



FREEDOM OF THE PRESS 2006
DRAFT COUNTRY REPORTS

COUNTRY REPORTS AND RATINGS

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Afghanistan

Status: Not Free

Legal Environment: 21

Political Environment: 28

Economic Environment: 20

Total Score: 69

The environment for Afghanistan's fledgling media worsened slightly in 2005 as journalists faced an increase in attacks and legal harassment during the year. Article 34 of the new constitution, passed in January 2004, provides for freedom of the press and of expression. The May 2004 press law guarantees the right of citizens to obtain information and prohibits censorship. However, it retains broad restrictions on content that is "contrary to the principles of Islam or offensive to other religions and sects" and "matters leading to dishonoring and defaming individuals." The legislation also establishes a government-appointed commission with the power to decide if journalists who contravene the law should face court prosecutions or fines. Critics of the law have alleged that its prohibition of "anti-Islamic" writings is overly vague and has led to considerable confusion within the journalistic community on what constitutes permissible content.

Media diversity and freedom is markedly higher in Kabul, and some warlords display limited tolerance for independent media in the areas under their control. A number of journalists were threatened or harassed by government ministers, politicians, and others in positions of power as a result of their reporting. In one of several cases, two reporters working for Radio Free Europe/Radio Liberty were arrested in July by intelligence services in Konar province and were detained for a week without charge. Many practice self-censorship or avoid writing about sensitive issues such as Islam, national unity, or crimes committed by specific warlords. In a high-profile case that was criticized extensively by both local and western groups, Ali Mohaqiq Nasab, editor of the monthly women's rights magazine Haqooq-i-Zan, was ordered arrested by the high court for publishing articles deemed to be "anti-Islamic." Despite the fact that the government-appointed Media Commission cleared him of blasphemy charges, he was sentenced by the high court to two years' imprisonment in October and also faced the threat of a court-issued fatwa that could have increased his sentence. Nasab was released in December, but the case is considered to have had a chilling effect on press freedom, with an accompanying rise in self-censorship. Religious conservatives also targeted the progressive Tolo TV, which had been criticized by clerics for airing programs that "oppose Islam and national values." In May, a popular female television presenter who had worked at Tolo was murdered, possibly by family members who did not approve of

her job, and other program hosts received threats or were forced off the air, according to the Committee to Protect Journalists.

Although registration requirements remain in place, authorities have granted more than 250 publications licenses, and several dozen private radio stations and eight television stations are now broadcasting, with the expansion of independent print and broadcast outlets continuing in 2005. National and local governments continue to own or control several dozen newspapers and almost all of the electronic media, and reporting at these news outlets is generally balanced. International radio broadcasts in Dari or Pashto, such as the BBC, VOA, Radio Liberty, and Radio Free Afghanistan, remain a key source of information for many Afghans. In the country's underdeveloped economic environment, the majority of media outlets remain dependent on the state, political parties, or international donors for financial support. However, in September 2004 the first independent radio station supported entirely by private sector funds was inaugurated in Ghazni province. Access to the Internet and to satellite TV dishes remains largely unrestricted.

Albania

Status: Partly Free

Legal Environment: 17

Political Environment: 17

Economic Environment: 16

Total Score: 50

The Albanian legal system protects freedom of the press and the government in general respects these rights. There was a movement in 2005, involving both media organizations and members of the government, to amend Albania's defamation laws, under which libel is punishable with up to two years in prison. In February, 23 ruling and opposition party members of parliament introduced amendments to Albania's criminal and civil codes, but they did not pass before the July general elections. Still, there were several positive developments in the legal sphere. In October, Prime Minister Sali Berisha issued an order requiring that government officials use the right of reply rather than civil or criminal defamation suits against the media. In January, a Tirana appeals court reversed the 2004 libel conviction of opposition MP Nikolle Lesi, convicted for his articles in *Koha Jone*, which implicated former Prime Minister Fatos Nano in corrupt activities. However, media owners criticized the parliament-appointed broadcast regulator, the seven-member National Council of Radio and Television (NCRT), alleging that the council was unable to perform its duties. The agency is perceived to be politically influenced and inefficient due to a lack of funds. In March, a Tirana court reversed the NCRT's 2004 suspension of TV Shijak's license because of the council's failure to take preliminary measures before the suspension over copyright violations.

The independent media continued to be active and were generally able to criticize the government. However, most broadcast stations were one-sided and significantly politicized, a situation that drastically worsened in the run-up to the July elections. The state-owned Albanian Radio and Television (RTSh), which operates the national

television and radio channels, focused most of its election coverage on the government. In May, the main opposition party, the Democratic Party, restored the accreditation of TV station News24, which was banned from covering the party's activities in 2004. Physical intimidation continued in parts of the country. In May, two journalists and a cameraman from Korca were prohibited from filming the activities of the local police, and the chief of the Korca police physically assaulted one of the journalists. In July, the mayor of Korca, Robet Damo, beat up a journalist when she filmed Damo's debate with an election opponent that escalated into a heated argument. In August, the relative of senior socialist party official allegedly beat two journalists during the election run in the southern city of Gjiroikaster. In December, unknown persons threw explosives into the Tirana editorial office of the highest circulating daily *Shekulli*. None of the 15 staff members working were injured.

There are 66 private television stations and 45 private radio stations and approximately 200 publications in circulation. Much of the independent media was constrained due to lack of finances. Publishers and media owners tend to dictate editorial policy based on political and economic interests and combined with employment insecurity for journalists the situation is conducive to self censorship. The Internet as a source of information is of relatively low importance as access is limited due to weak infrastructure outside major urban areas. The government does not control Internet access.

Algeria

Status: Not Free

Legal Environment: 22

Political Environment: 22

Economic Environment: 17

Total Score: 61

Like many countries in the region, Algeria's constitution guarantees freedom of expression. But repressive laws, which are regularly used to intimidate, and in some cases imprison journalists, are evidence that practice does not reflect the constitutional guarantees. Penal code amendments passed in 2001 make it a crime to defame the president, the judiciary, the armed forces, and the parliament. That said, Algeria's private print press, which has existed since 1990, is opinionated, feisty, and often critical of the government and its policies. Algeria's judiciary is not independent and in cases brought by government officials or allies against journalists, the courts almost routinely rule against the latter.

In 2005, few independent publications escaped legal and administrative harassment. In what was almost a weekly ritual, journalists and editors were present in courtrooms facing defamation charges. Already self-censoring, journalists who crossed certain lines in their coverage were summoned to court. Unlike 2004, when three journalists were actually imprisoned, no journalists went to jail for their work in 2005 (though several were sentenced to jail and are free on appeal). However, Mohammed Benchicou, publisher of the now defunct French-language daily *Le Matin*, who was

sentenced to two years in prison in June 2004 for violating currency laws, remained in prison. Journalists contend that the real reason behind Benchicou's imprisonment was his criticism of Algerian president Abdelaziz Bouteflika. Since his reelection in 2004, journalists and editors who opposed Bouteflika's reelection have been under a sort of legal assault. In 2005, *Le Matin's* former editor, Youssef Rezzouj, and a former reporter at the paper, Yasmine Ferroukh, were sentenced to three months in jail for an article published two years earlier that accused a minister of financial mismanagement. Two journalists at another French-language daily that was often critical of Bouteflika's government, *Le Soir D'Algerie*, Fouad Boughanem and Ridha Belhajouja, were sentenced to two months in prison for articles published two years earlier that criticized Bouteflika's reelection campaign. All four journalists, (and others who were sentenced over the course of the year) are free pending appeal. Foreign journalists were harassed during the year in Algeria and the monthly *Jeune Afrique* and the French weekly *L'Express* were banned by authorities after reports critical of the government.

Authorities maintain tight control over radio and television, a major source of information for much of the public, and it does not appear that the government is willing to relinquish that control in the immediate future. Many Algerians watch pan-Arab or France-based channels if they wish to get a more critical view of Algerian affairs. But the ministry of information has yet to accredit journalists from Al-Jazeera and Al-Arabiya, the most popular pan-Arab channels. Another weapon in the arsenal of the authorities is the state-run printing press. Few private newspapers own their own press, and authorities have on several occasions punished critical newspapers by suddenly demanding payment for debts owed to the state printer. The Internet, which does not yet have wide penetration in Algeria, is not regulated by authorities.

Andorra

Status: Free

Legal Environment: 1

Political Environment: 5

Economic Environment: 8

Total Score: 14

Freedom of expression is protected under Article 12 of the Andorran constitution, which also allows for laws that regulate the right of reply, correction, and professional confidentiality. In addition, press freedom is protected under the Universal Declaration of Human Rights, which is binding in Andorra. In 2005, however, a media website alleged that a representative of radio station R7P was threatened with a two-year jail sentence for criticizing the president of the broadcasting network RTVA after he cut political programming. Because of its proximity to France and Spain, Andorra's media landscape is partially shaped by foreign media. Domestically, there are two daily papers, *Diari d'Andorra* and *El Periodic*, as well as several weeklies. There are approximately 15 radio and 6 television stations. The government also releases a daily news bulletin. Internet access is open and unrestricted.

Angola

Status: Not Free

Legal Environment: 19

Political Environment: 25

Economic Environment: 21

Total Score: 65

Media restrictions have become less stringent following the 2002 cease-fire between the MPLA-led government and UNITA rebels. However, despite constitutional guarantees of freedom of the press, the press law restricts that freedom, and government pledges to reform media legislation have not yet been realized. Libel of the president or his representatives is a criminal offense, punishable by high fines or imprisonment. Particularly in the interior of the country, the judicial system has little independence to enforce legislation guaranteeing press freedom. However, in February the Supreme Court in Luanda overturned a 2004 defamation conviction of the editor of the independent weekly *Semanario Angolense*. Authorities can suspend a publication for up to a year if it has published three articles that lead to defamation convictions within a three-year period. The Law on State Secrecy permits the government to classify information, at times unnecessarily, and those who publish classified information are persecuted. Private media are often denied access to official information or events. A special committee has policy and censorship authority over the media.

While the government generally tolerates criticism from private media, 2005 saw several high-ranking government officials pressure independent media to cover the government in a more favorable light. In April, Deputy Minister of Communications Miguel de Carvalho warned journalists at the state-run newspaper *Jornal de Angola* (the country's only daily) not to criticize the government or give equal coverage to opposition parties; while he was later repudiated by the Minister of Communications, the Media Institute of Southern Africa found that positive coverage of the government and the ruling MPLA in *Jornal de Angola* increased significantly in the following months. In October, National Assembly president Roberto de Almeida—the second most powerful person in Angolan politics—accused independent media of fomenting a return to civil war. Although less common than in previous years, arbitrary detention, harassment, and attacks on journalists continued to take place. For fear of reprisals, many journalists practice self-censorship. Foreign media are able to operate with fewer government restrictions. However, journalists must first secure work visas to enter the country and then must receive authorization from the Ministry of the Interior to meet government officials or travel within Angola.

The government continues to dominate both print and broadcast media. The largest media sources are state run and allow very little criticism of government officials. The official Radio Nacional de Angola (RNA) is the only radio station with national coverage; the state also controls the only nonsatellite television station. In March, RNA suspended a popular news program after one of the program's hosts voiced severe criticism of the government's appeal for support from international donors. In July, journalist Celso Amaral was found guilty of mismanaging about \$42,500 in state funds

while running the RNA in the province of Huila and sentenced to ten years in prison; Amaral's lawyers claimed the sentence was politically motivated. The capital, Luanda, has four private radio stations operating under government license. The Catholic Church's Radio Ecclesia, a source of independent news, is frequently harassed by the government; in 2005, the station continued to be barred from extending its broadcasts to other areas of the country. The country's seven private weeklies have low circulation and face financial constraints as well as high costs of production and distribution. Few outside the capital can afford private newspapers. Internet access is unrestricted and is available in several provincial capitals.

Antigua & Barbuda

Status: Partly Free

Legal Environment: 10

Political Environment: 14

Economic Environment: 14

Total Score: 38

The constitution of the twin-island state of Antigua and Barbuda explicitly protects freedom of speech and of the press. Although the United Progressive Party (UPP) government, elected in 2004, has carried out its promise to pass freedom of information legislation, the appointment of the Information Commissioner was delayed. The media environment remains politicized. A major source of concern is the ongoing legal action initiated by the Director of Public Prosecutions, Gene Pestaina, against Lennox Linton, Observer Radio's station manager. Linton is accused of making a defamatory statement about Pestaina on his morning radio show. His defense attorney has rejected the charges as an attempt to stifle criticism of the public administration that amounts to political censorship.

The government's relations with some employees at the state-owned ABS stations continued to be tense. In January, the new Minister of Information and Broadcasting, Dr. Edmund Mansoor, alleged that members of the Antigua Broadcasting Service (ABS) Television's news and current affairs department displayed a lack of interest in promoting the policies of the UPP government. The following month, the head of news and current affairs was transferred and replaced by a known government supporter. Critics interpreted the move as further evidence of the ruling party's continued perception of ABS as a public relations tool. On numerous occasions government officials alluded to or made direct reference to a need to regulate the media in the context of what they termed "hate" radio—talk shows likely to incite prejudice or violence. Media rights activists expressed concerns that such regulation might be used against media critical of the current administration.

There are two daily newspapers, one weekly, and ten radio stations, including the state-owned ABS, which also runs the islands' only freely available television service. There is one cable television company. In 2005, the government announced that ABS Television and Radio would be merged into a new single entity, the Antigua and Barbuda Network, ABN. Envisaged changes would include a minimum of 30 percent local

programming, and the creation of a government information channel to promote tourism-related services. There are no government restrictions on the Internet.

Argentina

Status: Partly Free

Legal Environment: 12

Political Environment: 17

Economic Environment: 16

Total Score: 45

Argentina's relative political stability has brought with it a climate in which the press has been able to operate freely, although not without some sustained official pressure. Freedom of speech and of the press is protected by law and the government has usually respected this in practice. Libel continues to be considered a criminal offense, and though rarely implemented, remains a pressure on journalists to engage in self-censorship. The relationship between the press and President Kirchner continued to be tense and access to public information remained severely limited; since 2003, the President has refused even to hold a press conference. In 2004, the Argentine Senate debated legislation allowing unfettered access to public information, but in 2005 amendments made to this bill were so extensive that, if implemented, it would have defeated the intention behind the original legislation. The bill eventually died in Congress and was never put into law.

Journalists—particularly those who report on corruption, irregular business dealings, and human rights abuses—also continue to be subject to threats and physical harassment by police and non-state actors. A correspondent for the regional daily, *El Liberal*, was physically abused by demonstrators while covering their protest rally at a polling station in February. In addition to numerous other arbitrary attacks, Leandro López, a reporter with the local *El Sol*, was heavily beaten by police in Concordia, a city in the eastern part of the country, while attempting to take pictures of a car accident that had taken place just outside of the central police station. He was accused by the police of verbal assaults and resisting arrest.

There are over 150 daily newspapers, hundreds of radio stations, and dozens of television channels in Argentina. The country's print media is entirely privately owned, while the numerous privately owned radio and television stations are able to broadcast without restrictions. All private media enterprises suffered during the four-year-long recession that culminated in economic collapse in late 2001, but economic recovery is underway. Although there are laws to govern distribution of media advertising, state advertising is widely known to be used by the government to silence critics and reward supporters. In a study done by the NGO Poder Ciudadano, *Página/12*, a tabloid known for its critical journalism during the Carlos Menem administration, was found to be receiving almost as much government advertising as *Clarín*, the largest daily in the country, and 17 percent more than the second largest, *La Nación*, known for its outspoken criticism of the government. The situation in the countryside, where state-level governments control up to 75 percent of the media's advertising revenue, is dominated

even more by government propaganda. This type of “soft censorship” has been used to pressure owners to remove unfriendly coverage or critical journalists from the airwaves and news pages. For example, José “Pepe” Eliashev, a radio host and outspoken critic of the government, was fired by the state-controlled broadcaster, *Radio Nacional*, after the station’s director told him that an order had “come from above” to drop his program, “Esto Que Pasa,” which had been on the air for twenty years. Foreign news broadcast are available in Argentina and there are no government restrictions on the Internet.

Armenia

Status: Not Free

Legal Environment: 20

Political Environment: 26

Economic Environment: 18

Total Score: 64

Throughout the year, the government sometimes limited constitutional protections for freedom of the press. In April, President Robert Kocharian approved legislation restricting media coverage of terrorism issues, citing ongoing terrorist threats. The Yerevan Press Club maintains that the legislation is vague and open to abuse. The government has yet to decriminalize libel offenses, and the Criminal Code allows authorities to impose high fines and up to five years imprisonment for slandering political officials. However, no libel cases were brought against journalists during 2005. Despite local pressure and Council of Europe recommendations to renew broadcasting rights for the independent television station A1+, which was taken off the air in 2002, the government rejected its tender bid for a new license for the 7th time.

Although there is a good amount of media diversity and pluralism, some major broadcast media maintain a pro-government bias, and there is no independent public broadcaster. There is no official censorship; however, the president’s office provides policy guidance, particularly for Public Television Armenia (H1). Expressing political opposition often results in prosecution, harassment and intimidation. Although a man was sentenced in late 2004 to six months in prison for assaulting a journalist, he was released from custody and by the end of the year had yet to serve his sentence. Most journalists resorted to self-censorship rather than cover controversial topics such as corruption or issues involving the mostly ethnically-Armenian Nagorno-Karabakh region of Azerbaijan. In April, the car of Samuel Aleksanian, editor of the state-operated weekly *Syunyats Yerkir*, was set on fire. According to the journalist, the arson attack followed the newspaper’s criticism of a local official. The Interior Ministry closed its investigation into the 2004 arson attack on a car owned by the editor of the independent daily *Haiikakan Zhamanak* with no arrests made. The newspaper reported that the politician suspected of being responsible was never investigated.

There are a wide variety of independent media, including more than 20 radio and 40 television stations, most of which are based in Yerevan. Local communities outside the capitol experience far less media diversity, mostly due to a very poor economy. Russian television channels are also available. Most newspapers are also privately

owned, but were dependent on support from business conglomerates or political interests. Moreover, most printing presses are located in Yerevan, making it difficult for regional distribution networks to function effectively. Because of low print circulation, television is the main provider of news and information. Economic pressure, such as the use of official advertising to influence coverage, was more common than direct, political pressure. RFE/RL broadcasts were suspended for several days around the time of the constitutional referendum. As with a similar suspension case from 2004, the official explanation was that it was due to “technical problems.” Internet usage remains low due to high costs, but there have been no reports of official restrictions imposed on the Internet.

Australia

Status: Free

Legal Environment: 5

Political Environment: 8

Economic Environment: 6

Total Score: 19

Press freedom operates by convention rather than by constitutional guarantees. The Australian Press Council (APC) continued its efforts to include freedom of expression either in the constitution or in a Bill of Rights based on Article 19 of the Universal Declaration of Human Rights. Journalists’ freedom to report and access information is monitored by the APC and the Media, Entertainment, and Arts Alliance (MEAA). In a November submission to the Senate Inquiry into the Provisions of the Anti-Terrorism Bill 2005, the MEAA called for a relaxation of the secrecy provisions that impose a blanket ban on reporting on people detained under the anti-terrorism legislation. The provisions allow that journalists be charged for sedition if they report against the actions of the government, police or judiciary. In response to pressures, Parliament added a shield protecting journalists who report “in good faith” from prosecution. The MEAA submission also urged the adoption of professional privilege for journalists where notice to produce provisions threaten to force journalists to hand over information, including the identity of confidential sources. In October, contempt of court charges were filed against two reporters for the Melbourne-based *Herald Sun* who refused to divulge the source for a story in February on government plans to cut war veteran benefits.

Media ownership concentration continues to be of concern in Australia, with 75 percent of the market owned by Murdoch’s News Ltd., and the remaining market held by the Fairfax group. In 2005, the Parliament abandoned media reforms including needed adjustments to foreign and cross-ownership laws. Internet use is robust, estimating upwards of 14 million users.

Austria

Status: Free

Legal Environment: 8
Political Environment: 8
Economic Environment: 5
Total Score: 21

The federal constitution and the Media Law of 1981 provide the basis for free media. The Freedom of Information law provides for full public access to government information, and the government generally respected these provisions in practice. Seldom-used legal restrictions are in place that forbid reporting deemed detrimental to morality or national security. Libel and slander laws protect politicians and other government officials and in some cases lead to self-censorship. The use of libel procedures has been criticized for protecting politicians, hampering freedom of speech and the press. The law prohibits any form of neo-Nazism or anti-Semitism. The government strictly enforced the law against neo-Nazi activity. During the year authorities indicted and arrested British author David Irving and indicted John Gudenus, a former member of the upper house of parliament, for alleged statements concerning events during the Holocaust. Irving remained in custody at year's end. Under the law, both Gudenus and Irving could be sentenced up to ten years in prison if convicted.

The broadcast media remains dominated by the Austria's public broadcaster, Österreichischer Rundfunk (ORF), which operates two television stations and four radio channels that provide balanced news coverage. Since amendments to the Private Television Act entered into force in August 2004, ORF faces growing competition for audiences from private broadcasters. For the first time, nationwide private broadcasters were allowed to function. Local commercial radio went on air in the 1990s. Cable or satellite are available in some 75% of Austrian homes and are often used to watch widely available German stations, some of which tailor their output for the Austrian audience. Daily newspapers, both national and regional, are very popular and contest fiercely for readers. The print market in Austria is mainly privately owned. Foreign investors have a solid presence in the market, and ownership concentration is high; many radio stations have ties to print outlets in addition to ownership links between daily papers and weeklies. Press subsidies help newspapers survive and are designed to encourage pluralism. Internet access is unrestricted and widely available.

Azerbaijan

Status: Not Free
Legal Environment: 23
Political Environment: 28
Economic Environment: 22
Total Score: 73

Press freedom continued to deteriorate in Azerbaijan as police violence against journalists multiplied and the government clamped down on independent media ahead of the November parliamentary elections, which the international community reported were neither free nor fair. Constitutional protections for freedom of the press and a specific

prohibition on censorship are not always respected. Libel is a criminal offence, punishable with high fines or up to three years imprisonment. The number of libel suits declined in 2005, but courts continued to rule against the media. Opposition paper *Yeni Musavat* was forced to cease publication in early 2005 for several months after it was ordered to pay \$160,000 in libel charges from various defamation lawsuits and the court froze its assets. In April, the Supreme Court upheld the 2004 conviction of Rauf Arifoglu, editor of *Yeni Musavat*, on charges of inciting antigovernment riots, even though President Ilham Aliyev pardoned Arifoglu, as well as other political prisoners, in March. As a result, Arifoglu was unable to run in the elections. The draft law on freedom of information was not fully adopted by the end of the year, although President Aliyev demanded more transparency at government institutions. The National Television and Radio Council (NTRC), whose 9 members are appointed by the president, has been criticized for its lack of independence and transparency in issuing licenses and monitoring media. The NTRC revoked private channel ANS TV's radio license for its Sheki affiliate six weeks prior to the election and the NTRC chairman threatened to revoke ANS TV's nationwide license. Obtaining a broadcast license requires applying for certification with the Ministry of Justice, which is a major obstacle for independent and opposition media.

The OSCE representative on media freedom issued a report in July commending the degree of pluralism in the print media, which enjoyed greater freedom than the broadcast media. While there were broadcast media that represented diverse views, their coverage was restricted to major cities. President Aliyev issued a decree in May stating that all candidates would have equal media access; but most broadcast outlets maintained a strong pro-government bias. Local authorities, or Executive Committees, frequently closed down stations, hijacked supplies and directed editorial content. In August, in an effort to comply with Council of Europe regulations, the government launched Azerbaijan's first public television station, by transforming former state channel AzTV2 into Ictimai Televiziya (ITV). Although the channel was able to provide a level of impartiality, ITV is funded by the state and most of its coverage was devoted to the ruling party. Although foreign news is readily available, at least three foreign news agencies were prohibited from broadcasting live coverage during the elections and at other points during the year. In general, access to news outside of Baku was limited. The Nagorno-Karabakh conflict remains a sensitive topic and journalists have been repeatedly intimidated while trying to do interviews in the region. Several journalists and media workers who were covering political demonstrations and campaigns were beaten, arrested, prevented from filming debates or entering polling stations. In February, a journalist with the independent magazine *The Monitor* was reportedly abducted by military officials, detained for five hours, and forced to sign an apology for articles he wrote about the military. A building in Baku where several opposition media outlets are located was attacked by policemen and members of the youth wing of the Yeni Azerbaijani Party. In March, Elmar Huseynov, the well-known founder and editor of *The Monitor*, was shot in front of his Baku apartment. In the past, Huseynov had been fined and threatened for his work. The government called the murder an "act of terrorism," although Huseynov's colleagues maintain the motive was Huseynov's journalistic work. The investigation was ongoing at the end of the year.

