness of the right to privacy of sources in 2005 as well as the bad relations between politicians and the media.

Politically-inspired distribution of government advertising, problems of access to public information and news diversity threatened by huge debts to the government by privately-owned TV stations remained other serious threats to press freedom.

RUSSIA

Working conditions for journalists continued to worsen alarmingly in 2005, with violence the most serious threat to press freedom. The independent press is shrinking because of crippling fines and politically-inspired distribution of government advertising. The authorities' refusal to accredit foreign journalists showed the government's intent to gain total control of news, especially about the war in Chechnya.

Pavel Makeev, cameraman for the TV station *Puls d'Azov* (in the Rostov-on-Don region) and Magomedzagid Varisov, a reporter for the weekly *Novoe Delo* in Makhachkala (capital of Dagestan), were murdered for doing their job in 2005 and the head of a press group escaped an attempt to kill him in the southwestern city of Samara. Eight journalists were physically attacked and eight others arrested during the year.

The murder of Paul Khlebnikov, a US citizen and editor of the Russian edition of the US magazine *Forbes* who was shot dead in July 2004, has still not been solved. The fate of Ali Astamirov, *Agence France-Presse* (AFP) correspondent in Ingushetia and Chechnya, kidnapped in July 2003, is also still a mystery. Neither the official investigators in Moscow or the local prosecutor's office in Nazran

(Ingushetia) have made any progress. The growing violence, which is fed by a climate of total impunity, forces journalists to broadly censor themselves.

The lack of broadcasting diversity and closure of several independent newspapers crushed by huge fines is alarming. The government tightly controls distribution of state advertising, which amounts to blackmailing independent papers that dare to discuss the war in Chechnya. TV stations, now all controlled by the Kremlin or government associates, are also subject to very strict censorship. The foreign ministry said on 2 August that the work permits of journalists of the US ABC TV network would not be renewed. Five days earlier, ABC had broadcast an interview with Chechen warlord Shamil Bassayev by Russian journalist Andrei Babitsky.

Russia's press laws remain very far below European standards. Freelance journalist Edvard Abrosimov was sentenced to seven months at hard labour for libel by the Saratov (southwestern Russia) regional court on 23 June. Nikolai Goshko, deputy editor of the weekly *Odintovskaia Nedela*, was given a five-year forced labour sentence for libel on 19 August but was later freed after pressure from international organisations.

SERBIA-MONTENEGRO

Press freedom declined in 2005, with unjustified prosecutions against the media, one journalist beaten up, four others threatened with death and a repressive new law undermining the

independence of TV stations. Milan Milinkovic, former editor of the weekly *Podrinski Telegraf*, was given a year-long suspended prison sentence for libel.

SPAIN

Violence in the Basque Country once again affected journalists there in 2005, especially in the "Spanish" part of the region. They remained targets of the armed separatist group ETA and had to have round-the-clock protection.. Journalists who refused to back the ETA's demands were considered enemies and put on a blacklist. One the organisation's latest targets was the publicly-owned radio station EITB, in

Vitoria, which was threatened with reprisals on 26 February 2006.

Reporter Tayssir Alluni of the pan-Arab satellite TV station *Al-Jazeera* was sentenced to seven years in prison in September 2005 for allegedly helping the terrorist group Al-Qaeda. He was tried along with 23 other people accused of links with the group. He is appealing against the verdict.

TAJIKISTAN

Tax authorities sealed the offices and equipment of the country's last independent TV station, *Somonien*, in Dushanbe, on the orders of the state broadcasting committee. Iskandar Firouz, correspondent for the Persian service of the *BBC*, was physically attacked by a political party official in

the capital on the eve of parliamentary elections. Jumaboy Tolibov, jailed for two years after writing three reports in the daily paper *Minbari Khalk* and in the parliamentary paper *Sadoi Mardum* criticising the Sogd regional prosecutor, was freed on 16 December 2005 after international pressure.

TURKEY

The country's new criminal code, designed to help Turkey gain membership of the European Union, came into force on 1 June 2005 and imposes new restrictions on journalists. The vagueness of some parts of it allows judges to unfairly imprison them.

Journalists are still at the mercy of arbitrary court decisions that continue to send them to prison and fine them heavily. Sinan Kara, of the fortnightly *Datça Haber*, was jailed for nine months and fined €350 for "insulting in the media" (article 125 of the new criminal code) the sub-prefect of Datça. Burak Bekdil, a columnist with the English-language *Turkish Daily News*, was given a suspended 20-month prison sentence for "insulting state institutions."

Prime minister Recep Tayyip Erdogan won a libel suit against Fikret Otyam, of the weekly *Aydinlik* and a well-known painter, who was ordered to pay him €2,835 damages. It was at least the fourth time since December 2004 that Erdogan had sued a journalist.