Most of the broadcast outlets that are privately-owned are owned by ruling party supporters. The government at times prohibited the printing, sales and distribution process of independent and opposition media. The main printing press is in Baku and the two main press distribution agencies are controlled by the government. In August, police confiscated copies of the opposition daily *Azadliq* and arrested a subway vendor for selling copies, even though the government had lifted the ban on the sale of opposition press in the subway system in March. State libraries could not subscribe to opposition newspapers and those employed by the government were pressured to purchase pro-government publications. State-owned companies and most private companies were pressured to advertise with pro-government media outlets. Most independent newspapers are in debt and would be unable to survive without occasional government aid or support from international organizations. The government did not restrict Internet access, but it did require ISPs to be formally licensed with the Ministry of Communications and Information Technologies.

Bahamas

Status: Free

Legal Environment: 2

Political Environment: 8

Economic Environment: 6

Total Score: 16

The constitution guarantees freedom of the press and speech, and the media is generally free to criticize the government and its policies. The government supports the right of access to public information, and does not restrict access to the foreign press or the Internet. Some opposition parties, however, claim that their viewpoints do not receive as much coverage as those of the ruling Progressive Liberal party (PLP) on the one television and four radio stations run by the state-owned Broadcasting Corporation of the Bahamas (BCB). In September, PLP chairman, Raynard Rigby, demanded an apology from *The Nassau Guardian* after it reported his statement on a local radio talk show voicing his concerns about Prime Minister Perry Christie's health. The newspaper, one of the four dailies, however, stood by its story, and Rigby, an attorney, did not threaten legal action. Apart from the BCB's ZNS radio network, there are numerous privately owned radio stations.

Bahrain

Status: Not Free

Legal Environment: 24

Political Environment: 26

Economic Environment: 22

Total Score: 72

The constitution allows for the right to press freedom, excluding opinions that undermine the fundamental beliefs of Islam or those that promote discord or sectarianism. This right is restricted further in practice. The 2002 Press Law catalogs a variety of press crimes, severely curtailing the range of topics the press is permitted to cover. Though suspended soon after promulgation, the law continues to be enforced at the government's discretion. Nonetheless, the press has grown bolder in its criticism of government policies and other controversial issues in recent years. In May, the Chamber of Deputies proposed a draft law to create an Information Council that would increase transparency and access to information. As of December, the draft had not been approved.

Internet freedom came under increased pressure in Bahrain in 2005. Despite boasting a liberal telecom environment, the Bahraini government does filter some content, monitoring emails and blocking access to several political opposition websites. In February the government arrested the moderator of the web log www.bahrainonline.com, Ali Abdul Imam, along with two web technicians for disseminating defamatory material through the site's discussion forum. Released after several weeks amid protest, Abdul Imam's arrest was quickly followed by a decree by the Ministry of Information requiring all Bahraini website moderators to register with the ministry within three months, a move decried by human rights advocates as a means to monitor and stifle freedom of expression on the web. The government is not the only threat to press freedom. For example, a Muslim cleric threatened the editor-in-chief of the daily *Al Ayam* and led a massive protest after the paper published political cartoons depicting the Ayatollah Khamenei and offending many Shi'ites in Bahrain.

Print media are privately owned, but they usually exercise self-censorship in articles covering sensitive topics and are often issued government 'directives' on how to report certain stories. The government continues to own and operate almost all radio and television stations in the country, and these outlets largely conform to the government position. In October, the first private radio station began broadcasting music and entertainment, but does not cover news or current affairs. Broadcast media from neighboring countries are available, however, and the number of households with access to satellite channels continues to grow. Saudi-owned entertainment satellite channel MBC2 has broadcast from Bahrain since 2003. In 2004, the government lifted a two-year ban on correspondents from the Qatar-based satellite channel Al-Jazeera.

Bangladesh

Status: Not Free

Legal Environment: 20

Political Environment: 31

Economic Environment: 17

Total Score: 68

Media continued to face a number of pressures in 2005, the most striking of which is the high level of violence directed against members of the press and the impunity enjoyed by those who attack them. Although the constitution provides for freedom of expression subject to "reasonable restrictions," the press is constrained by national security

legislation as well as sedition and criminal libel laws. Journalists continue to be slapped with contempt of court and defamation charges or arrested under the Special Powers Act (which allows detentions of up to 90 days without trial) in reprisal for filing stories that are critical of government officials or policies. Editor and publisher Salah Uddin Shoaib Choudhury, who was arrested in November 2003 as he was about to depart the country to participate at a conference in Israel, was charged with sedition in February 2004 and spent 17 months in prison before being released in April; however, the charges against him are still pending. Authorities also have reportedly limited official access to journalists from certain publications. The government remained sensitive to international scrutiny; foreign publications are subject to censorship, while foreign journalists and press freedom advocates have encountered increasing difficulties in obtaining visas to enter Bangladesh and are put under surveillance while in the country.

Journalists are regularly harassed and violently attacked by organized-crime groups, political parties and their supporters, government authorities, the police, and extremist groups. Most commonly, they are subjected to such attacks as a result of their coverage of corruption, criminal activity, political violence, the rise of Islamic fundamentalism, or human rights abuses. Two journalists were killed during the year, and numerous others received death threats or were physically assaulted. Impunity for those who perpetrate crimes against journalists is the norm. As a result, many journalists practice self-censorship when reporting on topics such as corruption, criminal activity, the rise of Islamic fundamentalism, or human rights abuses.

The independent print media continue to present an array of views, although political coverage at a number of newspapers is highly partisan. The state owns most broadcast media, whose coverage favors the ruling party. The few private broadcast outlets that have been granted licenses are required to air government-produced news segments as a condition of their operation. Political considerations influence the distribution of government advertising revenue and subsidized newsprint, upon which many publications are dependent. Access to the Internet is generally unrestricted.

Barbados

Status: Free

Legal Environment: 3

Political Environment: 8

Economic Environment: 6

Total Score: 17

Freedom of the press is constitutionally guaranteed. Although there is no Freedom of Information Act, the media is largely unrestricted. During the year, representatives of the ruling Barbados Labour Party criticized popular radio call-in programs for failing to educate listeners and for spreading ill-informed criticism of the government. In August, the new regional Caribbean Court of Justice allowed the Starcom Network radio company to challenge the Barbados Court of Appeal's 1999 ruling in favor of a poultry farmer who had won a long-running libel and defamation suit against a radio station regarding allegations that diseased chickens had been supplied to the island's restaurants.

There are two daily newspapers and two weeklies, all privately owned. There are nine radio stations, three run by the state-owned Caribbean Broadcasting Corporation (CBC), which also operates the only television station. There is no government restriction on Internet access.

Belarus

Status: Not Free

Legal Environment: 27

Political Environment: 33

Economic Environment: 28

Total Score: 88

The Belarusian Association of Journalists (BAJ) has declared that Belarus is the last country in Europe where the state has a virtual monopoly over the media and in 2005, the limited press freedom in Belarus deteriorated further, as President Alyaksandr Lukashenka's government tightened control over media leading up to presidential elections scheduled for March 2006. Disregarding constitutional provisions for freedom of the press, in December 2005 both houses of parliament passed, and Lukashenka signed into law, amendments to the penal code making criticism of the president and his government criminal and punishable by up to five years in prison. These amendments also permit the imprisonment of individuals who present "false information" about Belarusian policies to international entities, join an unregistered or banned political party, or take part in street demonstrations. In May 2005, Lukashenka issued a decree banning all privately owned, but not state, media from using the words "national" or "Belarus" in their names, forcing them to re-register within a few months. Furthermore, a trend in the courts was the sentencing of local and foreign journalists who reported on opposition events—for example, coverage by Belarusian journalists Andrei Pochobut and Andrzej Pisalnik of rallies demanding the rights of the Union of Poles in Belarus in July; and by Russian journalists Aleksey Ametyov and Mikhail Romanov of a rally marking the Chernobyl nuclear disaster in April—to one to two weeks in jail for "participating in an unauthorized gathering." The courts continued to restrict government criticism by broadly interpreting Belarus' libel laws and demanding high fines in libel damages from independent newspapers (e.g. fining the national sports daily *Pressbol* approximately \$20,900 in February for reporting on Finance Minister Nikolai Korbut's alleged implication in a criminal gang; and the twice-weekly *Belorusskaya Delovaya Gazeta* \$22,800 in April for questioning another publication's article about the President).

The government continued to control the content of television broadcasts, while independent journalists practiced self-censorship due to government attacks. In May, police seized thousands of copies of the independent weekly *Den*, which had been off the stands for a year and forced to print in Russia, allegedly because of problems with transportation documents, but *Den* journalists had been repeatedly harassed that spring. Members of the Belarusian KGB and local police raided the home of Aleksei Karol, editor-in-chief of the independent newspaper *Zhoda*, in March, after the paper published caricatures of President Lukashenko. In another incident, the apartments of three

members of the “Third Way” opposition movement, who created animated satirical cartoons about the president’s government, were raided in August. Additionally, Belarusian journalist Vasil Hrodnikau was found dead with a head wound in his locked apartment in October. Authorities excluded homicide and closed the case. The inquiry into the murder of Veronika Cherkasova, a journalist investigating Belarus’ alleged arms sale to Iraq, was shelved in December 2005, declared a case of domestic violence with the police being incapable of identifying the author of the crime. In April, immediately before the United Nations commented on Belarus’ human rights record, prosecutors reopened the inquiry into the July 2000 abduction of cameraman Dmitry Zavadsky. As political relations between Poland and Belarus worsened in 2005, Polish reporters in Belarus faced greater difficulties, with Polish journalists Adam Tuchinski and Agnieszka Romaszewska being deported and Marcin Smialowski being refused admission.

The state, which has a monopoly over the broadcast market and uses subsidies to control the media, also applied economic pressure. In 2005, the authorities, after seemingly threatening employees at a state-owned company with libel suits, not only handed down judgments in three defamation cases against Belarus’ leading independent newspaper, *Narodnaya Volya*, and ordered it to pay approximately \$53,500 in libel damages, but then pressured the Chyrvonaya Zorka state-owned printing press to cancel its contracts with *Narodnaya Volya* in October. The government frequently used this tactic of manipulating the production and distribution system to shut down independent newspapers. Belarusian courts ordered the liquidation of the independent publishing companies Press-Servis and Denpress in August, and such state-owned newspaper distribution companies as Belposhta decided to cease distribution of numerous privately owned papers, including *Tovarisch*, *Brestkii Kurier*, and *Solidarnost*.

Internet access too was subject to control and censorship. Beltelecom, the national telecommunication provider, is the only ISP, making it easy for the government to screen usage and block sensitive content, for example shutting down sites, such as the Grodnensky Forum in March, that criticize the government. Officials claim that the Internet has a negative influence on state ideology and would incite public disorder.

Belgium

Status: Free

Legal Environment: 2

Political Environment: 4

Economic Environment: 5

Total Score: 11

Freedom of speech and the press is guaranteed by the constitution and generally respected by the government. Protection of journalists’ sources has been a contentious issue in the country for several years and journalists have been pressing for change. The Belgian Chamber of Deputies voted unanimously in March 2005 to approve a law on the protection of journalists’ sources in Belgium. The vote came after the 2004 police raids on the home and office of a Brussels reporter, which shocked the community of international journalists. Similarly, in January 2005, a newspaper reporter and editor of

the Flemish-language newspaper *De Morgen* were interrogated by police about their sources for a May 2004 report on police fears about a terrorist attack in Antwerp and the paper reported that police were listening in on the phone calls of one of its correspondents. The new law protects journalists from home searches, seizures, and phone tapping, and gives them the right to silence if called as a witness. Journalists can only be forced to reveal sources to “prevent crimes that represent a serious attack on the physical integrity of one or several third parties.”

The political climate was strained regarding foreign journalists working in Belgium, particularly for those of Muslim descent. During a conference in Mol, three Moroccan journalists were barred from the conference premises and assaulted by conference participants although other journalists were allowed to attend, reported the IFJ and the Belgian Journalists’ Union. In addition, a Mongolian journalist and her ten-year-old son were held in a temporary holding center for foreigners without papers. The Interior Ministry wanted to expel her and reportedly she was deported from Belgium.

Newspapers have gone through increased concentration in ownership since the 1960s as corporations have steadily been buying up papers. As a result, today a handful of corporations run most of the country’s newspapers. The government does not limit access to the Internet.

Belize

Status: Free

Legal Environment: 8

Political Environment: 8

Economic Environment: 5

Total Score: 21

The constitution of Belize protects the right to freedom of expression, although there are several legal limitations to that right. The government may fine (up to \$2,500) and imprison (up to 3 years) those who question the financial disclosures of public officials, though there were no reports of this law being exercised in 2005. Newspapers are subject to libel laws, which were implemented on June 12, 2005, when a court ordered *The Guardian* to issue a public apology for criticizing Prime Minister Said Musa in 2003. Furthermore, the Belize Broadcasting Authority holds the right to preview broadcasts with political content and to remove libelous material.

In July 2005, the Belize Broadcasting Authority stated that it would temporarily suspend issuing new licenses due to the high number of existing broadcasters. They reported eight television stations and 33 licensed radio stations, including one station directly affiliated with the United Democratic Party. There are no daily newspapers printed in Belize, though there is a vibrant market for weeklies. Papers are privately owned, with two weeklies directly affiliated with political parties. In general, reporting covers a wide range of opinions. Belize has approximately 35,000 registered Internet users and the Internet is unrestricted by the government.

Benin

Status: Free

Legal Environment: 11

Political Environment: 9

Economic Environment: 10

Total Score: 30

A country with one of the freest press environments in Africa, Benin has a Constitution guaranteeing freedom of the press and those provisions are largely respected in practice. Nonetheless, a 1997 Press Code that considers libel a crime is still in place and in 2004 it was enforced when four journalists were prosecuted for defamation and two were imprisoned. However, 2005 saw a marked improvement in the treatment of journalists with no reported cases of imprisonment or abuse. In December, the High Authority for Audio-visual Media and Communications (HAAC) used the libel provision in the Press Code to condemn 4 daily newspapers and a radio station, although none have received a punishment more severe than a warning. In November, the HAAC also passed a provision limiting press freedom in the period leading up to the presidential election in March of 2006. This decision restricts the amount of time a media outlet can devote to political parties, presidential candidates or even governmental institutions in the months leading up to the election. At the same time, it protects the President's right to 'permanent and limitless access' to organs of the public press and forbids opinion pieces concerning political candidates that might jeopardize 'national unity'. Nonetheless, this decree will cease to apply after the 2006 election.

Benin is home to more than 30 daily newspapers, 5 television channels (of which 2 are privately owned) and countless national and local radio stations. Since the country's democratization in 1990, these independent press outlets have provided robust scrutiny of both government and opposition leaders. Radio stations like *Golfe FM* broadcast press reviews and daily reports in 3 of the country's main languages—French, Fon and Yorouba—enabling greater access to media particularly in remote rural communities. However, due to Benin's high level of poverty and the concentration of finances within the government, many of these independent newspapers originally began as tools of politicians intending to use them as propaganda machines. The inability of most of Benin's media operators to garner a consistent profit further limits the accuracy and fairness in reporting by making poorly paid reporters susceptible to bribery and blackmail. Internet access is available primarily through dial-up internet cafes that remain unhindered by government censorship, although the high level of poverty in Benin severely limits the percentage of the population with access to this new media.

Bhutan

Status: Not Free

Legal Environment: 19

Political Environment: 24

Economic Environment: 22
Total Score: 65

Freedom of expression and of the press, as well as media diversity, continues to be somewhat restricted in Bhutan. In the absence of a constitution or clearly defined legislation concerning the operation of the media, the legal environment for the press remains opaque. Under the 1992 National Security Act, any criticism of King Wangchuk and Bhutan's political system is prohibited.

Bhutan's only regular publication, *Kuensel*, generally reports news that puts the kingdom in a favorable light, but has increasingly been highlighting societal problems and carrying stories that are critical of the government. In February, *Kuensel* switched to a bi-weekly format and plans to open another printing press in Tashingang so that it can improve its distribution network. The broadcast media, which consist of the state-run Bhutan Broadcasting Service (BBS) radio station and television station, do not carry opposition positions and statements. Cable television services carry uncensored foreign programming, and thrive in some areas but are hampered by a high sales tax and the absence of a broadcasting law. In March, in response to concerns voiced by authorities as well as by members of the public, the Association of Private Cable Operators resolved to limit cable access to 30 channels, with a complete ban on 12 music and other channels that provided "controversial" content such as wrestling. Internet access is growing and is unrestricted—two new ISPs were licensed during the year—and the online edition of *Kuensel* provides a somewhat livelier forum for discussion and debate.

Bolivia

Status: Partly Free
Legal Environment: 10
Political Environment: 13
Economic Environment: 10
Total Score: 33

Freedom of the press in Bolivia remains compromised by inadequate legal guarantees. The constitution provides for freedom of speech and the press, but Bolivia's penal code stipulates that journalists can be jailed from one month to two years if found guilty of slandering, insulting, or defaming public officials. When the infractions involve the president, vice-president, or a minister, the sentence may be increased by one half. In a significant advance, a new freedom of information law was enacted in March. The decree mandates that public institutions must respond to information requests within a maximum of fifteen days. Whether or not public institutions will comply with the new law remains an open question. In July, a journalist filed a formal complaint regarding the Presidential Anti-Corruption Delegation's lack of response to a request for information on corruption cases in the department of Tarija.

Bolivia's journalists continued to face the challenges of reporting on their country's volatile politics. Mass demonstrations forced the resignation of President Carlos Mesa in June. In December, the presidential election produced a victory for the

leftist indigenous leader, Evo Morales. The Inter-American Press Association reported that journalists were free to cover the street protests. International election monitors did not observe any barriers to press coverage of the campaign and election. Physical attacks on journalists were not great in number, but included an assault on a television news crew by protestors in Santa Cruz, the beating of a camera operator by smugglers in Oruro, and the battering of a cameraman by military policemen during a ceremony at a military academy. The Inter-American Press Association called on the Bolivian government to renew efforts to investigate and prosecute the 2001 murder of a journalist killed by gang members.

The television industry is privately owned except for one government-owned television network. Broadcast outlets express a variety of political views, but stations have been criticized for their overt partisanship in news coverage. An international monitoring mission noted that television coverage tilted heavily against Morales. Media outlets from the eastern department of Santa Cruz were among the most hostile to Morales. The powerful Civic Committee of Santa Cruz declared the talk show host Guido Guardia to be “dead in a civil sense” for his criticisms and support for Morales. Guardia’s television show was subsequently cancelled. The print media is privately owned and is diverse in its editorial views. With the exception of one government-run outlet, radio stations are privately owned. Radio is the major news disseminator in the countryside, with an estimated 480 stations that operate around the country. One of the largest networks is Radio Erbol, operated by a consortium of 70 churches. In recent years, Bolivia has experienced a growth in alternative media that includes radio along with new Internet news operations. The Internet is not restricted by the government.

Bosnia-Herzegovina

Status: Partly Free

Legal Environment: 8

Political Environment: 21

Economic Environment: 16

Total Score: 45

Freedom of the press in Bosnia-Herzegovina is guaranteed by the constitution and the human rights annex to the Dayton Peace Accords. Bosnia has one of the most liberal legal environments in the world concerning media freedoms, but the enforcement of the laws is largely lacking due to the overburdened and weak judiciary. Libel and defamation were decriminalized in 2003; however, individuals and institutions can still bring civil suits with such claims. Over 300 defamation cases, which have accumulated in the last several years, are currently pending in Sarajevo courts alone, but the number of these suits decreased in 2005. The new law on the public broadcasting system (PBS) passed the Parliamentary Assembly of Bosnia-Herzegovina in October. The main obstacle to the reform came from Herzegovinian Croats, who demanded a separate channel in Croatian; the Constitutional Court rejected their request. The new PBS system retains its divided nature: Republika Srpska and the Bosniak-Croat Federation will have their own public

television with head offices in Sarajevo, Banja Luka, and Mostar. The three services are to belong to a single corporation and will be regulated through legislation.

Journalism in both state entities, the Bosnian-Croat Federation and Republika Srpska, continues to be plagued both by a relatively low standard of professional ethics and the fact that most media outlets appeal only to narrow ethnic constituencies. Public officials frequently exert pressure on the media through the allocation of advertising, and through critical public statements and threatening phone calls to journalists. In September, for instance, deputies of the Serbian Democratic Party (SDS) in Gacko announced that a reporter was unwelcome in the town after she published an article about the corruption of local SDS officials. In addition, journalists occasionally face intimidation and attacks by the police. In June, a *Dnevni List* journalist was physically assaulted by a police officer while trying to record a clash between local soccer fans and police. In August, two police officers interrogated a journalist without order in Tuzla after he wrote an article alleging the involvement of Tuzla police in human trafficking.

A plethora of independent electronic and print media organizations operate in Bosnia-Herzegovina. Economic and political interests are closely aligned in Bosnia, a situation that greatly impacts the media. Some media owners perceive that their economic well being depends on their good relationships with various political figures. This likely explains the lack of editorials critical of influential political officials among certain media holdings. Moreover, overly critical media outlets tend to have difficulties attracting advertising revenue and are subjected to unannounced inspections by the financial police. Many journalists in Bosnia-Herzegovina are inadequately paid and face a challenging economic situation. In November, employees of the state television, BHRT and Federal RTV, organized a 20-minute strike because their salaries were four months late. As a result, many among them could not afford the basic necessities of life, including food. Internet access in Bosnia is open and unrestricted.

Botswana

Status: Partly Free

Legal Environment: 8

Political Environment: 16

Economic Environment: 11

Total Score: 35

Status change explanation: Botswana's rating moved from Free to Partly Free in 2005 due to the expulsion of two journalists without just cause.

Freedom of speech and of the press is provided for in the constitution; while the government generally respects these rights in practice, 2005 saw a marked deterioration in freedoms of expression in Botswana. Libel is a civil offense, and in past years publications have been charged with defamation and have had to pay large amounts of money in court-ordered damages or as part of a settlement. The National Security Act, enacted in 1986 during Botswana's conflict with apartheid South Africa, remains on the books and has been used to restrict reporting on government activities. Journalists are

occasionally threatened, harassed, or attacked in retaliation for their reporting. In August 2005, the government employed immigration legislation to deport two Zimbabwean journalists, Rodrick Mukumbira and Charles Chirinda, who had criticized state policies; both were not given specific reasons for their expulsion. In a similar indication that the government was becoming less tolerant of those expressing critical views, Kenneth Good, an Australian-born academic who criticized as undemocratic certain elements of Botswana's political system, was charged under the NSA and deported in May 2005, a move that was roundly condemned by freedom of expression advocates.

Independent print media and radio stations provide vigorous scrutiny of the government and aired a wide range of opinions, mostly without government interference. However, the state-owned Botswana Press Agency dominates the media landscape via its *Daily News* newspaper and two nationally broadcast FM radio stations; radio remains the chief source of news for the majority of the population. Botswana Television, also owned by the state, was the country's only source of local television news. Government-controlled media outlets generally confine themselves to coverage that is supportive of official policies and do not adequately cover the activities or viewpoints of opposition parties and other critics. The government sometimes censors or otherwise restricts news sources or stories that it finds undesirable, and editorial interference in the state-owned media from the Ministry of Communication, Science, and Technology has increased in recent years. The November 2003 suspension of Radio Botswana's popular call-in segment of the morning show *Masa-e-sele* remained in effect at year's end; in July 2004, the ministry announced the cancellation of the same station's daily newspaper review segment. Privately owned radio stations and the sole private television station have a limited reach, and the financial viability of Botswana's independent newspapers is undermined by the fact that the *Daily News* is distributed nationwide at no cost. Internet access is unrestricted.

Brazil

Status: Partly Free

Legal Environment: 13

Political Environment: 15

Economic Environment: 11

Total Score: 39

The 1988 constitution provides for freedom of speech and of the press, and these rights are generally respected in practice. Despite the generally open environment, broadcasting services operate under the 1962 Telecommunications Code, and the draconian press law--in place since a military dictatorship imposed it in 1967--is still in place. However, a constitutional amendment made in 2004 that places crimes against human rights under federal jurisdiction has marginally improved the environment in which journalists operate. Press freedom continues to be hampered by civil and criminal defamation lawsuits that have number in the thousands in the last five years and are frequently used by politicians, public officials, and businessmen as intimidation tools against journalists and the news media. Lower court judges have often interpreted articles of the civil and

penal codes to rule against the press in cases of “moral damages,” imposing disproportionately high fines and granting injunctions against the press. In April, for example, a judge in the state of Goiás accepted legislator Ronaldo Caiado’s (PFL) request to seize copies of the book *In the Lions’ Den* by Fernando de Moraes under the argument that the book contained “libelous references” to the politician. In May, Justice Gabriel Marques prohibited broadcast in the state of Rondônia of an investigative report from the television program *Fantástico* that included a videotape showing legislators asking for money from Governor Ivo Cassol.

Brazilian journalists are usually able to report the news freely, including coverage of cases of corruption and irregularities involving the main public authorities. In 2005, the news media played an active role in uncovering the details of a scandal involving monthly payments paid to Congress representatives by members of President da Silva’s administration and high-ranking officials of his Party (PT). Investigations by Congress and the press revealed that some legislators received about US\$12,000 dollars per month in order to vote for bills favored by the government. Cases of intimidation and violence against journalists continue to take place, especially in the less-developed northern and northeastern regions of the country. On July 1, four unidentified men riding two motorcycles shot and killed José Cândido Amorim Pinto, a journalist in the city of Carpina. The journalist, who was also a city councilman, had been reporting on corrupt practices in the mayor’s office on his program at a local community radio station. Due to inefficiencies in the justice system, crimes against journalists often go unpunished. A positive development in this regard in 2005 was the conviction of the murderers of *TV Globo* journalist Tim Lopes, tortured and killed in 2002 by drug dealers in the city of Rio de Janeiro.

With South America’s largest media market, Brazil’s dynamic and diverse media is able to provide a lively array of views, including investigative reporting published through privately owned newspapers, magazines, and online electronic periodicals. However, despite the pluralism of Brazil’s media, ownership is highly concentrated, particularly within the broadcast sector. *Globo Organizations*, a large media conglomerate, continues to have a dominant position in Brazil’s media system, maintaining ownership of the main television network, radio stations, print media, and cable television distribution. Several new community radio station have requested broadcast licenses in 2005, but the process for approval current takes several years to complete. Nonetheless, in February the government appointed a group of officials to find a way to expedite the licensing process. Access to the Internet is generally unrestricted, but in July, Reginaldo de Lima of Sao Paulo City, who operated a website, devoted to Nazism, was arrested on charges of Nazi sympathy, but is still awaiting trial.

Brunei

Status: Not Free

Legal Environment: 28

Political Environment: 27

Economic Environment: 22

Total Score: 77

Emergency laws in effect for nearly half a century and the absolute monarchy of Sultan Hassanal Bolkiah continue to ensure that media in Brunei are neither free nor diverse. Since 2001, harsh press legislation has required that newspapers apply for annual publishing permits and that non-citizens obtain government approval to work for the press. The government has the authority to arbitrarily shut down media outlets and to bar distribution of foreign publications. Journalists can be jailed for up to three years for reporting “false and malicious” news. The amended May 2005 Sedition Act further restricted press freedom this year by expanding the list of punishable offenses to include criticism of the sultan, the royal family, and the standing or prominence of the national philosophy, the Malay Islamic Monarchy concept. Under the amended act, persons convicted of such crimes or any publishers, editors, or proprietors of a newspaper publishing matter with a seditious intention face fines up to \$2,965 (B\$5 thousand).

The media does not convey a range of viewpoints or criticism of the government. According to the BBC, the privately owned press is either owned or controlled by the sultan’s family or practices self-censorship on political and religious matters. The country has only one daily newspaper, the *Borneo Bulletin*; although letters to the editor at times criticize government policies, the newspaper more generally self-censors to avoid angering the government. A smaller Malay newspaper and several Chinese newspapers are also published. The only local broadcast media are operated by the government-controlled Radio Television Brunei, although foreign channels are available via a cable network. Internet access is reportedly unrestricted and growing, but several Bruneians were detained for publishing or distributing anti-government materials online.

Bulgaria

Status: Partly Free

Legal Environment: 10

Political Environment: 12

Economic Environment: 12

Total Score: 34

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. However, government manipulation of media and lack of judicial independence are cause for concern. Defamation is a criminal offense, punishable by high fines. The number of defamation suits against media workers has slightly increased and although most suits did not result in fines, the threat of legal action led some to practice self-censorship. Most defamation cases occurred due to reports detailing corruption of high-level officials. In September, a Sofia court acquitted a Romanian journalist who had been arrested and fined in late 2004 for unauthorized use of a hidden camera on the border. The parliament adopted a strategy for developing broadcast radio and television, which aims to increase media pluralism and transform Bulgarian National Radio (BNR) and Bulgarian National Television (BNT) into public operators. The strategy envisions strengthening the government-appointed media watchdog, the Council for Electronic Media (CEM). But because the strategy was not

adopted until September, the CEM was unable to disseminate new licenses, although it was still able to regulate programming. In November, the CEM banned the airing of “sensational” violence, crime, and cruelty between the hours of 6AM to 11PM and imposed steep fines. The CEM is frequently criticized for its lack of independence in appointing the directors of BNT and BNR. In February, the Supreme Administrative Court confirmed the 2004 CEM dismissal of the BNT director.

Media outlets expressed a diverse range of public and political views, in most cases without government interference. Although BNT, BNR and the state-owned news agency, Bulgarian Telegraph Agency (BTA), were often very critical of the government’s actions, inefficient legislation leaves the state-owned media vulnerable to government influence. Local media organizations reported that politicized intimidation from local authorities and organized crime and dismissals from media managers were the biggest obstacles for press freedom. In September, unidentified persons set on fire the Vratsa office of the highest-circulating national daily *Trudi*. The attack followed a threat against a local correspondent whose article revealed that a local businessman had links to organized crime.

There are a high number of private media outlets, as well as publications published by political parties and interest groups. Financing continues to be a major problem for Bulgarian media. The BNT and BNR have yet to be fully transformed into public service broadcasters. Both broadcasters continue to depend on state funds as the transformation process lengthens. Due to unreformed finances, BNT and BNR are vulnerable to corporate interests. The CEM also relies exclusively on state funds. Private media are forced to rely heavily on advertising. Internet access is free and not restricted by government.

Burkina Faso

Status: Partly Free

Legal Environment: 11

Political Environment: 14

Economic Environment: 13

Total Score: 38

Freedom of speech is protected by the constitution, and this right is usually respected by the government in practice. However, under the 1993 information code, media outlets may be summarily banned if they are accused of distributing false information or endangering national security. No law exists to guarantee equal access to information. The Ministry of Information regulates all media, and the Supreme Council of Information further regulates the broadcast media. Investigations into the December 1998 politically-motivated murder of prominent newspaper journalist Norbert Zongo have produced few results due to political interference in the trial despite an appeal by the Press and Democracy network for such impediments to cease. The leading suspect in the case, President Blaise Compaore’s brother, has yet to be charged and has only been questioned once by the police. It was reported that in February, journalist Urbain Kabore was beaten by six policemen over a dispute concerning press access to Hajj pilgrims returning to

Burkina Faso. By the year's end, no repercussive action had been taken against the police.

State-operated media outlets function with a significant pro-government bias, but the private media, including several daily newspapers and more than 50 radio stations, operate with little governmental interference and are often highly critical of the government, particularly on issues such as corruption and human rights violations. At the same time, the administration continues to be sensitive to such scrutiny pressuring many journalists into self-censorship through periodic police harassment. Access to international press and the internet remains unrestricted, though only 53,000 internet users have been recorded out of a population of 12 million.

Burma (Myanmar)

Status: Not Free

Legal Environment: 30

Political Environment: 38

Economic Environment: 28

Total Score: 96

The Burmese media remained among the most tightly restricted in the world in 2005. The ruling military junta zealously implements a 1996 decree banning speech or statements that "undermine national stability," and those who publicly express or disseminate views that are critical of the regime are subject to strict penalties including lengthy prison terms. Although several journalists and writers were released from jail throughout the year, others were arrested and a number continue to serve lengthy sentences as a result of expressing dissident views. Other laws require private publications to apply for annual licenses and criminalize the use of unregistered telecommunications equipment, satellite dishes, computers, and software.

Private periodicals are subject to prepublication censorship, with coverage being limited to a small range of permissible topics. The junta's leadership took control of the censorship bureau after the October 2004 purge of Prime Minister Khin Nyunt, and a new Press Scrutiny and Registration Division (PSRD), under the control of the Ministry of Information, was established in April. All publications were then required to re-register with the PSRD, which entailed providing detailed information about each publication's staff, ownership, and financial backing. Under new censorship rules which came into effect in July, media are ostensibly allowed to offer criticism of government projects as long as it is deemed "constructive" and are allowed to report on natural disasters and poverty as long as it does not affect the national interest. Meanwhile, critical coverage of regional allies such as India and China, as well as op-ed pieces, were banned outright. Ironically, however, the junta forbade the *Myanmar Times* from publishing a Burmese translation of the new regulations, according to the Southeast Asian Press Alliance. During the year, authorities imposed blackouts on news related to the impact of the December 2004 tsunami and on the May 2005 Rangoon bombings. Several publications were banned temporarily from distributing editions that aroused the ire of censorship authorities. Both local and foreign journalists' ability to cover the news is restricted. A

small number of foreign reporters are allowed to enter Burma only on special visas; they are generally subjected to intense scrutiny while in the country and in past years have occasionally been deported. However, some foreign correspondents were invited to cover the February and December sessions of the National Convention.

The government owns all broadcast media and daily newspapers and exercises tight control over a growing number of privately owned weekly and monthly publications. While official media outlets serve as mouthpieces of the state, private media generally avoid covering domestic political news, and many journalists practice self-censorship. Authorities restrict the importation of foreign news periodicals, and although some people have access to international short-wave radio or satellite television (which are the main source of uncensored information), those caught accessing foreign broadcasts can be arrested, according to the Committee to Protect Journalists. The Internet, which operates in a limited fashion in the cities, is expensive, tightly regulated, and censored. Bagan Cybertech, the main Internet service provider that was formerly owned by Khin Nyunt's son, was taken over by the government in November 2004, and in 2005 authorities moved to deactivate email addresses run by Bagan, as well as blocking access to websites run by Burmese exile groups. A stagnant economy, increased prices for newsprint, and a limited market for advertising revenue (following a 2002 ban on advertising Thai products) have further threatened the financial viability of the private press.

Burundi

Status: Not Free

Legal Environment: 21

Political Environment: 29

Economic Environment: 24

Total Score: 74

Although the transitional constitution provides for freedom of expression, the 1997 Press Law forbids the dissemination of "information inciting civil disobedience or serving as propaganda for enemies of the Burundian nation during a time of war." In addition, a media law enacted in November 2003 provides for fines and prison terms of up to five years for the dissemination of information that insults the president or is defamatory or injurious to any public or private individual. In June 2005, radio and online journalist Etienne Ndikuriyo was detained and charged under this law, because he reported that the president was depressed in the aftermath of the election results. However, the law also abolished the requirement that newspapers submit articles to the authorities for prepublication review, and provides for the protection of sources. The state-run National Communication Council (NCC), which is charged with regulating the media, occasionally bans or suspends independent publications and restricts permissible reporting.

The political situation for the media stabilized somewhat in 2005 with the demobilization and disarmament of thousands of soldiers and former rebels in late 2004. Although a variety of political views are tolerated and the opposition press does function

sporadically, reporters remain vulnerable to official harassment, detention, and violence, and many practice self-censorship. 2005 appeared to be a particularly sensitive year due to the elections. Radio Publique Africaine (RPA) was prevented from reporting regionally when the NCC ordered it to close for two days, accusing it of “offending public morals” and threatening public security by reporting on the rape of an eight year old girl. In July the station was shut down again for several days, because of allegedly biased coverage of the June municipal and parliamentary elections. In February, *NetPress*, a private newssheet, was banned for a week under accusations of libel concerning an article in which they charged the head of the National Commission for Rehabilitation of War Victims with diverting food aid away from people in need.

Le Renouveau, Burundi’s only daily newspaper, is controlled by the government while 6 private publications operate on a weekly basis. Readership of the print press is limited by low literacy levels making radio the primary source of information for many Burundians. The government owns and operates the main broadcast media, including the nation’s sole television station as well as the only radio station that broadcasts nationwide. Political coverage at these outlets remains strongly pro-government. Private radio stations operate irregularly, but some like RPA manage to present diverse and balanced views. The BBC, Radio France Internationale, and the Voice of America are all available on FM in Bujumbura. No restrictions to internet access are apparent, though the NCC bans websites from “posting documents or other statements by political organizations that disseminate hate or violence.”

Cambodia

Status: Not Free

Legal Environment: 20

Political Environment: 23

Economic Environment: 18

Total Score: 61

Although local journalists generally see the Hun Sen government as relatively tolerant of the media as compared to Cambodia’s neighbors, restrictive legislation and a highly politicized media environment continue to hamper the Cambodian press. The constitution guarantees the people’s right to free expression and free press, but the 1995 press law is seen as a double-edged sword by journalists. While the law protects press freedom, the government has used it to censor stories deemed to undermine political stability. Under Article 12, the employer, editor, or author of an article may be subject to a fine of 5m to 15m riels (US\$1,282 to US\$ 3,846). The law also gives the Ministries of Information and Interior the right to confiscate or suspend a publication for 30 days and transfer the case to court. Article 13 deems that the press shall not publish or reproduce false information, which humiliates or is in contempt of national institutions. A continuing concern is the number of defamation cases that were filed during the year against journalists. On August 31, the Cambodian Supreme Court upheld a guilty verdict against *Cambodian Daily* reporter Kay Kimsong, charging him for his writing a ‘defamatory’ article about Foreign Affairs Minister Hor Namhong. In October, Prime Minister Hun

Sen filed defamation charges against radio journalist Mam Sonando and seven human rights activists who criticized him for signing the special border treaty on Oct 10 with Vietnam. Other journalists had fled the country for fear of being charged.

Although the threat of arrest has reportedly led to a slight increase in self-censorship, press coverage in Cambodia remains vigorous and journalists regularly expose official corruption and scrutinize the government. However, on several occasions during the year, the government attempted to fetter journalistic coverage and access. In October, according to the Committee to Protect Journalists, authorities imposed restrictions on reporters' ability to cover news from law courts in the capital, Phnom Penh. On November 23, the information ministry ordered all radio and television stations to cease reading and editorializing the contents of newspapers over the air. The ministry said the commentaries were "in addition to the contexts of those stories, contrasting the ethical code of the journalistic profession and affecting Khmer tradition and social order." Journalists remain subject to some intimidation and harassment at the hands of authorities, and reporters in the provinces, particularly those who cover issues such as illegal logging, face additional dangers, such as physical attacks; several instances of assault were noted during 2005.

Journalists from more than 20 publications aligned with or subsidized by various political factions are unbridled in criticizing their adversaries and public officials, but generally do not criticize the King. The ruling Cambodian People's Party (CPP), its coalition partner the Royalist Party (Funcinpec), and the opposition Sam Rainsy Party each have their own newspaper. However, the government dominates both radio and TV, the main media for the two-thirds of the population who are functionally illiterate, and broadcast programming generally reflects official viewpoints. Independent broadcast outlets' operations are constrained by the refusal to allocate radio and television frequencies to stations that are aligned with the opposition. In addition, the economy is not strong enough to generate sufficient advertising revenues to support truly neutral or independent media. Access to foreign broadcasts and to the Internet is generally unrestricted.

Cameroon

Status: Not Free

Legal Environment: 19

Political Environment: 24

Economic Environment: 22

Total Score: 65

The constitution provides for freedom of the press. The country has a lively private and independent press, with watchdog groups and professional journalist unions licensed to operate. But in practice Cameroonian journalists work in an adverse and unpredictable political environment. Police and army officials have settled scores with journalists outside of the court system, resorting to intimidation or violence. Criminal libel laws are widely invoked by the authorities to silence critics of the regime of President Paul Biya. In lawsuits brought against the press the courts usually side with the plaintiffs, sometimes

in violation of due process. Powerful business actors are reported to raise economic disincentives to thwart critical media reporting on their activities. But Cameroon is a regular target of anti-corruption groups, and members of the media have also been accused of accepting bribes. While the regulatory process for newspapers is relatively transparent, broadcasting licenses are harder to obtain five years after President Biya signed a liberal media bill into force. Many stations continued to air news and other programs without license and without formal consequences. However, press freedom groups have accused the authorities of taking advantage of this state of affairs to influence the editorial freedom of the broadcast media. The situation is markedly different on the national Internet, with half a dozen private service providers operating without interference. This year, members of the written press faced increased political and legal pressure. In January, Jules Koum Koum, publisher of *Le Jeune Observateur*, was sentenced to six months in prison for defaming an insurance company. Koum served one month and released in February pending an appeal. In April, a court in Maroua, in the Far North Province, sentenced Guibaï Gatama, publisher of the weekly *L'Oeil du Sahel*, and Abdoulaye Oumaté, a journalist for the paper, to five months in prison and a hefty fine in a criminal defamation case of a local military commander. According to the Committee to Protect Journalists, army officers had brought at least twelve court cases against *L'Oeil du Sahel* in the course of the year, threatening its financial survival. In August, the newspaper was sentenced to pay exorbitant fines to military officials. A month earlier, another journalist, Joseph Bessala Ahanda, was jailed for two weeks during a judicial investigation into defamation allegations against him.

Canada

Status: Free

Legal Environment: 4

Political Environment: 8

Economic Environment: 6

Total Score: 18

Canada's Constitution Act of 1982 provides protection for freedom of expression, including freedom of the press. Defamatory or blasphemous libel remains a criminal offense under the federal criminal code. In 2001, as part of its new anti-terror bill, the Canadian government adopted the Security of Information Act, which forbids unauthorized possession or communication of sensitive government documents. Among other things, this act prevents current or former employees of the Canadian Security Intelligence Service from divulging information concerning national security to the press. In March of 2005 the government proposed an extension of those subject to this law to include the Privy Council Office, the Justice Department, and the Department of National Defense, among others. Those found revealing such information may face up to 14 years in prison. Canada's Access to Information Act was once emblematic of how to uphold press freedom through law. Now it is restricted by so much bureaucracy and anti-terror legislation that journalists have accused the Canadian government of violating press freedom outright. In January, Stephen Williams became the first Canadian journalist ever

to receive a criminal record for his writing. He received three years probation and community service after pleading guilty to a single charge of breaking a publication ban on two of his books critical of police investigations into serial killings of young women in the 1990s. Internet press freedom also came under scrutiny when a Canadian court agreed to hear a libel case brought against the American *Washington Post* by Cheickh Bangoura, a former UN official, for a report published on the Internet accusing Bangoura of improprieties while serving with the UN in Kenya.

In June of 2005, the Montreal suburb Côte-St-Luc restricted freedom of expression by banning a posthumous exhibition of photographs taken by Zahra Kazemi, a Canadian journalist murdered in an Iranian prison. The ban began as a result of complaints over the pro-Palestinian nature of some of the photographs and continued because the local government considered the images to be too “politically charged” for the community.

Both print and broadcast media in Canada, which includes the public Canadian Broadcasting Corporation, are generally free to express diverse views. Nonetheless, the extent of media concentration and the influence of powerful media conglomerates such as CanWest Global Communications continue to limit media pluralism.

Cape Verde

Status: Partly Free

Legal Environment: 7

Political Environment: 12

Economic Environment: 13

Total Score: 32

The constitution of Cape Verde directly protects freedom of speech, as well as confidentiality of sources, access to information, and freedom from arbitrary arrest and detention. The government generally respects these rights and does not tolerate their abuse by others. There were no major reported cases of extra-legal intimidation or violence against the media in 2005. However, reports of media self-censorship among journalists are common and there is a need for an improvement in journalism training.

Much of the media is state-operated although there are a growing number of private publications and broadcasting outlets, including cable television and foreign stations that broadcast mostly out of Praia, the capital. Due to the expense and restrictive licensing laws, establishing a broadcast outlet is often very difficult and time-consuming. A television or radio station requires government authorization before it can begin broadcasting. The production and distribution of newspapers is also very expensive due to the high cost of printing and the need for air transportation for paper delivery in an archipelago. Access to the Internet is unrestricted.

Central African Republic

Status: Not Free

Legal Environment: 21

Political Environment: 22

Economic Environment: 18

Total Score: 61

In December an overwhelming majority of voters approved a new constitution. The new law recognizes as basic right the freedom to inform and express opinions. Legislation enacted in 1998 curtails the government's authority to censor the press. But political leaders, state officials and influential businesspeople still appeal to criminal libel laws to prosecute journalists. These laws remain on the books while a bill passed by a national transitional council in 2004 decriminalizing press offenses awaits presidential seal. The turbulent transition ending with the May elections forced a dozen reporters to flee abroad; some of these remain in exile. In the past major political events have been linked to surge in violence against journalists. But despite street campaigning, rallies and demonstrations through the year, there were fewer reported cases of attacks on the press. Journalist unions and the Group of Publishers of the Private Independent Central African Press (GEPPIC) were able to freely lobby the authorities to improve the media environment. In May, parliamentary and presidential elections solidified the authority of President Francois Bozize, who seized power in a 2003 coup and promised to improve press freedoms. But poor salaries and real or self-imposed censorship in a less than dynamic media market continue to hamper the editorial freedom of news organizations. The state remains dominant in the broadcast sector and private radios, reined in by legal and business restrictions, are often intimidated by the powerful. Radio Ndeke Luka, the leading private FM station with programming on human rights and peace-building, was a consistent target of cabinet members and other state representatives. In May, two of its reporters, Zéphirin Kaya and Patrick Akibata, were threatened with death by members of the presidential guard. In October, Communication minister Fidel Gouandjika vowed to work to "to re-establish censorship in order to educate journalists." In December, the minister told media owners that he would take firm action against news organizations that run unflattering stories about the country. He also singled out stations that broadcast certain locally popular songs perceived to be hostile to women. Local human rights groups rejected the minister's threats as misdirected and failing to address the larger social issues.

Chad

Status: Not Free

Legal Environment: 23

Political Environment: 29

Economic Environment: 21

Total Score: 73

The constitution allows for freedom of expression, but the government has routinely restricted this right in practice with frequent harassments or detentions of journalists.

Libel is criminalized by law, and a dozen members of the small private press corps have served jail time this year or paid hefty fines under the libel laws. In such a conservative, ethnically polarized society, many subjects are considered off-limits for the press, including the armed rebellion on the border with the Darfur region of Sudan and the recurring tensions between tribal clans. The High Council of Communication (HCC), the official media regulatory body, has authority to suspend publications and broadcast outlets for defamation or excessive criticism of the government, particularly President Idriss Deby. In recent years the HCC has increasingly made use of this authority. In May of this year, the government continued its intimidation of *Radio Brakos*, a small private radio station in the south of country with an HCC suspension of the station's broadcasting license allegedly due to "recurring conflicts between *Radio Brakos* and administrative and military authorities."

Throughout the year, four other journalists were arbitrarily detained. Among them was Vatankah Tchanguis, the director of *Radio Brakos*, who was held for more than two months without charge and threatened with forced exile. Garondé Djarma, and Ngaradoumbé Samory, respectively a columnist and the editor of the private daily *L'Observateur*, were also jailed for three months for publishing a letter critical of President Idriss Deby's treatment of ethnic minorities. In July, Djarma was sentenced to three years in prison for defamation of the president and "inciting hatred" for criticizing a controversial constitutional amendment allowing the president to stay in office for a third term. In August, Djarma was sentenced to an additional year in prison for "inciting hatred" in an interview that ran in *L'Observateur* in which Djarma blamed the charges against him on a conspiracy by Arab members of the government. The paper's publication director, Sy Koumbo Singa Gali, who conducted the interview, was also sentenced to a year in jail. In August, members of Chad's Union of Private Radio Stations were so outraged by the number of arbitrary detentions that they organized demonstrations and a week-long strike during which all private print publications and radio broadcasts were replaced with bulletins on the state of press freedom in the country. As a result in late August, the HCC's ban on *Radio Brakos* was lifted but only on the condition that Tchanguis, the imprisoned director, no longer be associated with the station. Soon after, an appeals court overturned the sentences on Djarma, Samory and Sy, who were immediately released.

Newspapers that criticize the government circulate freely but have little impact among the largely rural and illiterate populations. According to the BBC, radio is the medium of mass communication, but state control over broadcast media allows few dissenting views. The only television station, *Teletchad*, is state owned, and its coverage favors the government. Despite high licensing fees for commercial radio stations, there are 13 privately owned stations on the air, some operated by nonprofit groups (including human rights groups and the Roman Catholic Church). These broadcasters are subject to close official scrutiny, and those that fail to pay annual fees to the state are threatened with closure. Access to the internet is limited by the high level of poverty in Chad, but the government refrains from restricting access to those who can afford. Nonetheless, the government does occasionally engage in monitoring e-mail through the main post office server.

Chile

Status: Free

Legal Environment: 8

Political Environment: 11

Economic Environment: 7

Total Score: 26

The Chilean constitution provides for freedom of speech and the post-Pinochet governments have had a reputation for respecting this right in practice. In 2005, after three years of delays and lobbying by free speech advocates, the government of President Ricardo Lagos enacted measures in August that eliminated *desacato* (disrespect) laws from the penal code, which had impeded reporting on the government and military. In September, Congress also reformed the constitution to eliminate defamation as an offense against public persons, praised by press freedom organization including the Inter-America Press Association. Nonetheless, there continue to be worries about the classification of some public documents.

In general, the media are independent and freely criticize the government in an atmosphere largely safe from physical threats or intimidation. However, in May of 2005, Paola Briceno Verdina, a reporter for *Radio Bío-Bío*, was arrested and beaten by police while covering a student protest in Santiago. She was allowed to go without charge when a commanding officer, appalled at her treatment, intervened and ordered her immediate release. Investigative reporting continues to be a difficult undertaking, particularly for those journalists working for mainstream publications who are forced to function within the boundaries of sensitive topics set by media owners. In early 2005, *Plan B*, a magazine made up of investigative journalists who left the quasi-governmental *La Nación* after alleged censorship, closed because of financial pressures. In June, indigenous journalist Pedro Cayuqueo Millaqueo, director of the Mapuche magazine *Azkintuwe*, was imprisoned for failing to pay a fine related to his presence at a land occupation in 2003. At the time of his arrest, Cayuqueo was trying to obtain an exit visa to participate in a conference of First Nations journalists in Canada.