Some parts of the new criminal code, far from bringing Turkish laws on freedom of expression into line with Europe's, could encourage new pro-

secutions of journalists and increase self-censorship habits that undermine press freedom. Article 305 punishes with between three and 10 years imprisonment actions considered harmful to "basic national interests," including claims concerning the "Armenian genocide" and calls for withdrawal of Turkish troops from Cyprus. Article 301 provides for between six months and three years in jail for "belittling Turkishness, the republic and state bodies and institutions."

Sandra Bakutz, a reporter for Austrian radio station *Orange 94.0* and the German weekly *Junge Welt*, spent six weeks in prison before being acquitted of "belonging to an illegal organisation," for which she risked between 10 and 15 years in jail.

The country's Kurdish and Armenian minorities remain under great pressure. Editor Hrant Dink, of the bilingual Turkish-Armenian weekly *Agos*, was given a six-month suspended prison sentence for "insulting Turkishness" (article 301-1 of the criminal code). Five journalists from pro-Kurdish media outlets were arrested in 2005 and four of them arbitrarily held for questioning in Gülec (eastern Anatolia), where they had gone to report on the release of a Turkish soldier by activists of the Kurdistan Workers Party (PKK).

TURKMENISTAN

Since a privately-owned media and press freedom do not exist, the country's journalists are confined to relaying the propaganda of the President Separmurad Nyazov's regime, which uses psychological pressure, intimidation and constant monitoring of them to silence any criticism.

Turkmenistan is the Central Asian state most closed to foreign journalists, whose requests for visas are routinely turned down. Viktor Panov, of the Russian news agency *RIA-Novosti*, was accused of spying and deported to Russia on 12 March 2005 after spending two weeks in prison in the capital, Ashgabat.

UKRAINE

Press freedom took a turn for the better in 2005 thanks to the victory of the “Orange Revolution” and the arrest of the killers of journalist Georgy Gongadze. But the improvement was significantly offset by many physical attacks on investigative journalists and threats to them.

The state prosecutor’s office announced in early March that opposition journalist Georgy Gongadze, who was murdered in 2000, had been kidnapped outside his home in a car by three policemen and the former head of the interior ministry’s intelligence service, Gen. Olexi Pukach, who strangled him and buried his body in the Tarashcha Forest.

A probable key witness in the case, ex-President Leonid Kuchma’s interior minister, Yuri Kravchenko, died in suspicious circumstances, supposedly shooting himself in the head. Prosecutor-general Sviatoslav Piskun declared the Gongadze case closed on 8 August and policemen Valery Kostenko, Mikola Protasov and Oleksandr Popovych were

accused of kidnapping and killing the journalist. Gen. Pukach is being sought by Interpol. But the prosecutor’s office has still not said who ordered the killing, despite President Viktor Yushchenko’s repeated promises.

Eight journalists were physically attacked during the year for doing their job. Natalia Vlassova, of the TV station *Kanal 34*, was badly beaten up in the eastern city of Dnepropetrovsk on 4 October after exposed corruption in local political parties. The owner-editor of the independent weekly *Oberih* received a death threat after investigating embezzlement in the city government of Pereyaslav-Khmelnytsky, south of Kiev.

Volodymyr Lutiev, editor of the weekly *Yevpatoriskaya Nedelia*, was arrested for no official reason in Sebastopol on 30 June after criticising a contested election. He was still being held at the end of the year, despite staging a 47-day hunger strike.

UZBEKISTAN

Independent journalists were targets of systematic repression in 2005 in the wake of the bloody uprising in the town of Andijan in May. President Islam Karimov's witch-hunt featured the arbitrary arrest of many opposition journalists and the hounding of foreign media for supposedly provoking the rebellion.

Seven journalists were physically attacked over six months and four of them arrested and threatened for no reason. Seven others were threatened and forced to flee abroad.

More journalists received prison sentences for bogus reasons during the year. Sabirjon Yakubov, of the weekly *Hurriyat* was arrested in Tashkent on 11 April for "challenging constitutional order" and "belonging to an extremist religious organisation" (article 159 of the criminal code) and faces up to 20 years in prison. Nosir Zokirov, correspondent for *Radio Free Europe / Radio Liberty* in Namangan province, was sentenced to six months in jail for "insulting a government official" (article 140 of the criminal code) after reporting on the 13 May storming of Andijan prison.

The regime keeps a very tight grip on the media and any sign of independence is punished. The four nationwide TV channels are under presidential censorship and the only criticism is to be found on a few Internet websites. Independent journalists who covered the events in Andijan were called "traitors to the country" and "liars" by most media outlets.

All impartial news has been blocked since the Andijan uprising and cable relay of the US, Russian and British TV networks *CNN*, *NTV* and *BBC* have been cut off. Access to independent Russian websites www.lenta.ru, www.gazeta.ru and www.fergana.ru, as well as several Uzbek sites, has been blocked inside the country.

All foreign and local journalists were expelled from Andijan during the night of 13-14 May and two Russian TV crews, from *REN-TV* and *NTV* were turned back.

The government then accused foreign media, during a nationally-televised sham trial, of organising the rebellion. The 15 presumed leaders of the uprising claimed Western journalists encouraged them to "stage a peaceful revolution so as to create chaos."