Press ownership is highly concentrated in the hands of two companies that received preferential treatment during the conservative military dictatorship that left power in 1989. Left-oriented, investigative publications have trouble surviving financially and receive little or no government advertising. Chile's television system, formed before the Pinochet dictatorship, is a mixed public-private system and is considered among the most diverse in the Americas; even those stations owned by the state are considered to be independent of government influence. However, indigenous voices are not fairly represented in the mainstream Chilean press and no political move has been made to improve this situation. There were no reported government restrictions on the Internet in 2005.

China

Status: Not Free

Legal Environment: 27

Political Environment: 34

Economic Environment: 22

Total Score: 83

In China, news media are tightly controlled by the Central Propaganda Department of the Chinese Communist Party, especially concerning topic areas deemed by the party to be politically sensitive. Under the leadership of Politburo member Li Changchun, the Propaganda Department disseminates directives to media nationwide concerning mandatory use of state propaganda and indicating topics to be barred from reports. Communist Party control over the news media is supported by an elaborate web of legal restrictions. Administrative regulations, such as the 1990 Rule on Strengthening Management over Publications Concerning Important Party and National Leaders, make it illegal to report on any aspect of the lives of top leaders without permission from the Propaganda Department and other central government ministries. Statutes in the criminal code, such as the Protection of National Secrets Law, can make reporting on governmental affairs an offense punishable by prison sentences. Regulations and laws are vaguely worded and interpreted according to the wishes of the central party leadership. Although not usually enforceable, the constitution affords little protection for the news media. Article 35 guarantees freedom of speech, assembly, and publication. However, other articles subordinate these rights to the national interest, which is defined by party-appointed courts.

Media reforms have allowed the commercialization of media operations without privatization of media ownership. All Chinese media are owned by the state, but the majority no longer receive state subsidies and now rely on income from advertisement sales. A few scholars argue that commercialization of media operations has acted as a freedom-inducing pressure by shifting the media's loyalty from the party to consumers. Indeed, a small number of media outlets have championed popular causes and printed embarrassing exposures of official malfeasance. Nevertheless, media personnel who do so are too often fired or arrested. To avoid the risk of running afoul of the Propaganda Department, journalists often engage in self-censorship, a practice reinforced by frequent ideological indoctrination and by a salary scheme that pays journalists only after their reports are published or broadcast. When a journalist writes a report considered too controversial, payment is withheld, and in some cases the journalist must pay for the cost of newsgathering out of pocket. A small number of elite media combat such deterrents to aggressive reporting (which sells well to consumers bored by the usual fare of platitudes) by paying journalists for reports that are subject to censorship.

News media freedom in China, such as it is, continued to decline in 2005. In March, the new Regulations on the Administration of Book Quality came into effect, requiring publishers to refrain from reprinting books of questionable political correctness and authorizing the government to confiscate banned books that had already been sold. In August 2005, the Central Propaganda Department issued a new order restricting popular access to foreign films and television programs. The government encouraged the media

to engage in self-censorship, as stipulated in the Self-Discipline Agreement for Chinese Radio and Television Announcers and Hosts issued in September.

In a move to counter criticism that information in China is insufficiently transparent, on September 12, the central government mouthpiece, Xinhua News Agency, announced that the death toll in natural disasters will no longer be regarded as a state secret. However, the degree to which this move toward greater transparency concerning such stories remains unclear. News of infectious diseases and manmade disasters are treated as state secrets and subject to censorship. As a general rule, any information can be classified as a state secret if its release is determined by enforcement agencies to have harmed state interest or state security. In April 2005, Hong Kong correspondent for *The Straits Times*, Ching Cheong, was detained in Guangzhou on suspicion of harming state security by working as a spy for Taiwan. According to Ching's wife, he was working on a story involving the purged general secretary of the CCP, Zhao Ziyang.

The popularity of the internet has also led to increased government crackdowns and close monitoring of personal communication. China regularly blocks websites it deems politically threatening. The same content restrictions applied to print and broadcast media also apply to internet content. Foreign internet companies have largely cooperated with the Chinese government on censorship enforcement. A prominent example of this was the role played by Yahoo in providing information leading to the conviction of Hunan journalist Shi Tao, for leaking "state secrets." In the spring of 2004, Shi Tao e-mailed a one-page document outlining instructions for the suppression of news reports about the fifteenth anniversary of the Tiananmen crackdown to the New York-based website Democracy Forum. Chinese court documents indicate that Yahoo Ltd. Hong Kong provided information that allowed the prosecutors to identify Shi Tao as the sender of the e-mail, which resulted in his conviction to a 10-year prison sentence in April 2005.

In July 2005, government agencies shut down over a quarter of China's 573,755 websites after their operators failed to register at the Ministry of Information Industry (MII). In September, new regulations were issued that increased the ability of the Chinese government to restrict internet news sites, web logs, and cellular phone text messaging, which is also subject to monitoring by the government. In addition, websites such as the Beijing-based Yannan, have been shut down for reporting on incidents of rural unrest, which has risen sharply in recent years. A recent report by the China Internet Network Information Center estimates the number of Internet users at 111 million, a large number in absolute terms but calculated to be less than 10 percent of the country's population. According to a report released by the technology research firm Analysys, the number of blogs in China more than doubled in 2005, increasing to over 30 million.

The effects of globalizing information flows have already been considerable. With vigorous foreign media operating in China, the regime's task of suppressing information has become more difficult; for Chinese with foreign language ability, foreign news reports present an "alternate" truth to that available in the official media. A growing number of Chinese travel abroad, telephone friends or relatives overseas, and watch a plethora of pirated media products available in urban areas. The number of Chinese accessing the internet (and possibly to access uncensored information) is certain to rise as the cost of connectivity decreases relative to spending power.

Colombia

Status: Not Free

Legal Environment: 13

Political Environment: 32

Economic Environment: 16

Total Score: 61

Colombia remains the most dangerous country for journalists in continental South America. Incidents of physical violence continued to decline in 2005 under the rule of President Uribe Vélez, but journalists still work in an extremely hostile environment. Freedom of the press is guaranteed in the 1991 Constitution, but journalists have trouble exercising their rights in a country wracked by a complex armed conflict involving left-wing guerrilla organizations, drug traffickers, paramilitary groups, and government security forces. Domestic and international press organizations, like the Committee to Protect Journalists, attribute some of the decline in violence against journalists to an increase in practices of self-censorship.

The Inter-American Press Association noted a significant increase in the number of criminal complaints and civil lawsuits being filed against media outlets and reporters. The plaintiffs in these cases included retired military officers, government ministers, public officials, and private citizens. Journalists from the Bogota-based newspaper, *El Tiempo*, and magazines, *Cambio* and *Semana*, were the targets of libel actions, as were journalists from many provincial media outlets including Cartagena's *El Universal*. Colombia's Penal Code does not contain provisions allowing journalists to be charged with contempt (*desacato*), but it does allow for slander and libel to be filed as criminal charges. A recent addition to the criminal procedure code allows prosecutors to execute searches in advance of securing a warrant; this provision could make it easier for prosecutors to seize notes or information kept by journalists.

Violence and harassment of journalists by state and non-state actors continue to be the primary impediments to a functioning free media in Colombia with 2005 witnessing the murder of two journalists by unknown assailants. Radio news host Julio Hernando Palacios Sánchez was shot and killed by unidentified men in the northeastern city of Cúcuta for a program he hosted on *Radio Lemas* that focused on local corruption. Newspaper editor and civic leader Rafael Enrique Prins was killed in Managua in the department of Bolívar. Both men were known for denouncing corruption. At least twenty-five other journalists reported receiving death threats in 2005 causing five of them to leave their homes and three to flee the country. One of the most notable cases was the harassment of three journalists from Bogota's *Canal Uno* television station. One of the journalists, Daniel Coronell, left Colombia with his wife, anchorwoman Maria Cristina Uribe, and their daughter after they received death threats that included an anonymous delivery of funeral wreaths. Coronell reported that email threats had been traced back to the residence of former congressman Carlos Nader Simmonds.

Paramilitary groups threatened journalists in the departments of Putumayo, Tolima, and Santander and attacks on radio and television transmission stations in Putumayo and Caqueta were attributed to the FARC guerrilla organization. The Putumayo offices of RCN radio and television were also the target of a car bomb while a

fragmentation grenade heavily damaged the office of the newspaper *El Informador* in Magdalena. Since the revelation of a paramilitary “black list” of journalists in the Arauca region in 2003, journalists have been reticent to report on sensitive topics. Arauca and Norte de Santander are considered to among the most dangerous areas in the country for reporters

Government investigations and prosecutions for crimes against journalists have been slow and inconclusive, making for an atmosphere of impunity. According to the Office of the Special Rapporteur for Freedom of Expression, thirty-one journalists were murdered between 1998 and 2005 and only six of those cases had yet reached a trial phase by 2005. In none of the cases have all the authors of the crime—physical and intellectual—been sentenced. The Colombian government established a special unit in the Office of the Public Prosecutor to deal specifically with cases involving the assassination of journalists, but the unit has been hamstrung by insufficient personnel and budgetary resources. Since 2000, the Ministry of the Interior and Justice has operated the Journalist Protection Program to assist journalists who become targets with security, transportation, financial aid, and assistance to leave the country if necessary.

Most of the country’s media outlets are controlled by groups of private investors. The government operates two commercial and one educational television station along with a national radio network. The Ministry of Communications has been active in promoting the development of community radio stations and a total of 415 stations are currently in operation. Government advertising is an important source of revenue since local media depend heavily on advertising by provincial and municipal agencies in order to stay in business. This financial dependence creates a powerful incentive for collusion among media owners, journalists, and officials that affects editorial views and news coverage. There were no reported cases in 2005 of government monitoring or censorship of internet access.

Comoros

Status: Partly Free

Legal Environment: 12

Political Environment: 20

Economic Environment: 15

Total Score: 47

Freedom of speech and of the press received legal protection for the first time with the adoption of the new constitution in 2001. Since that time, these rights have generally been respected in practice by the government, but journalists are still regularly subject to harsh defamation laws and harassment. Comoros has several independent newspapers and one semiofficial weekly, *Al-Watwan*. Of the two national radio stations, one (*Radio Comoros*) is run by the government; the other (*Radio Tropique*) is run by the opposition. Private local radio and television stations have proliferated in the last few years and are predominantly funded by donations from local citizens and citizens living abroad. In January, the government suspended the broadcast of *Radio Dzialandzé Mutsamudu* (RDM), one of these local radio stations, for a period of three weeks owing to the

station's decision to permit striking doctors to voice their complaints on the air. This most recent press freedom violation has increased the incentive for self-censorship among a press that has routinely been reluctant to criticize the government. Nonetheless, the largest impediment to a free flowing press is not government interference, but a lack of resources in a severely impoverished society.

Congo, Republic of (Brazzaville)

Status: Partly Free

Legal Environment: 17

Political Environment: 17

Economic Environment: 17

Total Score: 51

The constitution provides for freedom of the press but many types of speech are considered to be criminal offenses, including incitement to ethnic hatred and violence for which the government has been known to hand down harsh prison sentences. Libel is generally only punishable by monetary fines due to an improvement in the laws made by the government in 2001. Nonetheless, these fines are often excessive and quickly handed down to publications critical of the government.

In 2005, there were over 15 private weekly newspapers available in Brazzaville that provided criticism of the government, though few were readily available in rural areas. There were no reported incidents of government interference with the work of the private press, although government journalists are not perceived to be independent and are expected to report positively on government activities and priorities. Officially, the state does not publish its own newspapers, but a number of publications are believed to be allied with the regime of the president. Radio remains the best means of reaching large audiences nationwide. The government has been slow to loosen its grip on the broadcast sector and continues to run two radio stations, *Radio Congo* and *Radio Brazzaville* and one television station, *Tele Congo*. Political parties are not permitted to own radio stations or television channels, though at least one private radio station and one private television station have won permission to broadcast in recent years. A wide range of satellite television connections are also available. In the most recent census taken in 2003, there were 46 registered Internet hosts and 15,000 registered users in Brazzaville; the government is not known to restrict online traffic or content.

Congo, Democratic Republic of (Kinshasa)

Status: Not Free

Legal Environment: 25

Political Environment: 31

Economic Environment: 25

Total Score: 81

The law provides for freedom of speech and of the press, but President Joseph Kabila's transitional government restricted press freedom in practice. For most of 2005, Congolese journalists worked in a tense pre-electoral climate, enduring physical abuse, threats and harassment from all parties to the country's debilitating internal strife. Worst among these incidents, on November 3, unknown gunmen killed a political affairs journalist with the independent daily *La Référence Plus*. He was shot dead along with his wife in the capital Kinshasa, in an execution-style murder believed to be connected to his work. At year's end, three army officers remained in police custody on suspicion of committing the killings. At least one suspect maintains he only confessed to the crime under police torture. Harassment and physical intimidation of journalist was particularly severe in the eastern Ituri, Kivu and Kasai provinces, where the transition government in Kinshasa exercises little control and armed groups continue to terrorize journalists. According to Journaliste En Danger, a national press freedom advocacy group, self-censorship among the press in these regions worsened around the July murder of a prominent human rights activist. Ethnic militias harassed, intimidated, beat, and detained journalists. In late April, Mai Mai militiamen took five local journalists hostage in Katanga Province, reportedly to protest the arrest of their leader, before they released the journalists 5 days later in exchange for 270 bicycles from MONUC, the United Nations peacekeeping mission.

Officials close to President Kabila also used an array of prohibitive licensing and criminal libel laws to further restrict free speech and suppress political criticism by shutting down broadcast operations and seizing copies of newspapers critical of the authorities. In January, broadcasts at two private television stations and a radio station owned by Vice President Jean-Pierre Bemba, leader of the former rebel MLC party, were suspended after the stations aired a press conference critical of President Kabila. Also in January, the government banned all religious and specialty radio and television stations from "broadcasting political and news programs" and from running any phone-in programs. The ban was lifted a month later, but the pervasive atmosphere of censorship still prevails. In June, President Kabila declared that the planned elections would be postponed causing a wave of furious opposition rallies and an intensification of the abuse and censorship of the media. Armed police closed a television station and two radio stations belonging to the private RAGA group, and briefly detained its director. The High Media Authority (HAM), the official regulatory body, ordered RAGA's broadcasts suspended for 10 days, charging that its reporting was "blatantly partial." Again in December, the High Media Authority suspended 8 television stations for discussing the constitutional referendum without permission. HAM had earlier authorized only a small number of stations to air contents related to the referendum, citing frequent professional lapses by those it had excluded.

The people of the Democratic Republic of Congo are largely illiterate and depend upon radio broadcasts for the news. Nonetheless, many private newspapers exist and, while not always objective, they are often able to be highly critical of the government. Multiple privately owned radio and television station also operate in tandem with two state-owned radio stations as well as a state-owned television station. The state-owned broadcasters operate a government biased but permit other major political parties represented in the government to gain access to air time. Together with the Swiss-funded Fondation Hirondelle, MONUC operates an independent countrywide radio network,

Rado Okapi, which has set new standards for reporting and media objectivity in a volatile political scene. Journalists in all major media outlets are usually poorly paid and lack sufficient training making them vulnerable to bribery and political manipulation. The volatility of the political situation makes internet access difficult, if not impossible to obtain, but the government refrains from any overt internet censorship.

Costa Rica

Status: Free

Legal Environment: 5

Political Environment: 6

Economic Environment: 7

Total Score: 18

Costa Rica's press laws are the oldest, dating from 1835, and often considered the freest in Latin America. Freedom of communication is guaranteed under Article 24 of the constitution, which also reserves the government's right to seize private documents. Costa Rica has strict libel laws, which have been under review since the 2004 Inter-American Court of Human Rights struck down the 1999 defamation conviction of Mauricio Herrera Ulloa of *La Nacion*. On June 8, 2005, a new press freedom group, the Instituto de Prensa y Libertad de Expresión, was created in an attempt to limit the effects of defamation laws and to promote and facilitate freedom of expression.

December 2005 saw the beginning of the trial of the nine men accused in the 2001 murder of Parmenio Medina, radio host of the controversial program, *La Patada*. In separate cases, the convictions of two journalists charged with infractions in 2004 were overturned. A third conviction remains on appeal.

Costa Rica has a vibrant media scene, although private media ownership is highly concentrated and generally conservative. Radio is the most popular outlet for news dissemination though there are several daily newspapers that are widely circulated. There are approximately 1 million Internet users and the Internet is unrestricted.

Cote d'Ivoire

Status: Not Free

Legal Environment: 18

Political Environment: 28

Economic Environment: 19

Total Score: 65

The Constitution provides for freedom of the press. But since the 2002 rebellion that seized half of the country, the government has reduced press freedoms in the name of patriotism and national unity. The crisis also triggered self-censorship in state media and vitriolic opinions in the private press. International concern about xenophobia and hate

language in the Ivoirian media remains acute. In a report to the Security Council in September, United Nations Secretary-General Kofi Annan said, "Incitements to violence, exclusion and intolerance, and calls for a resumption of the armed conflict continued uninterrupted by the Ivoirian media, in particular those associated with the ruling party" of President Laurent Gbagbo. In fact, in June and July, the media openly fanned the flames of violent anti-UN demonstrations by the pro-Gbagbo Young Patriots militia. The Young Patriots also harassed and beat half a dozen reporters during the riots.

The Ivoirian media remains a key player in the enduring political strife. Since 2002, the pro-government media, such as the ruling party's daily *Notre Voie*, has led an ultra-nationalistic campaign against France, which they accuse of backing the rebellion. A prime target of Ivoirian fury has been the French government-owned Radio France Internationale (RFI), whose broadcast is regularly restricted or cut off during periods of heightened political tensions. On July 15, the National Audiovisual Communication Council (CNCA) again banned RFI from the FM band, allegedly because the station had been "unprofessional" in its coverage of the country. The station remained banned at year's end but could still be heard on short wave.

Foreign reporters were also reportedly subjected to intimidation. Since the killing of RFI reporter and French citizen Jean Helene in 2003 and the disappearance of French-Canadian reporter Guy-Andre Kieffer in 2004, many foreign correspondents fled Abidjan, once a thriving hub for international media, for other West African capitals. On January 22, a military court found a police officer guilty of Helene's murder and sentenced him to 17 years in prison.

Parliament scrapped criminal libel and other punitive laws for press offenses in December 2004 and no journalist has been reported jailed for his or her work since then. The situation was also improved in rebel-held territory, with only one incident reported in 2005 in which rebels held a state television crew for several hours before releasing them unharmed. The rebel authorities, known as Forces Nouvelles, continue to operate at least two radio and one television stations in their zone. There were no reports of rebel forces interfering with the circulation of pro-government newspapers in their territory. But the pro-government Young Patriots militia, for its part, twice this year destroyed opposition newspapers and beat vendors in bouts of orchestrated violence against perceived enemies and the United Nations mission personnel.

Journalists remain vulnerable to physical and other abuse by police and influence-peddling by powerful politicians and state officials. In the course of 2005, at least 3 well-known members of the local press told Reporters Sans Frontieres that they had received death threats in connection with their work. Media facilities were also targeted by the parties to the conflict. On July 26, following the violence in and around Abidjan, unidentified persons attacked the headquarters of Edipresse, the national newspaper distribution company, and destroyed copies of opposition newspapers. On July 27, in retaliation, opposition youth destroyed copies of pro-government dailies and magazines.

Croatia

Status: Partly Free

Legal Environment: 10

Political Environment: 15
Economic Environment: 14
Total Score: 39

Freedom of the press is enshrined in the Croatian constitution; however, media outlets are still occasionally influenced by various political and economic interests. Libel remains punishable by fines and, in some cases, imprisonment. Last year's changes to the criminal code eased the threat of prosecution by decriminalizing defamation except in cases when expression is used with intent to harm someone's reputation. Yet, according to Croatian Justice Minister, these reforms have not been fully implemented as some judges have a problem accepting them. In November 2005, Rijeka's Municipal Court sentenced a reporter for *Novi List*, Slavica Mrkic Modric, to two months in prison and one year of probation, for publishing a satirical article about the chief of staff at Rijeka's Mayoral office. The same month, the municipal court in Zagreb handed a five-month suspended sentence to Croatian writer Predrag Matvajevec for publishing an article in 2001 accusing several journalists of spreading ethnic hatred during the presidency of Franjo Tudjman. The case was brought to court by one of the journalists singled out in Mr. Matvajevec's article.

The issue of war crimes remains a sensitive topic in Croatia and journalists face pressure and intimidation if their reporting challenges the virtue of Croatia's role in the conflict. In December, Drago Heidi, editor of satirical weekly *Feral Tribune*, received death threats linked to an article the paper published about a former Croatian soldier who admitted torturing and killing Serbian civilians during the war. Later that month, a popular TV show on the state television, *Latinica*, was in the center of heated debate in parliament, which in one of its weekly episodes discussed the legacy of late president Franjo Tudjman, allowing critical views of the Croat's role to be expressed. The show's anchor, Denis Laitin, was dismissed after the episode; he was reappointed only after a public campaign. Another issue involved the surveillance by the Counter Intelligence Agency (POA) of five journalists and allegations they were conspiring with foreign intelligence services. A parliamentary working group started an investigation and acquitted the five journalists on March 15, condemning the violation of the journalists' human rights.

The press in Croatia has been increasingly used as a tool by media owners to promote their business and political interests. Media owners sometimes perceive that "doing favors" for some government officials and fostering a good relationship with the government is good for their business; they then exert pressure on journalists working at their media houses. Some journalists alleged in 2005 to have received pay cuts after they published articles out of line with the political views of their higher-ups. Access to the Internet is unrestricted.

Cuba

Status: Not Free
Legal Environment: 30
Political Environment: 39

Economic Environment: 27

Total Score: 96

Cuba continues to operate with the most restrictive laws on free speech and press freedom in the hemisphere. The constitution prohibits private ownership of media, and only allows free speech and press if they “conform to the aims of a socialist society.” Cuba’s legal and institutional structures are firmly under the control of the executive. The country’s criminal code provides the legal basis for the repression of dissent, and, under the guise of protecting state security, laws criminalizing “enemy propaganda” and the dissemination of “unauthorized news” are used to restrict freedom of speech. Insult laws carry penalties of three months to one year in prison, with sentences of up to three years if the president or members of the Council of State or National Assembly are the objects of criticism. The 1997 Law of National Dignity, which provides for jail sentences of three to ten years for “anyone who, in a direct or indirect form, collaborates with the enemy’s media,” is aimed at the independent news agencies that send their material abroad.

The small number of journalists who work for the independent news agencies, write articles for foreign websites, or publish underground newsletters, are routinely monitored, harassed, detained, interrogated, or imprisoned. At best, they are accused of giving the Cuban Revolution a ‘bad name’, or at worst of working for the United States government or Cuban exiles as counter-revolutionaries. Most of the 28 journalists arrested in March 2003—as part of a group of 75 dissidents accused of collaborating with the US—remain in detention, many of them suffering from chronic diseases or ailments acquired in prison. (One of them, Mario Enrique Mayo Hernández, who wounded himself and waged repeated hunger strikes to call attention to his plight, was released on medical parole in December.) Two other journalists were arrested and imprisoned during 2005. Oscar Mario González, a journalist with the independent news agency, Grupo de Trabajo Decoro, and Albert Santiago Du Bouchet Hernández, director of the independent news agency Havana Press, are both believed to have been jailed as a result of their coverage of a May congress that brought together 200 opposition activists and observers. The authorities also detained and expelled five foreign journalists who had traveled to Cuba to cover the same meeting. In December, police in the central Sancti Spíritus province detained Polish journalist Anna Bikont who works for the leading Polish daily *Gazeta Wyborcza*, and Swiss journalist Nelly Norton, and both were expelled from the country.

Among other incidents of note, in February, the police harassed and threatened the freelance journalist Iván García Quintero. At the beginning of August, government officials, citing alleged “counterrevolutionary activities,” ordered the eviction from their home of the married couple Luis Guerra Juvier and Aurora del Toro who contribute to the Nueva Prensa Cubana agency. Also in August, the reporter Lamasiel Gutiérrez Romero of *Nueva Prensa Cubana* on the Island of Youth (Isla de la Juventud), was sentenced to seven months on probation on charges of “resistance to order and civil disobedience.”

The Communist Party controls all national media, apart from one or two Catholic Church newsletters. Cubans do not have access to foreign media, although some international papers are for sale in hotels. The government continues to jam transmissions of the US-government-sponsored Radio and Television Marti. Although thousands of students receive training in the new technologies, and telecommunications minister

Ignacio González Planas repeats that the Internet is essential for the country's development, the government does its best to restrict access to the Internet. The sale of computer equipment is strictly regulated, Internet access is controlled, and e-mail is closely monitored.

Cyprus

Status: Free

Legal Environment: 5

Political Environment: 9

Economic Environment: 8

Total Score: 22

Freedom of the press is generally respected in law and practice in the Greek sector. The independent press is vibrant and frequently criticizes authorities, and private television and radio stations compete effectively with government-controlled stations. However, the press came under extra-legal intimidation in 2005 when violent exchanges erupted between journalists and police during a truckers' strike in July. The incident turned violent when police turned on television crews to prevent coverage of the event; the Cyprus Media Complaints Commission accused the police of using excessive force in the arrest of a cameraman connected to the incident. Although Turkish Cypriot journalists can enter the south, Turkish journalists based in the north are often denied entry across the border. In July of this year all Turkish journalists from the north were refused entry to cover a football match between a Turkish side and a Greek Cypriot team. However, Turkish Cypriot journalists were able to cover the match since they are not subject to the same restrictions.

Cypriots have access to Greek and Turkish broadcasts. There are seven major dailies, one weekly newspaper, and six major magazines. However, most daily newspapers belong to or are linked to political parties or other groups. A few private television and radio stations effectively compete with government controlled stations; only the state broadcaster has sufficient funds to produce its own programming. Ownership is highly concentrated.

In the north, laws are in place for freedom of the press, but authorities are overtly hostile to the independent press. Several local daily newspapers are available, but the broadcasting service is controlled exclusively by the Turkish Cypriot administration. Independent newspapers, in particular the outspoken daily *Afrika*, have frequently been targeted by the government and cases brought by the government against *Afrika* are ongoing; however, no new cases of government intimidation were reported in 2005. [The numerical rating for Cyprus is based on conditions on the Greek side of the island.]

Czech Republic

Status: Free

Legal Environment: 5
Political Environment: 8
Economic Environment: 7
Total Score: 20

Freedom of the press is constitutionally guaranteed, though the Charter of Fundamental Rights and Freedoms prohibits speech that might infringe on national security, individual rights, public health, and morality. The law also bans publishing information that evokes hatred based on race, ethnicity, or national origin. Libel remains a criminal offense, and journalists can face prison terms if convicted. In addition, an amendment tightens restrictions on the use of a hidden camera. Investigative journalism received a boost in 2005 with a Constitutional Court ruling that journalists do not have to disclose their sources, which constitutes a considerable strengthening of provisions of the 2000 press law.

The Czech press is generally free and independent of political or economic bias, though allegations of pressure from both business and political interests were raised in 2005. One incident that stands out as a possible attempt of the state authorities to influence state media was the canceling of *Bez Obalu*, one of the best rated public affairs programs. While explained as a cost-cutting measure, the removal of this program came after public statements by a politician questioning the objectivity of the program. No major media are state owned. The private media represent diverse views, and are largely independent of government or partisan pressure; media advocates most frequently point to problems of journalistic standards and a tendency to sensationalize. The dynamic electronic media sector has seen both new TV programs and online publications, as well as increased quality and balance in media reporting. Commercial pressures have not disappeared entirely, and media scholars believe that journalists have shied away from important stories that place top advertisers in a poor light. Examples include the lack of criticism of Czech Telecom's monopolistic practices, and several cases where TV stations neglected to report stories perceived to undermine the financial interests of their parent companies. The Internet continues to develop rapidly, and the government does not restrict access in any manner.

Denmark

Status: Free
Legal Environment: 2
Political Environment: 3
Economic Environment: 5
Total Score: 10

The constitution guarantees freedom of expression, and the media reflect a wide variety of political opinions and are frequently critical of the government. Denmark has strict anti-racism laws and a radio station in Copenhagen had its broadcasting license taken away for three months after it called for the extermination of Muslim extremists. Kaj

Wilhelmsen, the radio presenter who made the statements, was also charged with breaking the country's anti-racism laws.

The most important issue of the year was the furor that emerged after 12 cartoons depicting the prophet Mohammad were published in the conservative daily *Jyllands-Posten* in Copenhagen at the end of September 2005. One of the cartoons depicts the head of Mohammed wearing a turban in the form of a bomb with the fuse lit. All representation of the Prophet is banned by Islam. Death threats were made against two cartoonists and bomb threats against the newspaper and protests spread worldwide. Turkish Prime Minister Recep Tayyip Erdogan condemned the drawings during a visit to Denmark in November. Despite the criticism, the newspaper refused to apologize for the cartoons. The controversy sparked discussions over freedom of the press in Denmark and all over the world. In October Prime Minister Anders Fogh Rasmussen refused to intervene, arguing that, as prime minister, he has "no tool whatsoever to take actions against the media" and, furthermore, does not "want that kind of tool."

The state finances radio and television broadcasting, but state-owned television companies have independent editorial boards. Several private cable and satellite television channels also exist, as do private radio stations, which are tightly regulated. The government does not limit access to the Internet.

Djibouti

Status: Not Free

Legal Environment: 23

Political Environment: 25

Economic Environment: 21

Total Score: 69

The 1992 constitution affords a measure of protection to the media, but the government has often been prepared to strip away this protection in its efforts to censor the independent press. Free speech is further restricted under the law, particularly through the prohibition of slander and the dissemination of 'false information.' Djibouti's only TV and radio stations remain under the control of the government and provide little information other than government propaganda. The government also owns the only internet service provider as well as *La Nation*, one of the principal national newspapers. The only criticism originates from two weekly newspapers: *Le Renouveau* and *Le Republique*—the sole independent domestic media outlets in Djibouti. Nonetheless, reporters for these newspapers often practice self-censorship particularly on sensitive issues such as human rights, the army, the FRUD, and French financial aid. Daher Ahmed Farah, the editor-in-chief of *Le Renouveau*, has repeatedly been tried and jailed for articles addressing many of these issues. International broadcasting networks, including the BBC, Radio France International (RFI), and Voice of America, began both AM and FM radio transmissions in 2002. However, RFI's broadcast has been cut since January of this year due to its reports on the ongoing legal investigation into the death of a French judge in Djibouti.

Dominica

Status: Free

Legal Environment: 3

Political Environment: 10

Economic Environment: 6

Total Score: 19

The constitution guarantees freedom of the press. The media operates without restrictions and is often critical of the government. Relations between journalists and the ruling Dominica Freedom Party (DFP) deteriorated during the early part of year as the government cancelled two news conferences without apology, and Prime Minister Roosevelt Skerrit shunned a Media Workers Association of Dominica (MWAD) invitation to a debate with other party leaders. In April, the MWAD demanded an apology from the government after the foreign minister, Osborne Riviere, refused to answer a question and labeled journalists “damn stupid.” Following the DFP’s re-election in May, Prime Minister Skerrit said he had no intention of stifling press freedom, but stated his intention to introduce legislation to prevent radio talk shows from damaging the country's image. There is no daily newspaper, but there are several weekly publications. Dominica has four radio stations, including the state-owned DBS, and two television stations. Internet access is not restricted.

Dominican Republic

Status: Partly Free

Legal Environment: 7

Political Environment: 16

Economic Environment: 14

Total Score: 37

The law provides for freedom of speech and of the press, and the government generally respects these rights in practice. In March, President Leonel Fernández signed a ruling providing the mechanisms to implement a freedom of information law passed in 2004. In May, a governmental decree, introducing restrictive measures against the media, provoked an outcry from journalists who accused the government of paving the way for censorship. The decree banned the media from reporting on natural catastrophes without the prior agreement of the authorities, under the guise of avoiding public panic. The decree also functioned as intimidation for those who would show “lack of respect for authorities and public institutions.” Less than two weeks later, in response to the strong reaction against it, the president withdrew the decree. The president’s legal advisor stated that a team of experts would use 2006 to prepare an alternative decree to regulate TV and radio broadcasts.

There was a welcome decrease in the number of attacks on journalists in 2005. One of the only incidents of note occurred in February, when two photojournalists from the *Listin Diario* and *El Caribe* newspapers were beaten by officers of the Santo Domingo Metropolitan Transportation Authority (AMET) as they covered a protest by car and motorcycle drivers against AMET's policy of towing away defective vehicles. Both newspapers lodged complaints against AMET.

There are five national daily newspapers, and a large number of local publications. The state-owned Radio Television Dominicana operates radio and television services. Private owners operate over 300 AM and FM radio stations, and more than 40 television stations, most of them small, regional broadcasters. Overall, the media remains subject to some government regulation, with newspapers the particular object of official pressure through denial of advertising and taxes on imported newsprint. The media generally avoid serious reportage on some subjects, such as the army and the Catholic Church, as well as topics that might adversely affect the economic or political interests of the outlets' owners. There were no government restrictions on Internet access reported in 2005.

East Timor

Status: Partly Free

Legal Environment: 11

Political Environment: 16

Economic Environment: 12

Total Score: 39

Status change explanation: East Timor's status declined from Free to Partly Free due to the enactment of a new Penal Code that contains strict penalties for defamation, as well as official harassment of a major newspaper.

Although the 2002 constitution protects freedom of expression and media, and guarantees that the state shall protect "the freedom and independence of the public mass media from political and economic powers," Section 40 states that the right to freedom of speech and information "shall be regulated by law." In September 2005, the parliament voted to give the Prime Minister executive powers to enact a new Penal Code. On December 6, a government spokesman stated that the Penal Code, drafted by the Ministry of Justice and endorsed by the Council of Ministers, had been signed by the Prime Minister and would become law at the start of 2006. The new Penal Code includes sections on criminal defamation, and contains severe penalties for defamation of public figures. Under Article 173, anyone can be jailed for up to three years and fined for publishing comments seen as defaming public officials. The code sets no limits on fines or other penalties for defamation. As the 2007 national elections approach, there is concern that government officials will not be willing to tolerate news stories that are critical of their performance, and that the new Penal Code will stifle debate and violate the right of citizens to be informed.

As Timorese journalists have practiced a more independent and critical brand of reporting since independence in 2002, there has been a rise in threats of defamation as well as a number of incidents in which government officials have harassed and otherwise tried to interfere with the press. In April, *Suara Timor Lorosae*, the oldest of East Timor's four daily newspapers, received an eviction notice from the Land and Property Office stating that the government would not extend the paper's use of the building. The action apparently stemmed from a report on famine deaths in remote villages, and underscored long-running tensions between Prime Minister Mari Alkatiri and the newspaper, which is known for its critical reporting. The Prime Minister ordered all government departments to boycott the paper, withdrew all government advertising, and banned officials from giving statements to journalists from *STL*. Fifty East Timorese journalists signed a petition as a result of the action, asserting that the Prime Minister's restrictive actions violated constitutional provisions for press freedom.

A small number of privately-owned daily and weekly newspapers publish in a variety of languages and provide some diversity of views. The Public Broadcast Service owns and operates a radio station that reaches most of the population, as well as a television station that has a limited geographic range. Radio remains the primary means of news dissemination, and eighteen community radio stations are currently operating in addition to the state broadcaster. Internet access is unrestricted by the government but is not widely available. Lack of journalism training and education, high illiteracy, widespread poverty, and a poor communications infrastructure continue to hamper the development of professional media practices and standards.

Ecuador

Status: Partly Free

Legal Environment: 13

Political Environment: 18

Economic Environment: 10

Total Score: 41

The constitution guarantees freedom of the press. However, given that defamation and slander remain criminal offenses punishable by up to three years in prison, these guarantees are weak in practice. For example, in April, editors and business executives of the newspaper *La Hora* were named in a criminal complaint filed by a former prosecutor who charged them with malfeasance in reports about judicial officials. The complaint included a demand for one million dollars in damages. Concerns about defamation result in self-censorship, affecting reporting on public officials and the armed forces. Journalists remain subject to a law requiring their membership on a professional board.

Ecuadorian journalists were subject to government harassment and other types of intimidation. Former President Luico Gutiérrez had a particularly strained relationship with the media. Orlando Pérez Torres of the newspaper *Hoy* was the target of anonymous death threats after criticizing Gutiérrez. Francisco Velasco, director of the independent Quito station Radio La Luna, known for airing critical reports and commentaries about the Gutiérrez government, received telephone death threats. Despite calls by Amnesty

International and other organizations, no official investigations of the threats were undertaken. On 4 February, a bomb blast rocked the provincial radio station Radio Canela FM, based in Macas, capital of Morona-Santiago province. There were no injuries, but damages were estimated at US\$20,000. No one claimed responsibility for the attack, although station owner Wilson Cabrera said he suspected the government, which he has accused of corruption on several occasions, was behind the attack. Radio La Luna became an organizing force for the opposition during the mass protests against the government in April. During the course of demonstrations, the station received anonymous bomb threats and unidentified gunmen shot at the station's premises. The station's transmission was also interrupted.

In the face of mass street protests against the government in the capital city of Quito, President Gutiérrez declared a state of emergency on April 13, whose provisions allowed for the suspension of the rights to freedom of expression, association, and movement. The measures were rescinded on April 15, but protests continued. The police used tear gas on the crowds. Julio García Romero, a Chilean freelance photojournalist, was overcome by the gas and subsequently died of a heart attack. As a result of the protests, President Gutiérrez resigned on April 20 and was replaced by Vice-President Alfredo Palacio.

Supporters of the deposed president attacked journalists. A television crew of the station Ecuavisa was roughed up pro-Gutiérrez demonstrators on April 20. On April 27, reporters Ximena Montenegro and Walter Villareal from the television stations Gamavision and Ecuavisa were abducted along with their crews by Gutiérrez supporters in Santa Lucia, Guayas province. The journalists were released after they agreed to broadcast reports on local support for the deposed president. In July, Gutiérrez supporters in the border town of Aguas Verdes verbally attacked reporters from television stations Ecuavisa and Teleamazonas and the newspaper *El Universo*; one cameraman was hit in the head by a rock. Reporters were there to report on the activities of Gutiérrez, who was rallying supporters from across the border in neighboring Peru.

Two journalists were targets of electronic surveillance in the weeks following Gutiérrez's overthrow. Police tapped the telephones of Milton Pérez and Maria Fernanda Zavala of television station Teleamazonas as part of their effort to locate a fugitive government minister. There were conflicting reports as to whether the judicial order for the wiretap had been obtained in a timely manner or if it had been approved retroactively. Wiretapping is banned under the constitution but allowed under the penal code. In November, congress passed an amendment to the criminal code that stipulated jail sentences of as long as nine years for journalists who broadcast or published the contents of telephone conversations without permission of the participants. In a move that was hailed by press organizations, President Palacio vetoed the legislation in December.

International press associations criticized the government's censorship of ten radio stations in the Orrellana and Sucumbíos provinces of the Amazon region in August. The imposition of military censors at the stations was included in the state of emergency measures ordered by President Alfredo Palacio. Among the stations affected was Radio Sucumbíos, an outlet known for its investigative reporting. The radio stations affected were supportive of a local civic strike protesting government policies and the transnational petroleum companies operating in the area.

Except for one government-owned radio station, broadcast and print media outlets are privately owned and express a broad range of editorial viewpoints. The broadcast media are required to give the government free airtime, thus stations can be forced to show programs featuring the president and other officials. There were no government restrictions on the Internet.

Egypt

Status: Not Free

Legal Environment: 22

Political Environment: 21

Economic Environment: 18

Total Score: 61

Though journalists cross the “red lines” that previously constrained the press with increasingly regularity, press freedom in Egypt continues to suffer from repressive laws and extralegal intimidation of journalists. The Emergency Law, Press Law, Publications Law, and the penal code regulate and govern the press. The penal code provides for fines and imprisonment for criticism of the president, members of government, or foreign heads of state, or for diffusing news “liable...to cause harm and damage to public security.” According to the 1996 Press Law, which was written after the opposition newspaper *Al-Sha’ab* published articles on corrupt practices among government ministers, the government can impose fines and prison terms on journalists convicted of libel. No substantive progress has been made on President Hosni Mubarak’s 2004 promises to review existing legislation affecting the press, a hollow promise repeated this year in December. Indeed, in June 2005, Parliament amended the 1956 Law on Political Rights to impose prison sentences and fines on journalists who published “false information” about the elections or the behavior or morals of the candidates—five were sentenced to imprisonment this year.

On April 17, a Cairo criminal court sentenced three journalists for the independent daily *Al-Misry al-Youm*, Alaa’ al-Ghatrifi, Youssef al-Oumi, and Abd al-Nasser al-Zuheiry, to a year in prison and imposed fines of LE10,000 (US\$1,740) each for “defaming a public employee” in connection with a story claiming that authorities had searched the housing minister’s office. The journalists appealed the sentence, and the case was still open as of the end of 2005.

Journalists are frequently subject to violence and harassment. On May 13, security forces arrested nine journalists and technicians for Al-Jazeera as they covered a special meeting of the Judge’s Club, which was then in a confrontation with the ruling National Democratic Party over the conditions under which they would monitor the September presidential elections. On May 25, security officers and armed men apparently acting under the direction of security forces assaulted 15 journalists covering protests against a constitutional amendment governing the conduct of the presidential elections. Female journalists were sexually assaulted. Journalists who filed complaints said security officers attempted to intimidate them into dropping the complaints. No charges had been filed for the assaults by the end of 2005.

More than 50 journalists complained that security and police officers beat them, briefly detained them, or confiscated their cameras as they attempted to cover voting irregularities in the November parliamentary elections. In the eastern Al-Sharqiya governorate, photographer Ahmed Shaker was doused in gasoline and told he would be set on fire if he did not leave immediately. On November 17, as polls closed in the first round of voting, two men beat Al-Jazeera talk show host Ahmed Mansour as he left his office. Mansour had recently interviewed a judge about allegations of electoral fraud and discussed the rise of Egypt's banned Muslim Brotherhood on his program, "Without Borders," and was about to interview Noaman Gomaa, then leader of the opposition Wafd Party. Mansour appeared on the show, bruised and ruffled from the attack, and called on the interior minister to bring the attackers to justice. The attackers were never charged.

There are more than 500 newspapers, magazines, journals, and other periodicals in Egypt. But this apparent diversity disguises the government's role as an owner and sponsor of the media. The government owns shares in Egypt's three largest newspapers, whose editors are appointed by the president. Opposition parties may form their own newspapers, and in recent years the Shura Council—one third of which is appointed by the president—has granted licenses to the Al-Ghad and Al-Karama parties to publish eponymous weekly newspapers. The council likewise allowed controversial newsmen and former colleagues Ibrahim Eissa and Adel Hammouda to register the independent weeklies *Ad-Dostour* and *Al-Fajr*, respectively. *Ad-Dostour*, in particular, whose license was previously revoked in 1998, quickly gained a large following for boldly crossing the old "red lines."

The Ministry of Information controls content in the state-owned broadcast media. Privately owned, domestic broadcasters are not allowed to air news bulletins and so focus on music and entertainment. Egypt permits the establishment of locally based private satellite television stations, and the government does not block foreign satellite channels. As local, government-controlled channels have lost ground to pan-Arab satellite networks such as Al-Jazeera and Al-Arabiya, they have improved their production values, hired journalists away from the satellite networks, and have begun featuring talk shows that deal with more sensitive topics.

Thanks in large part to governmental efforts to aggressively promote Internet use, the number of Egyptians with access to the Internet has more than quadrupled over the past five years. The Egyptian government does not engage in widespread online censorship, and online writers regularly criticize the government and launch concerted campaigns for political change. The censorship of websites associated with the Muslim Brotherhood was lifted in November 2005. However, bloggers were arrested and detained without charge and harassed by state security agents. On October 26, plainclothes security agents arrested Alexandrian student of Islamic law and blogger Abd al-Karim Suleiman and detained him without charge for 18 days. On October 22, when rioters in Suleiman's neighborhood clashed with police amid heightened sectarian tensions, Suleiman had posted an account of the riots criticizing the rioters and Islam. On December 4, more than 50 soldiers and plainclothes State Security agents raided online editor Ahmad Abd-Allah's house, arrested him, and confiscated his papers, books, and hard-drives. Abd-Allah said that during his interrogation, State Security agents repeatedly

pressured him to close his Web site. He was released without charge on December 22 on condition that he maintains regular contact with State Security.

El Salvador

Status: Partly Free

Legal Environment: 11

Political Environment: 17

Economic Environment: 15

Total Score: 43

Salvadoran journalists are generally able to freely report the news, including reports critical of the government and opposition parties. Under President Elias Antonio “Tony” Saca of the right-wing National Republican Alliance (ARENA), who won the 2004 election, the media has generally been able to report freely. At the same time, press freedom is hindered by a lack of public transparency, reflected in the absence of freedom of information legislation. Judges have the right to restrict media access to legal proceedings involving what they claim is the public interest or national security. Despite the fact that the code of criminal procedure was reformed, criminal defamation suits remain a problem for Salvadoran journalists. A court order revoked an arrest warrant against editor Enrique Altamirano and journalist Laffitte Fernández, both from *El Diario de Hoy*, who had been sued for defamation by a local businessman.

There was an increase in the number of journalists who suffered physical attacks due to their work. More than 10 journalists were assaulted by protesters or the National Civil Police while covering riots on the streets. During the demonstrations on Labor Day, May 1, representatives of several labor organizations attacked the news team of Canal 12. Reporter Porfirio Mercado and cameraman Juan Antonio Castellanos were aggressively insulted and their news vehicle was vandalized. And the camera of Mauro Arias, a photographer for the daily *La Prensa Gráfica* was destroyed. In addition, self-censorship is exercised to avoid offending media owners and directors. On 18 February, Canal 12 television station's general manager informed journalist Mauricio Funes that the owners of the station's parent company, AZTECA, had decided to terminate his contract as of February 19 after he spoke live on air about the dismissal of a number of staff members.

The five daily newspapers have a circulation of approximately 250,000, but most of the country depends on television and radio networks for the news. The media is largely privately owned. Limited resources prevent many media outlets from producing to their full capacity. There were no government restrictions on the Internet.

Equatorial Guinea

Status: Not Free

Legal Environment: 27

Political Environment: 34

Economic Environment: 27**Total Score: 88**

Freedom of expression and freedom of the press are guaranteed through the constitution, but these rights are systematically restricted in practice. The 1992 press law gives the government unusually extensive authority to restrict press activities through official censorship. All domestic journalists are required to register with the Information Ministry and equally strict accreditation procedures are in place for foreign correspondents.

As in previous years, journalists were subject to systematic harassment, though in an improvement from last year, no journalists were deported in 2005. Mild criticism of infrastructure and public institutions is allowed, but nothing disparaging about the president or security forces is tolerated. If deemed to be undeserved, such criticisms carry harsh penalties, including arbitrary detention and censorship. In April, a presidential spokesman threatened Pablo Gracia Sáez, a Bata-based editor for the pan-African news agency *Afrol News*, accusing the journalist of "waging a campaign against Equatorial Guinea" and warned of severe reprisals. At year's end, no official action had been taken against Sáez. In June, police seized 200 copies of *La Verdad*, a small newspaper run by the opposition party, Convergence for Social Democracy. *La Verdad* has functioned as one of the rare alternative voices in a tightly controlled media environment, and the seizure is believed to be linked to the paper's frequent criticisms of government politicians.

Coupled with a reputation for repeatedly violating human rights, Equatorial Guinea is also one of the few African countries to have virtually no independent media. The most influential form of media is radio due to the high level of poverty and illiteracy throughout the country, but all domestic radio and television stations are owned directly by the government or by the president's family. One opposition newspaper continued to appear regularly through the year but often practiced self-censorship due to government intimidation. A dozen other private newspapers are licensed to publish but function primarily as opposition mouthpieces and are therefore tied to the political fortunes of their sponsors. Foreign publications have become more widely available, but those that offend the government are banned from newsstands without explanation. Foreign broadcast is allowed, and the *BBC*, *Radio France Internationale* and *Radio Exterior* (the international short wave service from Spain) can all be heard on short or long waves. Through its interviews with opposition politicians, *Radio Exterior* operates as the only means by which opposition voices can reach rural populations. Internet access is limited by the level of poverty in Equatorial Guinea but is not directly limited by the government. Nonetheless, government operatives are believed to monitor citizens' Internet access.

Eritrea**Status: Not Free****Legal Environment: 28****Political Environment: 39****Economic Environment: 24**

Total Score: 91

Eritrean law guarantees freedom of speech and of the press. But since a government ban on independent and private media was imposed in September 2001, Eritrea remains one of the harshest environments worldwide for the press and is the leading jailer of journalists in Africa. Following the government's ban, an unknown number of government critics were detained, including many journalists. According to the Committee to Protect Journalists, 15 journalists are still in prison and many are being held incommunicado in undisclosed locations. However, one local journalist for Voice of America was released this year after having spent 18 months in prison. Most of those who remain in jail have been incarcerated for over three years, and despite Eritrean legal guarantees, they were never formally charged. In 2005, the president and senior government officials continued to accuse these jailed journalists of espionage and acting as "agents of the enemy" during Eritrea's war with Ethiopia from 1998 to 2000.

The 1996 press law prohibits the establishment of private broadcast media outlets and foreign ownership of media and requires all newspapers and journalists to be licensed. It also stipulates that publications be submitted for government approval prior to release and prohibits reprinting articles from banned publications. Local and foreign independent journalists who continue to operate in the country are constantly harassed, detained, and threatened. In 2005, three foreign reporters were permitted to operate within the country. A Swedish reporter, held by the Eritrean government for nearly four years, was released in November only to be detained again a few days later without charge. He remained in custody at year's end and officials deny that a decision to release him had ever been taken.

There is currently no independent or privately owned press. There are only three newspapers, one television station, and one radio station that exist; they all remain under state control. Authorities continued to attempt to restrict even the limited internet use that exists in the country (used by only 1.2% of the population) by threatening to close all internet cafes and confine internet access to libraries and schools.

Estonia

Status: Free

Legal Environment: 5

Political Environment: 5

Economic Environment: 6

Total Score: 16

The government respects freedom of speech and the press. Numerous media outlets operate in Estonia and legal protections for press freedom are enforced. Libel has been removed from the penal code, but it can be still prosecuted as a criminal offense. The new defamation bill, drafted by the Justice Ministry in 2005, would enable punishment of individuals who post defamatory comments on the Web and would make media owners

responsible for the content on their sites, arguably prompting some sites to close down if they do not have adequate monitoring mechanisms.

Three national television stations, including two in private hands, broadcast both Estonian- and Russian-language programs. However, considering the size of the Russian population in Estonia, the proportion of programs in the Russian language remains small. Newspapers in Estonia claim complete independence from political parties and the government, and in an overwhelming majority of situations this is the case. The private media sector in Estonia is largely controlled by Scandinavian companies and is able to operate profitably. However, the public broadcaster, Eesti Television, has suffered some financial difficulties since it stopped selling advertising in 2000. Estonia still does not have a developed legislation that would ensure stable funding of the state public broadcaster. The government allows free access to the Internet and the country has an unusually high rate of Internet usage facilitated by numerous public Internet access points and free wireless access zones.

Ethiopia

Status: Not Free

Legal Environment: 27

Political Environment: 28

Economic Environment: 20

Total Score: 75

Media freedom deteriorated significantly in 2005 as part of a broader crackdown following the disputed May national elections, in which the government accused journalists and other prominent civil society actors of acting as “mouthpieces” for the opposition Coalition for Unity and Democracy (CUD) party. The constitution guarantees freedom of the press; however, the government often restricts this right. Authorities frequently invoke the 1992 Law on the Press regarding publication of false and offensive information, incitement of ethnic hatred, or libel in order to justify the arrest and detainment of journalists, with dozens of such cases being reported during the year, particularly after the May elections. Court cases can drag on for years, and journalists often have multiple charges pending against them. A 2003 draft press law was widely criticized by press freedom groups as further chilling the press environment; it was not enacted in 2005, although certain provisions of the law were included in the penal code that took effect in May. Issues of concern include restrictions on who may practice journalism; government-controlled licensing and registration systems; restrictions on print and broadcast cross-ownership; harsh sanctions for violations of the law, including up to five years’ imprisonment; excessively broad exceptions to the right to access information held by public authorities; and the establishment of a government-controlled press council with powers to engage in prior censorship. The Ethiopian Free Press Journalists Association (EFJA), one of the most vocal opponents of the draft press law, continued to struggle against the government. Authorities had suspended the organization in November 2003 for failing to submit a certified audit; in December 2004, a federal court declared the ban to be null and void, and this ruling was upheld in March 2005.

However, the EFJA continued to face harassment during the year from the authorities, and EFJA President Kifle Mulat had gone into exile by year's end.

Foreign journalists have generally operated with fewer restrictions than their local counterparts. However, they also faced official pressure during the year; in June, the Ministry of Information revoked the accreditation of five local journalists working for foreign media outlets, accusing them of writing "unbalanced reports" following the May elections. The prime minister's office denies access to the independent press, limiting coverage of official events to state-owned media outlets. Authorities occasionally detain, beat, or otherwise harass journalists. As a result, an increasing number practice self-censorship. During the year, reporters were also pressured to reveal sources of information; in August, two editors were found guilty of contempt of court for refusing to reveal their sources, and one was sentenced to jail time while the other was fined.

As part of a broader political crackdown following anti-government demonstrations in November in which over 40 protestors were killed, the government issued a "wanted list" of 58 persons accused of involvement in the protests, including a number of editors and journalists; arrested several dozen journalists; charged the accused, who included 12 journalists, with treason, genocide, and attempts to subvert the constitution, all charges which carry prison terms and the possibility of a death penalty; and shut more than a dozen Amharic-language newspapers, which together accounted for more than 80 percent of total Amharic circulation. Foreign media outlets such as Voice of America (VOA) and Deutsche Welle were also accused of fomenting the disturbances, and correspondents working for these outlets were also charged. Many journalists fled the country to avoid arrest, and over 50 remained in exile at year's end.

The state controls all broadcast media and operates the only television station. A 1999 law permits private radio stations, but to date no licenses have been issued. There are approximately 150 print outlets that publish regularly and provide diverse views, although many are firmly aligned either with the government or the opposition. Following the November crackdown, only a limited number of newspapers, including those English-language papers such as *The Reporter* and *Fortune* that are viewed as being relatively unbiased, were allowed to remain publishing. The private press continues to criticize the government but is constrained by low circulation figures and financial struggles. The Ministry of Information requires newspapers to have a minimum bank balance in order to renew their annual publishing licenses. Printing presses are all government owned, and periodically refuse to print private publications; this occurred after the November disturbances. Prominent newspaper distributor Fikre Gudu was arrested several times during the year. Access to foreign broadcasts is sometimes restricted, with the VOA signals being jammed at year's end. Due to a poor telecommunications infrastructure, there is extremely limited Internet access, mainly in the major urban areas.

Fiji

Status: Free

Legal Environment: 7

Political Environment: 11

Economic Environment: 10
Total Score: 28

The vibrant local press and broadcast media are generally free but face sporadic pressure from a racially-biased “indigenous” government and political and cultural interests. Unresolved stresses from an attempted coup in May 2000 and an impending general election in 2006 have also put pressure on the media. In April 2005, Fiji police pressured journalists working for the country’s sole commercial television broadcaster, Fiji Television, to reveal the source of leaked documents relating to police investigations of the coup. On April 18 and 19, Fiji TV broadcast two separate stories providing incriminating evidence against rebel soldiers. On April 20 police raided Fiji TV’s downtown office but news director Netani Rika refused to reveal the source of the documents. Fiji’s laws do not recognize protection of sources and journalists may be held in contempt if they do not disclose sources in a law court. The International Federation of Journalists (IFJ), Pacific Islands News Association (PINA), and other media groups condemned the police action. Controversy continued over foreign broadcasters and programming and a former journalist organized a petition against *Desperate Housewives* on the basis of a one-off sex scene in a promotional clip before the series was even broadcast by Fiji TV. The year concluded with controversy over reportage on the deployment of Fiji “mercenaries” in the Papua New Guinean province of Bougainville.

The state broadcaster, Fiji Broadcasting Corporation Ltd, operates three main radio stations in English, Fijian and Hindustani; the state also runs three national newspapers. These compete with two private national newspapers, the *Fiji Times* and the *Fiji Sun*, as well as a privately owned FM broadcaster, Communications Fiji Ltd. The Fijian investment group, Yasana Holdings Ltd, holds a controlling 51 per cent stake in Fiji TV. The government owns 14 per cent but plans to sell its stake. There are 61,000 internet users and the internet is open and unrestricted.

Finland

Status: Free
Legal Environment: 2
Political Environment: 3
Economic Environment: 4
Total Score: 9

Finland maintained its position as one of the most democratic countries in the world, with strong freedom of the press. Finnish law gives every citizen the right to publish and guarantees the right of reply. Since 2004, Internet traffic logging is no longer required, and online discussion groups are beyond the scope of the law. However, web publications must name a responsible editor-in-chief and archive published materials for at least twenty-one days. In addition, Finnish law, which gives every citizen the right of reply and to have false published information corrected, includes Internet publications.

Finland has vibrant independent media that express a wide variety of opinions without government restriction. More than 200 newspapers are published. Newspapers

are privately owned; however, some are owned or controlled by political parties and their affiliates and support a particular party. In the broadcast sector, the government operates four of the five national radio stations and two of the four national terrestrial television stations but has a much smaller presence in cable and satellite television. New broadcasters have emerged in a market that was once dominated by the public broadcaster YLE and the established broadcaster MTV. YLE was forced to shut down during an industrial action and shed several hundred jobs; other broadcasters have felt the economic effects of these actions.

France

Status: Free

Legal Environment: 5

Political Environment: 9

Economic Environment: 7

Total Score: 21

The constitution and governing institutions generally maintain a free and open press environment. The law provides for public access to government information and prohibits arbitrary interference with privacy and provides for freedom of speech and of the press. The government generally respects these rights in practice. Although the right to freedom of information exists, it can be restricted to protect the reputation or rights of a third party. The continued increase of formal questioning of journalists, searches of media premises, seizure of documents, and the introduction of legislation establishing new press offences have caused some concern. Although prison terms for most press offences have been abolished, new rules (punishable by prison sentences) against defaming or insulting people because of their sex or sexual orientation were introduced in addition to the crimes of incitement to racism and anti-Semitism, for which foreigners can be deported. The ruling in the appeal case of *Le Monde* journalists who were found guilty of “racial defamation” for anti-Semitic content is expected in early 2006. The authors had been ordered to pay \$1.20 each in damages for publishing an article entitled “Israel-Palestine: The Cancer.” Further “powers of requisition” have been granted to police, state prosecutors, and examining magistrates.

While confidentiality of journalists’ sources is recognized by Article 109-2 of the French Code of Criminal Procedure, the courts tend to put pressure on journalists to reveal their sources. In May 2005, without prior notification, plainclothes police officers in Orleans interrogated two journalists from the daily *Le Berry Républicain* in an attempt to get them to reveal their sources for their reports about a murder investigation. In October 2005, five journalists with the weekly *Le Point* and the daily *L’Equipe* were placed under investigation. The Paris offices of the weekly *Le Point* were searched in a probe into the “violation of the confidentiality of an investigation” involving an alleged cycling doping scandal. A virtually simultaneous search was carried out at the offices of the sports daily *L’Equipe*. The right of journalists to protect the identity of their sources will soon be more secure in French law, with an amendment to the 1881 press freedom law expected in the near future.

In November, concerns about restrictions on press coverage arose when a twelve-day state of emergency and nighttime curfews to curb street violence was imposed in major cities. Three weeks of social unrest that began in the poor immigrant suburbs of Paris spread to nearly three hundred communities across the country. A number of French and foreign journalists were injured covering the riots. Following the riots, a High Council for Integration was set up to monitor integration issues and suggested not mentioning the ethnic origin of individuals in the news when it is not pertinent information.

In France, publications have long been associated with causes and political parties; however the evident support for a “yes” on the European Constitution across the French press raised questions about whether publications are delivering unbiased information to readers. The controversy over a series of cartoons commissioned and published by the Danish newspaper *Jyllands-Posten*, showing images of the Muslim prophet Mohammed, which are deeply offensive to many Muslims, has opened up a professional divide over questions of free expression and cultural sensitivity. On top of reprinting the Danish cartoon, *France Soir* printed a new cartoon, arguing for the fundamental principle of free expression.

Most of France’s over one hundred newspapers are privately owned and are not linked to political parties. Serge Dessault’s 2004 move to buy majority shares in the media group Socpresse, which includes the national newspaper *Le Figaro*, further consolidated the media market. It also raised concerns about the independence of the publications, given that the company’s defense arm depends on government contracts and Dassault is an elected member of the president’s ruling party. The government controls many of the firms that provide advertising revenue to media groups; it also provides direct and indirect subsidies, particularly to regional papers. Newspaper circulation has been declining, and many papers are struggling as a result. France strictly enforces guidelines requiring 60 percent of broadcast content to be of European Union origin.

On 7 December 2005, France's highest administrative court was to review an appeal by Lebanese television station Al-Manar, contesting the cancellation of its broadcast agreement with the country's broadcast regulator (Conseil supérieur de l'audiovisuel, CSA). Al-Manar has been prohibited from broadcasting on the Eutelsat satellite for a year, due to the anti-Semitic remarks made on the Lebanese station. The French broadcasting system is unique because of TF1’s dominant position, although the growth of satellite, cable, and the launch of Digital Terrestrial Television in March has led to a proliferation of channels. The biggest satellite pay-TV operators, CanalSatellite and TPS, are set to merge.

The controversial digital economy bill passed in 2004 includes a provision requiring Internet service providers to guarantee that the sites they host contain no “illegal content,” a vague term that could lead to preventive censorship. In June, a Paris court ordered French Internet service providers to block the website of the revisionist Holocaust-denying organization, the Association of Former Connoisseurs of War and Holocaust Stories, to French users. Internet access is otherwise unrestricted. The solid increase of internet usage among the French benefits from fierce competition.

Gabon

Status: Not Free

Legal Environment: 24

Political Environment: 23

Economic Environment: 20

Total Score: 67

The constitution guarantees freedoms of expression and of the press, but authorities have routinely sought legal redress for alleged press offenses. While the imprisonment of journalists by the state is rare, local news professionals still face repressive press laws that allow for prison penalties for defamation particularly when filed by the president, his relatives, or members of his cabinet. A dozen lawsuits against journalists and news outlets continued to make their way through the court system at year's end. A national commission on press professionalism was created that has wide powers to decide who qualifies for accreditation as a professional journalist. A separate government agency charged with upholding journalistic standards, the National Communications Council (CNC), has a history of using intimidation tactics against the independent press and has forcibly shut down more than half a dozen publications in the last two years. In August, the CNC banned the bimonthly newspaper *Nku'u Le Messenger* for three weeks over an editorial it found insulting to its nine appointed members. At least three news outlets remain banned since 2003 for defamation of the president and his family. Much of the staff of these papers has elected to live abroad for fear of imprisonment at home, but President Bongo has threatened this year to revoke the passports for citizens who live overseas and engage in criticism of the Gabonese government.

In the months leading to the December reelection of President Bongo, journalists faced more physical attacks and unwarranted detention. In November, *Gabonews* journalist Achille Ngoma was beaten by police officers in the capital Libreville while trying to interview them. In December, two journalists were detained for taking photographs of a riot police unit at an opposition rally. Later that month two reporters from the private station *Télé Africa* were beaten by police while covering another opposition demonstration in Libreville.

A government daily and a dozen independent newspapers are available in the capital, but much of the private press can only appear irregularly due to financial constraints, and frequent government censorship. Almost all Gabonese private newspapers are printed in Cameroon because of the high cost at the only local printing company, and publications printed outside the country are subjected to review before distribution. The government owns two radio stations that are able to broadcast nationwide. The number of independent broadcasting outlets has increased in recent years, though the future of many of these is uncertain and most of their programming is nonpolitical. The government does not restrict access to, or use of, the Internet, and foreign publications and broadcasts are widely available.

The Gambia

Status: Not Free

Legal Environment: 24
Political Environment: 30
Economic Environment: 19
Total Score: 73

Despite a 1997 constitution that, in theory, guarantees freedom of expression, President Yahya Jammeh maintains an iron grip on the media that has tightened ahead of the upcoming elections in 2006. At the end of 2004, the Parliament passed two bills intended to impose harsh penalties on the media including mandatory prison sentences of at least six months for media owners or journalists convicted of publishing defamatory or seditious material or publishing or broadcasting 'false news.' President Jammeh signed these bills into law at the end of 2005 in preparation for the presidential elections in 2006. In December, the Parliament disbanded the media commission which, for the past several years, has regulated the media and has been closely controlled by the government. Nonetheless, the following day the Parliament added to the mound of oppressive media laws by passing two additional gag laws making all press offenses punishable by imprisonment.

The Gambia's history of raids, harassment, detentions and exorbitant licensing fees has created a tense media environment that causes many journalists to practice self-censorship and others to flee the country. Nonetheless, the political environment for journalists improved marginally over the previous year with no reported cases of journalists being attacked, threatened or injured in 2005. The 2004 murder of Deyda Hydera, the managing editor of the private weekly, *The Point*, and a correspondent for both Reporters Without Borders and Agence France Presse, remained unsolved and virtually uninvestigated one year on. In 2005, The National Intelligence Agency took over the investigation from the police and released a report which attempted to smear the reputation of Hydera himself and his family. Police barred journalists from gathering at the site of the murder to mark the anniversary of his death. Musa Saidykhara, the editor of *The Independent*, was detained and interrogated for raising questions about the unsolved murder. In October, the Gambian branch of the Senegalese private broadcasting station, *Sud FM* was shut down, under accusations of "inciting trouble" between The Gambia and Senegal. The shutdown followed coverage of border trade disputes between the two countries. *Sud FM* remained closed at year's end.

The government owns a daily newspaper, a national radio station, and the only national television station in the country. Political news coverage at these outlets favors the official line. Some privately owned newspapers and radio stations provide independent or opposition views. Access to foreign publications and broadcasts is available and internet access remains unrestricted by the government.

Georgia

Status: Partly Free
Legal Environment: 13
Political Environment: 27
Economic Environment: 17

Total Score: 57

In 2005, two years after the Rose Revolution, the new government's centralization of power led to a slight setback in media freedom, despite stated commitments to democracy. Georgia's constitution and new law on Freedom of Speech and Expression provide for press freedom, and the president and parliament improved legislation concerning media by adopting a new Law on Broadcasting in early 2005. Libel has also been decriminalized. However, the lack of independence of the judiciary in Georgia still causes journalists to doubt whether courts can implement the laws fairly. Media watchdogs point to the particular need to implement laws guaranteeing access to information, which Georgian authorities are generally slow or unwilling to provide, regardless of the country's Law on Freedom of Information. In April 2005, a presidential decree changed the structure of the courts in Georgia's capital, Tbilisi, but the arbitrary process for deciding which judges were dismissed simply supported the argument that the executive controls the judiciary.

Concern exists that media were more pro-governmental and less critical in 2005 than before the revolution, because of subtle government repression. This change in the media is attributed to the purchase of broadcasting channels, like the television station Rustavi-2, by individuals connected to the current ruling elite. While newspapers remain relatively free of government influence, the government applied pressure on owners of television channels in order to control media content. For example, in April 2005, Imedi TV owner Badri Patarkatasishvili allegedly ordered the station not to broadcast a story on police corruption on one of its weekly television programs. Also, the independent station TV Mze, owned by two members of parliament, canceled a talk show immediately after commentators criticized authorities' dispersal of a July protest in Tbilisi. Additionally, in August, two executives of Channel 202, Shalva Ramishvili and David Kokheridze, were arrested for extorting approximately \$30,000 from a parliamentarian, Koba Bekauri, in exchange for not airing an investigative report about his business transactions. Journalists worried that the incident was selective and a reaction to Channel 202's critical coverage. In regions such as the Ajaria Autonomous Republic, mass media also seem to reflect and conform to the views of the regional leadership, while media freedom in the separatist regions of South Ossetia and Abkhazia remained tightly restricted. Self-censorship remains a problem, as Georgia's television channels will bias their news coverage in favor of government allies.

Furthermore, harassment by public officials and attacks against journalists continued to occur in 2005, including the physical abuse by police of reporters (Irakli Gedenidze from the newspaper *Alia*, Zviad Nikoleishvili from Interpressnews, and Nato Makhviladze from TV Mze) covering the July protests in Tbilisi; beatings in September of Irakli Kakabadze, who replaced Ramishvili as anchor on Channel 202, and of investigative journalist Saba Tsitsikashvili of the local daily *Saxalxo Gazeti* after investigating cases of regional authorities' abuse of power; and the throwing of a hand grenade into the home of Gela Mtvlishvili, editor of the weekly *Imedi*. Journalists in Georgia generally lack professionalism, but took steps in 2005 to unite various media associations within a media council that will promote a journalistic code of ethics.

The poor shape of Georgia's economy is an additional obstacle to its media development. Pluralism of news sources remained unchanged in 2005, as three major

private television stations (TV Imedi, TV Mze and Rustavi-2) competed in the national broadcast market. Because the owners of these private stations have ties to government, concerns exist that they will focus on their own political agendas rather than the public interest. In 2005, the Law on Broadcasting transformed Georgia's state television and radio into public broadcasters, but there is widespread belief that the government retains control over them as well. Meanwhile, the country has no state-owned newspapers officially registered among its approximately 300 papers, and the state only grants small subsidies to two minority newspapers. Several Tbilisi-based newspapers are distributed nationwide, but smaller newspapers outside the capital struggle to survive financially. Printing houses are mostly private and independent, while Georgia's distribution system remains underdeveloped, and the only distribution company with nationwide reach is the state-owned Sakpressa. Online media are being developed, although the percentage of people with access to the Internet is still small. However, there were no reported restrictions on Internet use or on foreign media.

Germany

Status: Free

Legal Environment: 5

Political Environment: 6

Economic Environment: 5

Total Score: 16

The German constitution guarantees freedom of expression and of the press, although there are exceptions for hate speech, Holocaust denial, and Nazi propaganda, as well as for obscene, violent, or "dangerous" material on the Internet. Since a 2003 Constitutional Court ruling, police can trace journalists' phone calls in "serious" cases, where "serious" is not clearly defined. German privacy laws at times restrict press freedom. A 2004 European Court of Human Rights ruling in the *Princess Caroline of Monaco v. Germany* extended a public figure's right to privacy to include public places, overturning a long-standing constitutional court practice. In July 2005, after nearly seven years of political conflict and protracted delays, the German parliament, voted to pass the Federal Freedom of Information Act, which will take effect at the start of 2006. Despite guaranteeing a general right of access to government information, the act contains several strong exceptions.

Even though legislation is in place and being upheld, some worrying developments for press freedom and freedom of expression in relation to heightened awareness of terrorism issues have to be noted. In November 2005, the Federal Intelligence Agency (BND) confirmed that it spied on journalists in 1993 and 1994. The confirmation came just weeks after German Interior Minister Otto Schily came under pressure after authorizing a raid on the newsroom of Germany's *Cicero* magazine after it had published information from a secret report from Germany's Federal Criminal Investigation Office (BKA). The writ accused *Cicero* journalist Bruno Schirra of "betraying state secrets" under section 353b of the German penal code. Schirra had written an article exposing an Iraqi insurgent and used extensive quotes from a BKA

document. Before the article's publication, Schirra had contacted the BKA and sought a meeting with the agency. Police raided not only *Cicero's* editorial offices but also Schirra's home. The BKA document wasn't found. Fifteen boxes of materials discovered "accidentally" in Schirra's home are also being used by Berlin's prosecution authorities in further investigations, accusing the journalist of being an "accessory to the betrayal of official secrets." The Berlin charge is thought to relate to a number of scandals covered by the reporter in the past decade. Allegations have also been made that officers of the Federal Intelligence Agency (BND) spied on investigative journalist Erich Schmidt-Eenboom, who in 2003 published a book on the secret services, his colleagues at the Weilheim institute, and members of his family.

The ten Mohammed cartoons published by a Danish newspaper in September 2005 triggered a vivid and ongoing discussion about the proper balance between the constitutionally guaranteed rights of press freedom, freedom of the arts, and the freedom of religion. Most of the big dailies reprinted at least one of the allegedly offensive cartoons.

The restrictions on media coverage of the 2006 World Cup in Germany have started to cause worries among journalists. The German Journalist Union (DJV) has criticized security plans, which would involve security checks on its members. According to DJV chairman Michael Konken, this implied that World Cup organizers see journalists as a security risk and not as a partner. Reportedly, the plan requires the Federal criminal police office, the Bundeskriminalamt (BKA), and the internal secret service, the Verfassungsschutz (VS), to run clearance checks on journalists before they can report on matches from stadiums. Reporters will have to allow their personal details to be checked by the BKA and VS electronically in order to gain accreditation. The International Federation of Football Associations (FIFA) has introduced economically motivated restrictions on photo publishing. News outlets must accept the regulations to be accredited to cover the World Cup, the world's most closely watched sporting event.

The private media are diverse and independent. Each of the sixteen regions is in charge of its own public radio and television broadcasters, and there are many private stations as well. The independence and future of Germany's Public Service Broadcasters is likely to remain one of the more important issues of German media policy. A March 2005 European Commission statement indicates that it is likely that the license fee will be declared a state subsidy due to a lack of transparency. In April 2005, the quarreling on behalf of the augmentation of the license fee between PSBs, the expert funding commission KEF, and the Länder governments ended in favor of the governments. The press is dominated by numerous regional papers, but only a handful of national papers are published. In the past two decades, financial pressures have consolidated the private media sector; today, a few centralized editorial offices control most content, and only a few commercial groups, which are some of the largest in the world, dominate the media market. Internet access is open and largely unrestricted. However, German law bans Internet access to the aforementioned prohibited material, and the government has issued numerous ordinances against Internet providers.

Ghana

Status: Free

Legal Environment: 9

Political Environment: 10

Economic Environment: 9

Total Score: 28

Freedom of the press is guaranteed by law and the Ghanaian government has a reputation within the region for respecting it in practice. In recent years Kufuor's administration has demonstrated its desire to expand freedom of expression by repealing the criminal libel laws. Nonetheless, this desire has recently come into question with the remarkable increase in the number of civil libel cases brought by former public officials and private citizens against media outlets. In cases too numerous to list the courts have imposed fines often in excess of \$100,000 US prompting press unions like the Ghana Journalists Association to warn that the fines will chill the climate for free expression and lead to increased self-censorship. In one such case, the weekly *Ghana Palaver* was ordered by the High Court in Accra to pay \$165,000 US in damages to Ghana's Minister of State of Works and Housing for an article they published in November 2004 accusing the Minister of corruption.

The media are independent and debates about public policy, including scrutiny of the president, are vigorous and robust. In August, President John Kufuor met with the press in an open Question and Answer session for only the third time since 2001. The session lasted more than two hours during which the president answered questions about controversial issues, including allegations of impropriety in the sale of a private hotel complex; the status of the Freedom of Information Bill; and charges of nepotism in appointments to political offices. Nonetheless, in 2005 Ghanaian journalists experienced a number of assaults and arrests while trying to cover the news. In July, a television crew was detained at the President's residence for filming a neighboring property that was allegedly purchased by the President in his son's name using illegally obtained funds. In November a journalist was assaulted by unidentified assailants allegedly in response to his investigation of presidential corruption.

As of September 2005, the national media commission reported that more than 90 newspapers, 27 television stations, and over 140 radio stations were registered in Ghana. At least 11 of the radio stations are owned by the state while most of the newspapers with national distribution are government controlled as well. Opponents of the government complain of biased coverage in the state-owned press, but independent and critical reporting is pervasive in the private sector. In particular, the private radio stations have opened the airwaves to robust and often intense criticism of government officials. Poorly paid journalists frequently engage in unprofessional conduct, as is the case with many newspapers that invent highly sensationalist news stories. Although these practices are condemned by professional media bodies, ethical lapses on the part of the press undermine media credibility. Also, limited revenue from advertising and reader subscriptions threatens the financial viability of private media outlets. Foreign media presence is highly visible, most notably through broadcasts from the BBC, Radio France Internationale, and the Voice of America. Access to the internet is available primarily through internet cafes and remains unrestricted by the government.

Greece

Status: Free

Legal Environment: 8

Political Environment: 14

Economic Environment: 6

Total Score: 28

The constitution includes provisions for freedom of speech and the press. There are, however, some limits to speech that incites fear, violence, and disharmony among the population, as well as publications that offend religious beliefs, that are obscene, or that advocate the violent overthrow of the political system. Libel of the president is a criminal offense, but defendants are generally released on bail and do not serve time in jail. In December 2005, three Greek journalists were found guilty of revilement, a lesser charge of libel, for writing an anonymous article that was critical of a well-known activist for minority languages in Greece.

Journalists in Greece face an unsafe working environment as many have been the target of violent attacks in recent years. In December 2005, a television journalist and his cameraman were attacked while covering a labor protest and, since October 2004, three sports journalists have been attacked in separate incidents. In April 2005, the Austrian author Gerhard Haderer was acquitted of charges of blasphemy that were lodged against him in January by a Greek court for his satirical depiction of Jesus Christ in his book, *The Life of Jesus*. In October 2005, a radio station, Best 96.2, was ordered to shut down for its supposedly vulgar and poor quality programs, a first in Greece and in Europe. The station has decided to defy the order. The broadcasting authority gave no details but stated that the station had broadcast poor-quality material and had used vulgar expressions in four programs in July and August. According to the station, the program in question is hosted by an experienced journalist who uses slang and word play to focus on the daily problems of ordinary Greek life.

Also in October, the Greek Defense Minister filed charges against three journalists for a story they wrote about military procurements from the US and criticized the minister for irregular political activities. The IFJ called the charges a “targeted attack” on journalism. According to Reporters Sans Frontieres, in June, Greek authorities refused to issue accreditation to three Macedonian journalists working for the television station A1 (based in the Macedonian capital of Skopje) who wanted to travel to northern Greece to meet members of the Rainbow Party (a small political party that represents the Macedonian community living in northern Greece) and the Greek section of the European Bureau for Lesser Used Languages (EBLUL). Although they were granted visas to travel, they were not given permission to conduct interviews on Greek territory.

There are many independent newspapers and magazines, including those that are critical of the government, and many broadcasters are privately owned. Greek law provides for limits on ownership of media frequencies. The media, both public and private, are largely independent from government restrictions. However, politically sensitive issues, such as the status of Macedonians and other ethnic minorities in the country, still provoke government pressure and lead to self-censorship. State-owned

stations tend to report along the government line. Broadcasting in Greece is largely unregulated, and many broadcast stations are not licensed.

Grenada

Status: Free

Legal Environment: 7

Political Environment: 10

Economic Environment: 6

Total Score: 23

Freedom of the press is guaranteed under law. However, the government has been known to prosecute journalists under slander and libel laws and relations between the government and the media, which had deteriorated in 2004, continued to be fractious. A main source of tension was media coverage of the inquiry into the allegation that Prime Minister Keith Mitchell had received an improper payment. In May, the prime minister and Cable & Wireless PLC reached a settlement in a libel suit brought against the company in 2004 after users of its website posted remarks about the alleged bribe. Libel suits against several journalists remain pending. The Media Workers' Association of Grenada expressed concern about pressure exerted on radio stations by the government to discourage unfavorable reports. Of particular concern is the lack of transparency in the process by which the government grants broadcast licenses. In September, the prime minister's press secretary stirred controversy when he told the state-owned Grenada Broadcasting Network radio that he found Grenada's media to be "too political," and expressed doubts about the merits of a Freedom of Information Act. Grenada has a total of five television stations, 11 radio stations, four newspapers, and five periodicals. There are no government restrictions on access to the Internet.

Guatemala

Status: Partly Free

Legal Environment: 17

Political Environment: 25

Economic Environment: 16

Total Score: 58

Although cracks surfaced, conditions remained improved during the second year of government of President Oscar Berger. Most importantly, the nation's highest court suspended enforcement of criminal insult laws (*desacato*) on June 14 while it reviewed the constitutionality of articles criminalizing expressions deemed offensive to public officials and state institutions. However, a number of other developments limited optimism. The executive branch passed regulations for access to government information that were vague and subject to abuse instead of embracing broader proposals from civil society.

The resolution of the June 2003 attack on Jose Ruben Zamora, publisher of the critical daily *elPeriodico*, was also disappointing. A Guatemala City court sentenced a former armed forces member to 16 years in prison for his part in the attack, which occurred during a three-hour home invasion, but acquitted another ex-soldier for lack of evidence. Eleven gunmen took part in the raid and Zamora himself identified four attackers, all members of the ex-president's military staff. Complaints from non-commercial radio outlets that the state had failed to fulfill its promise in the peace accords, which ended the civil war in 1996, to legalize low-power community stations was another dark spot. The stations are usually run by volunteers, reach only about 2.5 miles, and are the main source of information for millions of indigenous Guatemalans. Current rules require a \$27,000 licensing fee for them to legalize their status, out of range for all but religious broadcasters with outside funding. Additionally, in December, authorities ordered the closure of Stereo Samalá in southwest Guatemala and fined it \$10,000 for failure to legalize, although hundreds of stations are in a similar situation. Stereo Samalá covers human rights and was one of few stations to emphasize the devastation of indigenous villages during Hurricane Stan. Meanwhile, occasional violence against journalists, especially from former paramilitary officers, continued to cast a pall over free expression. The traditional culture of self-censorship established during Guatemala's violent past continued.

Electronic media ownership remained concentrated in the hands of Mexican Angel Gonzalez, a politically connected entrepreneur who favors conservative perspectives and holds a monopoly on national television. Newspaper ownership is concentrated in the hands of business elites with centrist or conservative editorial stances. Indigenous languages are rarely heard in national media. Some journalists rely on bribery to survive in the impoverished country. There are no government restrictions on the Internet.

Guinea

Status: Not Free

Legal Environment: 23

Political Environment: 28

Economic Environment: 16

Total Score: 67

The constitution guarantees freedom of the press, but this right is not respected in practice and has been widely abused in the past. Nonetheless, 2005 saw a marked improvement in the media environment over last year as a result of new legislation signed by President Conte and there were no reported cases of the National Communications Commission (CNC) suspending newspaper activities. Restrictive press laws remain in place that permit the government to censor publications, while considering defamation and slander to be criminal offenses.

In 2005, journalists were frequently detained or arrested for covering sensitive issues such as the president's failing health and government corruption in their publications or broadcasts, but at the same time, far fewer journalists were injured or

harassed than in 2004. The personal intervention of President Conte led in some instances to the reversal of extrajudicial actions against the media this year. In April, the Ministry of Security prevented *Jeune Afrique L'Intelligent* from publishing a weekly edition that featured a story reporting on Conte's ill-health. The ban was lifted 24 hours later by order of the president, and the magazine has resumed its regular distribution. President Conte also ordered the release of the editor of *Guinea Actuelle* a day after police detained him for publishing an article that was critical of the Prime Minister. In February, Mohammed Lamine Diallo, a reporter with *La Lance*, was arrested and released three days later without charge in response to an article he wrote comparing the situation in Guinea to that of Togo where the military installed Fauré Gnassingbé in power following the death of his father.

The government controls all television and radio broadcasting and publishes the daily *Horoya*. State-owned media provide extensive, mostly favorable coverage of the government but also criticize local level government officials and increasingly report on opposition activities. In August, President Conte signed a media liberalization decree that finally permits the establishment of private radio and television broadcasting. The decree limits ownership by political parties and religious institutions, but does not restrict programming on these subjects. President Conte also appointed Boubacar Yaccine Diallo, an independent journalist and respected newspaper editor, as chairman of the National Communications Commission (CNC). The commission is expected to play a pivotal role in new privately owned broadcast media, but by year's end, no application for private ownership was before the CNC. Following his appointment, Yaccine Diallo initiated programs to increase professionalism in the practice of journalism and implemented a requirement that journalists must meet higher professional standards to obtain press credentials. Within the private print media, newspapers openly criticized the president and the government. Ten private newspapers publish in Conakry weekly, while ten others publish sporadically. In September, the government gave financial subsidies of around \$100,000 U.S. to private newspapers through the Guinea Association of Independent Editors who divided the money among various press organizations. The government does not directly restrict access to the internet, but in July a journalist for *Guinée-News* was arrested in response to an article he had published online about economic corruption.

Guinea-Bissau

Status: Partly Free

Legal Environment: 13

Political Environment: 17

Economic Environment: 17

Total Score: 47

Guinea-Bissau made the transition from "Not Free" to "Partly Free" in 2004 and the improvements that were made in the legal and political environment of the media that year were further consolidated in 2005. The law provides for freedom of speech and freedom of the press, and for the second consecutive year, the government respected these rights in practice. Successful multiparty elections—judged to be free and fair by

international observers—ended the transitional administration of Henrique Rosa, and brought Joao Bernado ‘Nino’ Viera, the former military ruler and recent exile, to power with 52% of the vote in the second round of elections.

As in the previous year, there were no reports of journalists being harassed or arrested, and no reports of the government shuttering media outlets. However in December the police entered the studios of *Radio Kasumai*, a community radio station in the turbulent northern town of Sao Domingos on the border with Senegal’s Casamance region, and ordered the station closed because callers to the station’s On-Air programs had complained of police extortion. The station resumed broadcasting several days later after it received police assurances of non-interference following a meeting between the police and local community leaders.

While the country’s only television station remains run by the state, three private radio stations, Bombolom FM, Radio Pindjiguiti, and Voice of Quelele compete with state-run radio broadcaster, Radio Nacional, as well as the Portuguese-owned public broadcaster, RTP Africa. Three privately run newspapers—*Correio de Bissau*, *Fraskera*, and *Banobero*—also operate alongside the state-owned *No Pintcha*. Owing to financial constraints and government control of the only functioning printing house, newspapers publish only sporadically and election coverage of the candidates was compromised. The impact of such financial constraints has been particularly severe for the state-owned media due to a lack of government financing and private advertising funds going primarily to the private media sector. There were no reports in 2005 of government censorship or interference with access to the internet.

Guyana

Status: Free

Legal Environment: 6

Political Environment: 12

Economic Environment: 9

Total Score: 27

The constitution provides for freedom of speech and of the press but there is no Freedom of Information Act. The press is generally allowed to operate without interference. Legislation to facilitate the issue of private radio licenses has been promised, but has not yet been introduced. A ruling on the constitutionality of the block on the granting of private radio licenses has been sought from the High Court. Private media outfits experience great difficulties in getting government officials to comment on issues. Interviews are not granted, and instead answers to queries are given in the form of press releases from the Government Information Agency.

In January, the government claimed that the CNS Channel 6 television station’s sustained criticism of government flood relief efforts would encourage public disorder, and suspended its broadcasting license for one month. The station briefly resumed broadcasting in defiance of the ban, and the next day, the police seized its transmitting equipment. The suspension was upheld by the courts. The owner of CNS, Chandra Narine Sharma, is also the leader of a small opposition political party, Justice for All. In

August, following a series of assaults on journalists and the firing of shots at a vehicle transporting media workers, the Association of Caribbean Media Workers called on the government to do more to protect journalists from acts of violence by people implicated in their reports.

The government maintains a long-established radio monopoly, and operates the country's only two radio stations. There are 23 television stations, six national newspapers, including the government-owned daily, the *Chronicle*, and six periodicals. There were no government restrictions on the Internet.

Haiti

Status: Not Free

Legal Environment: 19

Political Environment: 30

Economic Environment: 19

Total Score: 68

Although freedom of expression is protected in the constitution, it is not upheld in practice, and media freedom continues to be threatened by a volatile and frequently violent political scene. The media was frequently drawn into the conflict, whether politically engaged or not, and politically biased news continued to be the norm. In addition, extreme and widespread poverty and a highly skewed distribution of wealth mean that journalists are prone to self-censorship. The National Association of Haitian Media openly supported the ouster of the Lavalas Family government and remained hostile to the majority of the poor population that continued to support exiled President Jean-Bertrand Aristide. Information supplied by the police and comments made by political party leaders frequently took priority over independent newsgathering. Government attempts to limit journalists' access to emergency rooms, morgues, and the statistics office were interpreted as an attempt to obstruct media coverage of the mounting casualties from the continuing violence in the city shanty-towns.

Despite the interim government's earlier pledges to reopen the cases of Jean Dominique and Brignol Lindor, journalists murdered in recent years, no progress in the judicial process for either case was made at all, and the killers remained at large. In the context of violent clashes between the police and armed men in the capital city's many slum areas, throughout the year both police spokespeople and government representatives denounced radio stations and journalists that broadcast views and opinions deemed favorable to the armed gangs. Although the authorities stated they were concerned with the incitement of further violence and disorder, the fact that many gangsters, and many of the inhabitants of slum areas, claimed allegiance to the ousted president Jean-Bertrand Aristide, led to allegations of censorship. In July, the government's council of ministers threatened to impose sanctions on media outlets and journalists promoting "hatred" or interviewing "outlaws." The 15 member organizations of the newly formed Haitian Independent Media Association cancelled all news broadcasts and releases for a day in protest.

Three journalists lost their lives as a direct consequence of the politically motivated violence that was a legacy of the violent uprising and the premature demise of the elected government in early 2004. In January, Abdias Jean, a correspondent for a Miami-based radio station, was shot dead, allegedly by police, after he had witnessed a police raid on the capital's Village de Dieu shantytown. In April, Laraque Robenson, a reporter for Tele Contact radio in southwestern Petit-Goave, died two weeks after being hit by crossfire as he covered a clash between United Nations peacekeepers and a group of former soldiers. In July, Jacques Roche, a well-known journalist and political activist, was kidnapped, and four days later found dead, having been tortured and shot several times. According to some reports, part of the ransom was paid, but the kidnappers decided to kill him when they discovered he was the host of a TV talk show organized by Aristide opponents. There were a string of incidents during which journalists had their equipment taken, or were manhandled or detained by police officers.

There are two newspapers published several times a week, and four weeklies, all of which are privately owned. Television Nationale d'Haiti is government owned and there are several private stations. The illiteracy rate is well over 50 percent, and radio is by far the most popular medium. There are more than 30 stations broadcasting to the capital and surrounding areas, and scores more in different regions of the country. Despite the large number of stations, news coverage is heavily reliant on foreign news agencies and a handful of the more powerful Port-au-Prince-based media outlets. There were no government restrictions on the Internet, although the illiteracy rate and access prevents the Internet from being an important source.

Honduras

Status: Partly Free

Legal Environment: 16

Political Environment: 22

Economic Environment: 14

Total Score: 52

Freedom of speech and of the press are constitutionally protected, and the government generally does not restrict these rights. On May, in an unprecedented court decision, the Supreme Court banned the *desacato* (disrespect), or criminal defamation, laws that mandated a two- to four-year jail term for defamation, slander, or insult of a public official. Still, restrictive press laws are often used to subpoena journalists for revealing public information, particularly about official corruption, drug trafficking, and human rights abuses. Broadcast journalists Eduardo Maldonado and Esdras Amado López were accused of revealing trade secrets after reporting on a business transaction between the Institute of Retired Public Employees and a financial company where a government adviser, Johny Kafati, is a shareholder.

In 2005, there were some positive developments for press freedom, with various defamation lawsuits resolved in favor of journalists, as in the cases of Frank Mejía, Sandra Maribel Sánchez, Rossana Guevara, and Carlos and Suyapa Banegas. Also, the editors of the daily *La Prensa* reached a conciliatory arrangement with the Supreme

Court. The constitutional guarantee of the principle of “habeas data” was advanced by another step in 2005.

While threats and attacks against journalists have decreased, incidents do occur following reports on organized crime or official corruption. In July, unidentified individuals tried to kill journalist José Alemán from the radio program “La Voz de Occidente” in San Marcos de Ocotepeque, by firing several shots at him when returning home from the station. Alemán revealed that he had received death threats after reporting on problems with water supply for the community. Political motivated attacks against the press were common as well. On November 5, Liberal Party supporters forced the temporary closure of radio Virtud Stereo in the southwestern town of Virtud and made death threats against its manager, Jaime Díaz, as a result of party rivalry during the election.

Media ownership is concentrated in the hands of a few powerful business conglomerates with intersecting political and economic ties, and this has led to self-censorship. Corruption among journalists also had an impact on reporting. In addition, the government influences media coverage through the granting or denial of access to government officials, bribes, and granting or withholding official advertisements. The government does not restrict access to the Internet.

Hong Kong

Status: Free

Legal Environment: 11

Political Environment: 10

Economic Environment: 8

Total Score: 29

Formerly a British colony with rule of law and limited democratization, Hong Kong has seen freedom of speech challenged after retrocession to Chinese rule. A strong reaction by a population committed to enjoying freedom of information has helped ward off attempts to muzzle a media far freer than any on the Chinese mainland. In July 2003, more than 500,000 people demonstrated against a national security bill, proposed under Article 23 of Hong Kong’s post-1997 constitution, which threatened Hong Kong’s political, religious, and media freedoms. The demonstration led to the resignation of two ministers and forced chief executive Tung Chee-hwa to table the controversial legislation.

In June 2005, Donald Tsang, a career civil servant popular with the Hong Kong public and with Beijing, was sworn in as the new chief executive of the Hong Kong Special Administrative Region. (The unpopular chief executive, Tung Chee-hwa, resigned in March.) From the perspective of many Hong Kong media, Donald Tsang has not been a friend of media freedom. Chief Executive Tsang made headlines for criticizing a political satire program Headliner and for expressing distaste over live coverage of horse racing. A survey of the program staff at Radio Television Hong Kong revealed 70 percent of the staff members polled said government pressure compromises editorial independence.

Despite cases of intimidation and beatings that led to the resignation of two radio show hosts in 2004 and self-censorship among journalists, Hong Kong's media are still regarded as free. Newspapers, magazines, and radio and television channels remain outspoken and political debate can be vigorous. International media organizations operate freely in Hong Kong, and foreign reporters do not need government-issued identification to operate.

In July 2004, the anticorruption agency conducted raids on seven of Hong Kong's most influential newspapers after the newspapers published the name of a protected witness who claimed she had been detained against her will. Although a subsequent governmental review of the agency's tactics found no wrongdoing, a legislative subcommittee reviewed the law governing the search and seizure of journalists' notes in 2005 and has pushed for clarifying legislation to improve judicial oversight. Thus far, the administration led by Donald Tsang has decided against improving judicial oversight in such cases.

Hong Kong has 16 privately owned newspapers; four of them are funded by pro-Beijing interests and follow the Chinese Communist Party's lead on political and social issues. A poll conducted by the University of Hong Kong's Public Opinion Programme in 2005 found that 48 percent of respondents believe media engage in self-censorship; sixty-two percent of respondents indicated they believe the media is afraid to criticize China's central government. Internet use per capita is high and there are no restrictions on internet content.

Hungary

Status: Free

Legal Environment: 5

Political Environment: 8

Economic Environment: 8

Total Score: 21

The constitution guarantees freedom of expression and of the press. Efforts are underway to replace the 1996 Law on the Media, which introduced commercial broadcasting and broke up the monopoly of the state-controlled public service channels. According to media advocates, however, drafts to date focused excessively on stringent regulation of electronic media, including Internet. The crisis in appointing a new head of public radio underscored the need for a new law to depoliticize public media and improve the functioning of the National Radio and Television Authority (ORTT), to avoid overshadowing the public interest with party politics.

Libel is criminalized under the Hungarian criminal code, which holds journalists responsible not only for their own words, but also for publicizing statements made by others. The continuing high number of court cases brought against journalists raised concerns in 2005. Antonia Radai of the weekly *HVG* was prosecuted after publishing information about relationships between alleged mafia figures and civil servants, though since the indictment is classified it is impossible to learn the details of the charges. Laszlo Torokm, a journalist at daily Magyar Nemzeturt, was handed down a suspended sentence

for libel for quoting what the deputy head of opposition FIDESZ-HCU said about Prime Minister Gyurcsany in 2003. The case against *Nepszava* journalist Rita Csik for violating state secrecy laws ended with an acquittal of the journalist by a lower court, but this decision has been appealed to another court. The high court annulled last year's ten-month suspended jail sentence for libel given to Andras Bencsik of weekly *Demokrata*.

The media landscape is dominated by private companies, with high levels of foreign investment both in national and local newspapers. Independent media operate freely in Hungary, though they clearly reflect the divisions of the national political scene. Diversity is on the rise both in the print and electronic media, including several new private TV and cable channels launched in 2005. The Internet is used widely; in 2005 there was a 92.5% increase in the number of broadband subscribers. To date, the Internet has been governed by a voluntary code of conduct introduced by a professional association of Internet content and service providers.

Iceland

Status: Free

Legal Environment: 1

Political Environment: 4

Economic Environment: 4

Total Score: 9

The constitution provides for freedom of speech and of the press. The offices of Frettabladid, the largest daily newspaper in Iceland, were raided by police in October 2005 after an injunction was issued banning the newspaper from publishing emails and documents related to fraud charges that were lodged by an Icelandic court against the retail investment firm, Baugur. Baugur owns a controlling share of Nordurljos, which owns Frettabladid. The International Federation of Journalists warned the Icelandic government that the raid endangered press freedom in the country.

A wide range of publications includes both independent and party-affiliated newspapers. An autonomous board of directors oversees the Icelandic National Broadcasting Service, which operates a number of transmitting and relay stations. There are both private and public television stations. However, media ownership is concentrated, with the Nordurljos (Northern Lights) Corporation controlling much of the private television network, most radio stations, and two out of three of the country's national newspapers. A proposed law to restrict media ownership was vetoed in the summer of 2004 and the cause of one of the country's most severe political crises. The BBC reports that in 2005 the two main parties urged the national parliament to pass legislation to reduce media concentration. Internet access is unrestricted.

India

Status: Partly Free

Legal Environment: 10
Political Environment: 16
Economic Environment: 11
Total Score: 37

India's media continue to be vigorous and are by far the freest in South Asia, although journalists face a number of constraints. The constitution provides for freedoms of expression and of the press, and while there are some legal limitations, these rights are generally upheld. In recent years, the government has occasionally used its power under the Official Secrets Act (OSA) to censor security-related articles or prosecute members of the press, but no cases were reported during 2005. State and national governments have also on occasion used other security laws, contempt of court charges, and criminal defamation legislation to curb the media and other critical voices. In May, the International Federation of Journalists welcomed the passing of a Right to Information Bill and called for the scrapping of the OSA. The Press Council of India, an independent body composed of journalists, publishers, and politicians, serves as a self-regulatory mechanism for the print press through its investigations of complaints of misconduct or irresponsible reporting.

Intimidation of journalists by a variety of actors continues; on a number of occasions during the year, reporters were arrested and detained under false charges or were subject to other threats. In addition, police occasionally beat, detain, or otherwise harass journalists as they attempt to cover the news. Reporters in several states face pressure from separatist militant groups or from local or state-level authorities. Local journalists in Shillong protested in July over several instances of intimidation by police after The Meghalaya Guardian published a story alleging that security forces had burned down tribal houses. Conditions are particularly difficult in the insurgency-wracked state of Jammu and Kashmir, where the fact that militants routinely issue death threats against local media personnel has led to significant levels of self-censorship. Pressure to self-censor has also been reported at smaller media outlets that rely on state government advertising for the majority of their revenue. In July, eight journalists were injured in Srinagar during a grenade attack by Islamic militants and subsequent crossfire by security forces.

Most print media, particularly the national and English-language press, are privately owned, provide diverse coverage and frequently criticize the government. The broadcast media are predominantly in private hands, but the state retains a monopoly on AM radio broadcasting and private FM radio stations are not allowed to broadcast news content. Doordarshan, the state-controlled television station, has been accused of manipulating the news to favor the government, and some private satellite TV channels also provide slanted coverage that reflects the political affiliation of their owners, according to the U.S. State Department. Internet access is unrestricted, although some states have proposed legislation that would require the registration of customers at Internet cafes. Potentially inflammatory books and films are occasionally banned or censored by the national or state governments.

Indonesia

Status: Partly Free

Legal Environment: 21

Political Environment: 23

Economic Environment: 14

Total Score: 58

The Indonesian press was at a critical junction in 2005, as media analysts and lawmakers feared that the new administration of President Susilo Bambang Yudhoyono was tightening government control over broadcast media through a series of administrative regulations that threaten to undermine the Indonesian Broadcasting Commission (KPI), an independent body similar to the FCC. Under Broadcasting Law No. 32/2002, the KPI has the right to issue and revoke the licenses of broadcasters, but new regulations on foreign, private, community, and subscription-based broadcasters would grant this power to the state. The Ministry of Communications and Information claims that the Constitutional Court has ruled that the government has the power to regulate broadcasting issues. House members contest this interpretation, saying that although the government can set the rules, this does not mean that the state can take over the powers that the Broadcasting Law has granted to the KPI. In December, after a contentious hearing, the government and the House of Representatives agreed to postpone for two months the implementation of the new government regulations, and to amend the articles that have been blamed for the controversy.

Journalists continued to be prosecuted in 2005 for criminal defamation under the Criminal Code (KUHP). In May, two journalists from the *Koridor* weekly newspaper in Lampung were sentenced to prison. *Tempo* magazine chief editor Bambang Harymurti was still awaiting a ruling from the Supreme Court over his appeal of the one-year prison sentence that resulted from an article published in 2003. Appeals in civil cases resulting from the story, which linked millionaire businessman Tomy Winata to a fire in the Tanah Abang textile market, were still on-going. Although Parliament has been considering revisions to the Criminal Code, the revised code contains articles that are even more restrictive than the original. The number of such provisions has increased from 35 articles to 49 in the latest draft version. Nine of these articles carry clauses that can ban a person from working as a journalist for life. Insulting public officials carries harsh penalties in Indonesia. In May a student demonstrator was sentenced to six months in prison for calling President Susilo Bambang Yudhoyono a “pig” and a “dog” at a rally in Jakarta, and in June a law student in Bali was sentenced to six months for burning a picture of the president.

Journalists continued to face intimidation and threats of physical violence from the public. In June, the management of *Radar Sulteg*, the largest newspaper in Central Sulawesi, halted publication for three days following protests over an article entitled “Islam, a failed religion.” After questioning witnesses from the newspaper as well as from the local branch of the Indonesian Ulema Council, police charged the writer with “insulting Islam.” In December, supporters of a gang leader named Hercules took over the Jakarta office of the newspaper *Indo Pos* and injured 2 reporters—one of whom suffered a broken nose—because of an article they didn’t like. The group claimed that they had never been interviewed by the reporter who wrote the story. Finally, the Film

Censor Agency in Jakarta banned two films about East Timor from appearing at the Jakarta International Film Festival in December. Authorities stated that the films would “open up old wounds,” and potentially disturb the bilateral relationship between the two countries.

Iran

Status: Not Free

Legal Environment: 28

Political Environment: 36

Economic Environment: 20

Total Score: 84

While the constitution provides for freedom of opinion and the press except when published ideas are “contrary to Islamic principles or are detrimental to public rights,” in practice the government severely restricts these rights, particularly since the Conservatives regained control of parliament in 2004. Iran’s vaguely worded 2000 press law forbids publication of ideas contrary to Islamic principles or detrimental to public rights, and violations are punished harshly. Article 500 of the Iranian penal code states that “anyone who undertakes any form of propaganda against the state...will be sentenced to between three months and one year in prison,” and leaves “propaganda” undefined. Under Article 513 of the Penal Code, offences deemed to be an “insult to religion” can be punished by death or imprisonment for up to five years, but “insult” is not defined. Article 698 provides sentences of up to two years in prison or up to seventy-four lashes for those convicted of intentionally creating “anxiety and unease in the public’s mind,” spreading “false rumors,” or writing about “acts which are not true.” Article 609 criminalizes criticism of state officials in connection with carrying out their work, and calls for a punishment of a fine, seventy-four lashes, or between three and six months of imprisonment for such “insults.” As a result, self-censorship is common. Iran’s judiciary frequently denies accused journalists due process by referring their cases to closed-door revolutionary courts, and the Preventive Restraint Act is used regularly to temporarily ban publications without legal proceedings.

The Office of the Leader and the Iranian judiciary, led by Saeed Mortazavi, Tehran’s chief prosecutor, continued to crack down on critical journalists and online writers in 2005, ordering the arrest of dozens of journalists and writers and closing more than 100 publications between April 2000 and the end of 2005. Imprisoned writers have complained of solitary confinement and torture. The crackdown has led many journalists and dissidents to turn to the Internet to circumvent the judiciary’s control of print media. In 2004, the judiciary, relying on unaccountable intelligence and security forces, began to target online journalists, bloggers, and technical support staff in an effort to quash this flourishing new medium. By the end of 2005, all the online writers detained in the 2004 group detentions had been released except Mojtaba Saminejad, who was arrested in October 2004 and sentenced to two years in prison for “insulting Imam Khomeini and the Supreme Leader Ayatollah Khomeini” on June 7. All of the detainees had been held in

solitary confinement in a secret detention center, subjected to torture, and denied access to lawyers or medical care.

On February 23, following a secret trial held without his lawyer, Mohammad Reza Nasab Abdullahi, a university student, human rights activist, editor of a student newspaper, and blogger, was sentenced to six months in prison for insulting the Supreme Leader and spreading anti-government propaganda. He served six months in an Iranian prison for posting an entry on his blog criticizing the government's repression of "civil and personal rights and liberties." On March 2, his wife, 26-year-old university student Najmeh Oumidparvar, was arrested in her home after posting messages from her husband on her own blog, and giving an interview to a German radio station. She was four months pregnant. Oumidparvar was freed on bail 24 days later.

On March 10, the Iranian judiciary closed the monthly magazine *Jame-e-No* because it missed an issue. Its license required it to publish monthly. Fatemeh Kamal, the magazine's license holder, told the Committee to Protect Journalists she believed the real reason for the closure was her marriage to human rights activist and journalist Emadeddin Baghi.

On January 16, Arash Sigarchi, the former editor of *Gilan Emrouz* and a blogger who frequently criticized the government and protested the detention of fellow writers, was arrested from his home in northern Iran. He had given interviews to the BBC World Service and the US-based Radio Farda days earlier. On February 2, he was sentenced to 14 years in prison on charges of espionage, "aiding and abetting hostile governments and opposition groups," endangering national security, and insulting the supreme leader. Authorities released him on bail on March 16, pending the resolution of his appeal.

In May, the well-known journalist Akbar Ganji, sentenced in 2001 to six years in prison for "spreading propaganda" and "collecting confidential state documents to jeopardize state security, published an account of his torture in prison. Later in 2005, on August 13, the judiciary detained Abolfazl Fateh, the director of the Iranian Students News Agency (ISNA), and asked him to explain why ISNA had published remarks by Akbar Ganji's wife. The week before, Mortazavi had summoned Fateh because ISNA had reported human-rights lawyer and Nobel laureate Shirin Ebadi's criticism of the judiciary for barring her from visiting Ganji, who is her client. Fateh was freed on bail. Ganji returned to prison on June 11, three days after Tehran Chief Prosecutor Saeed Mortazavi signed an arrest warrant claiming Ganji was a fugitive for overstaying his furlough.

On April 18, Iranian authorities closed Al-Jazeera's Tehran bureau after the pan-Arab satellite station reported that three ethnic Arabs from Iran's southwestern province had died in clashes with security forces. On April 25, authorities arrested Yossef Azizi-Banitorouf—who had worked for *Hamshahri* for more than 10 years when new, conservative management took over the paper and fired him—for holding a press conference for foreign journalists on ethnic Arab unrest. He was released without charge on June 28.

On June 20, Mortazavi banned the newspapers *Aftab*, *Eqbal*, *Etemaad*, and *Hayat-e-No* for publishing an open letter from reformist cleric Mehdi Karoubi in which he charged the Revolutionary Guard and the Guardians Council of illegally intervening in his unsuccessful election campaign. *Aftab*, *Etemaad*, and *Hayat-e-No* resumed publication the following day, but Mortazavi indefinitely suspended *Eqbal*'s publication license.

Iranian authorities detained several Kurdish-Iranian journalists and human rights activists following August 2 demonstrations in Sanandaj, the capital of Iran's Kurdistan province. The following day, the Ministry of Culture and Islamic Guidance closed *Ashti*, a Kurdish-language daily, and *Asou*, a bilingual (Kurdish and Persian) weekly.

The government directly maintains a monopoly over all broadcast media, which presents only official political and religious viewpoints. While satellite dishes that receive foreign broadcasts are forbidden, an increasing number of Iranians own them. Iranian websites—despite a desperate effort on the part of the government to control the Internet—nevertheless continue to express opinions that the country's print media would never run. The government has blocked thousands of Web sites, including sites that criticize government policies or report stories the government does not wish to see published. It has sought to limit the spread of blogs by blocking popular Web sites that offer free publishing tools for blogs.

Iraq

Status: Not Free

Legal Environment: 22

Political Environment: 33

Economic Environment: 16

Total Score: 71

While Iraqis continued to benefit from a wide diversity of media sources resulting from a media boom that began with the ouster of Saddam Hussein's regime in 2003, press freedom suffered some serious blows in 2005. Iraq continued to be one of the most dangerous places in the world to work as a journalist, with 23 journalists and media professionals killed in 2005. By the end of the year, more journalists had been killed in Iraq since 2003 than were killed in twenty years of the Vietnam conflict. Terrorist and insurgent groups deliberately targeted journalists in attacks throughout the year. Iraqi and Coalition forces also detained and arrested numerous journalists, and several media professionals were killed by military forces in the country.

The legal framework for guaranteeing press freedom and regulating the media remained unclear in 2005. For most of the year, the Law for the Administration of the State of Iraq for the Transitional Period (TAL), adopted by the principal Iraqi interim administration recognized by the United Nations, remained in force, as well as orders issued by the Coalition Provisional Authority (CPA) in 2004 regulating the media. Iraq's interim prime minister renewed a "state of emergency" declared in November 2004 numerous times throughout the year, which applied to all areas of Iraq except the northern Kurdish governorates. On October 15, Iraqis voted to adopt a permanent constitution, which included provisions guaranteeing freedom of press and expression "in a way that does not violate public order or morality," according to Article 38 of the constitution. In addition, Articles 101 and 102 of the permanent constitution outline a financially and administratively independent National Communications and Media Commission. However, like many other articles in the constitution, the commission's mandate is not specified and requires implementing regulations and legislation. Legal

analysts have noted that some archaic laws dating from Saddam Hussein's rule remained on the books, including restrictive insult and anti-defamation laws and state secrets laws. In addition, Iraqi officials used restrictive press laws enacted by regional government authorities to restrict press freedom. On December 19, 2005, a Kurdish court in Erbil convicted Kamal Karim on defamation charges and sentenced him to thirty years in prison. Karim had published articles on an independent Kurdish website critical of the Kurdistan Democratic Party (KDP) and its leader Massoud Barzani. Despite appeals from international press freedom advocates, Karim remained in jail by the end of the year. In the southern city of Kut, two journalists faced charges of defaming the police and judiciary after writing an article critical of provincial officials. The case was still pending by the end of the year.

The ongoing instability and violence remain the biggest threats to press freedom, with Iraqi insurgent groups targeting kidnappings and attacks on the media. Though most journalists operated without legal or bureaucratic restrictions, the pervasive climate of violence severely restricted the scope of media coverage of events in Iraq in 2005. Self-censorship increased as a result of intimidation from violent groups including sectarian militias throughout the country.

Iraq has more than one hundred daily and weekly publications, and dozens of new private television and radio channels emerged throughout the country. Nearly all of the media outlets are privately owned and operated, but most of these outlets are affiliated with ethnic, sectarian, or partisan groups. The most watched television channel in Iraq, the state-funded Al Iraqiya, was accused of sectarian bias. Modeled after the Public Broadcasting Service (PBS) in the United States, Al Iraqiya was accused of becoming a propaganda tool for the country's top Shi'ite politicians. Access to foreign satellite television, previously banned in all of Iraq under Saddam Hussein (except in the northern Kurdish regions since 1991), grew in 2005. However, Iraqi authorities continued to ban the regional satellite channel Al Jazeera from operating in the country because of allegations that it was inciting violence. While the independent press has grown tremendously, economic conditions have hindered the ability of independent publications to sustain themselves. Access to the Internet grew during the year, with many Internet cafes opening up in Iraqi cities.

Ireland

Status: Free

Legal Environment: 3

Political Environment: 7

Economic Environment: 5

Total Score: 15

Press freedom is constitutionally guaranteed in Ireland and generally respected in practice. There is a growing movement to enact legislation to regulate the media, particularly in the context of concern over terrorism and after the unrest following the Danish cartoons. The National Union of Journalists has called on media publishers to establish self-regulation. An archaic libel and defamation law still exists under which

journalists remain guilty until proven innocent, causing some journalists to practice self-censorship. For years the government has promised to reform this law, but has lacked the political will to do so until recently. In order to bolster the political drive to reform the defamation law, print media stakeholders compromised with the government over a controversial Press Council—a body intended to regulate media conduct and protect an ‘ethical standard’ of journalism. The controversy surrounding the proposed creation of this Press Council has gained new force after the *Sunday Independent* published a lurid story that turned out to be false concerning the circumstances of the death of Liam Lawlor, a member of the Irish Parliament jailed three times for defying a public tribunal. The government is more determined than ever to establish a body to prohibit these kinds of publications. The national public broadcaster, Radio Telefis Eireann (RTE), dominates the radio and TV sectors, but the growth of cable and satellite has begun to weaken the state broadcaster’s monopoly over the industry. Internet access is unrestricted.

Israel

Status: Free

Legal Environment: 5

Political Environment: 13

Economic Environment: 10

Total Score: 28

Press freedom is generally respected in Israel, and the country features a vibrant and independent media landscape. Journalists are occasionally subject to official restrictions; however, the independent judiciary and an active civil society adequately protect the free media. Hate speech and publishing praise of violence is prohibited, and the 1948 Counterterrorism Ordinance prohibits expressions of support for terrorist organizations or groups that call for the destruction of Israel. In 2004, the Supreme Court denied a government appeal to uphold a ban on granting press credentials to Palestinians. Israel’s Government Press Office (GPO) earlier ceased issuing press cards to Palestinians on security grounds claiming some Palestinians posing as journalists used the cards to gain entry into Israel to carry out or abet terrorist attacks. In July, pressure from press and civil rights groups led the GPO to reinstate the credentials of Yishai Carmeli-Polak, a highly critical reporter of government policies.

While newspaper and magazine articles on security matters are subject to a military censor, the scope of permissible reporting is wide and there is a broad range of published material. Editors may appeal a censorship decision to a three-member tribunal that includes two civilians, and publications cannot be shuttered due to censorship violations. Arabic-language publications are censored more frequently than are Hebrew-language ones, and Arab-Israeli journalists can be subject to greater restrictions than their Jewish counterparts. In March, the daily *Ha’aretz* and the Channel 2 television station were both made to apologize for failing to submit to the censor reports on the sale of military technology to China. That same month, BBC News similarly apologized to the government for not submitting for review an interview with Mordechai Vanunu, an Israeli citizen imprisoned for 18 years for espionage and disclosing information about

Israel's nuclear weapons program; the government demanded the apology before renewing the visa of the BBC Jerusalem deputy bureau chief. Vanunu's release from prison in 2004 was conditioned on a series of restrictions on his speech and movement. In March, the government warned Vanunu he would be brought to trial if he continued to speak to foreign media (among other prohibitions), a move condemned by the International Federation of Journalists.

A large variety of newspapers, reflecting a broad range of political viewpoints and religious outlooks, are available in Israel. All Israeli newspapers are privately owned and freely criticize government policy. Newspapers must be licensed by the locality in which they are published. A diverse range of broadcast media is also available. The Israel Broadcasting Authority (IBA) operates public radio and television services, including the widely consumed Kol Yisrael radio station. In October, press freedom advocates voiced concern over plans to establish an IBA governing board made up of political appointees. There are also commercial television networks and radio stations; most Israelis subscribe to cable or satellite television. Internet access is widespread and unrestricted.

[The rating reflects the state of press freedom within Israel proper, not in the West Bank and Gaza Strip, which are covered in the following report on the Israeli-Occupied Territories and Palestinian Authority.]

Israeli-Occupied Territories and Palestinian Authority

Status: Not Free

Legal Environment: 28

Political Environment: 36

Economic Environment: 22

Total Score: 86

The West Bank and Gaza Strip remain some of the areas most covered by the media, but Israel and the Palestinian Authority (PA) severely restrict press freedom and often impede journalists' ability to report safely and accurately.

Israel's army and security services continue to commit a range of press abuses. Journalists can face gunfire, physical abuse, and arrest, in addition to sharp limits on their freedom of movement. Israel denies that it deliberately targets journalists and maintains that reporters covering the conflict risk placing themselves in danger. In January, Majdi al Arabid, a Palestinian cameraman for Israeli television, was shot while filming an Israeli incursion in the Gaza Strip. An Al-Jazeera cameraman was beaten and detained by Israeli soldiers in November while filming a demonstration near Ramallah. In December, a Palestinian journalist working for Al-Jazeera was arrested by Israeli authorities, though they claimed that the arrest was not related to his work. The Israeli army also announced that it would not press criminal charges against a soldier for the 2003 shooting death of British filmmaker James Miller in Gaza. International press groups criticized the decision for promoting impunity.

Journalists reporting from the Israeli-Occupied Territories (IOT) are required to carry Israeli-issued press cards, which are extremely difficult for Palestinian journalists to

obtain. During the Gaza withdrawal in August, the Israeli military permitted select journalists to be embedded with military units and strictly limited press access to certain areas. Many Palestinian journalists were prevented from traveling to Gaza to cover the story. The Israeli military continues to restrict media access, denying entry visas to at least two foreign journalists in 2005. Israeli checkpoints often prevent newspaper distribution in the IOT.

Palestinian Basic Law provides for freedom of the press, and although a 1995 Press Law calls for free and independent media, it also stipulates that journalists may be punished and newspapers closed for publishing material deemed harmful to national unity or that might incite violence. A draft law on access to information went before the Palestinian Legislative Council in May, which, if passed, could increase transparency and accountability. Access to satellite television is increasing, and unrestricted Internet access is available to about one-third of the population. However, press freedom continues to suffer under the PA.

There are three Palestinian dailies in addition to several weekly and monthly periodicals. There are roughly 30 independently owned television stations and nine radio stations. The two television stations and radio station run by the PA function as government mouthpieces. Most independent media outlets exercise cautious self-censorship, particularly on the issue of internal Palestinian politics. Reinforcing this self-censorship, Palestinian media face government pressure to provide positive coverage or forgo reporting on certain stories. Journalists who file stories considered unfavorable often are harassed by the PA. Threats, arrests, and abuse of journalists deemed critical of the PA and/or Fatah have become routine. Palestinian reporting of the presidential elections carried disproportionate coverage of Fatah's candidate, Mahmoud Abbas. The Palestinian Journalists Syndicate, a group affiliated with the PA, reportedly directed journalists not to report on clashes between Palestinian factions following the Gaza withdrawal, and in August the Ministry of Interior issued a directive requiring journalists to inform the ministry of any stories relating to security forces. The PA refused to invite Palestinian journalists to cover the Abbas-Sharon February summit in Egypt.

Increased political instability followed the Israeli withdrawal from Gaza. Lack of security in combination with renegade political factions created dangerous conditions for journalists. In August, gunmen held a cameraman for France 3 TV for nine days. An Italian journalist was abducted in Gaza in September, and two Knight Ridder journalists were kidnapped in October; all were released unhurt after several hours. Some foreign news crews have left Gaza in the wake of these abductions, which are believed to have been carried out by groups linked to Fatah and upset with the PA. International organizations have criticized the PA for failing to provide the security that would prevent such lawlessness.

Italy

Status: Partly Free

Legal Environment: 9

Political Environment: 13

Economic Environment: 13

Total Score: 35

Freedom of speech and the press is constitutionally guaranteed. However, media freedom remains constrained by the continued concentration of media power in the hands of Prime Minister Silvio Berlusconi, who, through his private media holdings and political power over the state television networks, controls 90 percent of the country's broadcast media. In April 2004, the Senate adopted the Gasparri law on broadcasting, which, to its credit, introduced a number of reforms that will prepare the country for the switchover from analogue to digital broadcasting that is due to take place in 2006 and the partial privatization of the RAI. The reforms potentially make the country's broadcast media more independent of state control. However, the law has been heavily criticized for not providing effective de-monopolization measures and thus doing very little to breakup the "duopoly" of RAI and Mediaset in broadcasting media. This would allow Berlusconi, starting from a particular advantage, to continue his domination of private broadcast media. In July 2004, the parliament passed the Frattini Law, which is intended to deal with the conflict of interest between the prime minister's public office and his media holdings. The law stipulates that persons holding government office cannot "occupy posts, hold office or perform managerial tasks or any other duties in profit-making companies or other business undertakings." Although this prevents the prime minister from running his own businesses, it does not prevent him from choosing his own proxy, including a family member. However, shortly after Berlusconi's poor showing at elections in April 2005, Fininvest, the company at the apex of his business empire, reduced its stake in Mediaset from 50.9 percent to 34.3 percent, apparently minimizing his control of the media giant. The move, according to the Guardian, was intended to boost Mr. Berlusconi's image for the upcoming elections in spring 2006.

In January 2005, a court in Rome condemned the Italian public broadcaster RAI for the removal of a TV journalist, Michele Santoro, in 2002. Santoro was one of three journalists critical of the government who were removed from the RAI for alleged "criminal use of public television." Parliament has still not passed a proposed bill that will abolish prison sentences for libel. In May 2005, the Milan offices of *Corriere della Sera* were searched following approval by the public prosecutor. Local authorities were searching for sources related to a story in the paper the same month about the use of Italian-made Beretta guns in Iraq by al Qaeda fighters.

Most press outlets are privately owned but are often linked to political parties or run by large media conglomerates that exercise some editorial influence. The print media, which consist of several national newspapers, two of which are controlled by the Berlusconi family, continue to provide diverse political opinions, including those critical of the government. However, Berlusconi controls or influences six of the fourteen national surface-frequency channels. Mediaset, a company in which he has a major interest and the largest private broadcaster in the country, owns three leading national channels, while the state-owned network (RAI), traditionally subject to political pressure, controls three. Mediaset further monopolizes broadcasts advertising revenues. In 2004, Mediaset received 58 percent of all advertisement revenues, while the RAI received 28 percent. The other commercial nationwide networks receive fewer than 2 percent of revenues and the hundreds of local/regional TV stations combined only receive 9 percent. In late 2003 the government enacted a temporary waiver that removed a previous

restriction on one person owning more than two national broadcasting stations, allowing Retequattro, one of three television stations owned by the Berlusconi-dominated Mediaset group, to continue terrestrial broadcasting. The government generally does not restrict access to the Internet; however, the government can block foreign-based Internet sites if they contravene national laws. After the London bombings in July 2005 by Islamic extremists, Italy's parliament approved a new anti-terror law that includes surveillance of the Internet and requires a license to operate an Internet cafe.

Jamaica

Status: Free

Legal Environment: 3

Political Environment: 7

Economic Environment: 7

Total Score: 17

The constitution of Jamaica protects freedom of expression but does not explicitly mention the press. There is an Access to Information Act in place. The media is largely free to express critical views without significant restrictions. However, some media outlets expressed the need for reform of the country's libel laws, particularly the courts' ability to award high damages in defamation cases, which cause some journalists to practice self-censorship. There is also concern about the position of some large private firms, which often threaten to withdraw advertising to protest against what they regard as negative coverage.

The country has two national daily newspapers and a daily afternoon tabloid. There are a number of national and regional periodicals serving a variety of sectors and interests. The state broadcasting service was largely privatized in 1997, although the Kool FM radio station is still government owned. In December, it was announced that the new Public Broadcasting Corporation of Jamaica will begin radio and television operations next year. The government's Jamaica Information Service produces radio programs that are guaranteed airtime on all 16 national radio stations, and also produces a 30-minute program about government projects and policies that is aired daily on the three national television stations.

Japan

Status: Free

Legal Environment: 2

Political Environment: 12

Economic Environment: 6

Total Score: 20

Press freedom is constitutionally guaranteed and generally respected in practice. Japan has a vigorous and free media and boasts the highest daily newspaper circulation per capita in the world. More than half of the national newspaper market share is controlled by “the big three”: Yomiuri, Asahi, and Mainichi. There is considerable homogeneity in reports, which relate the news in a factual and neutral manner. Television news content, once dominated by the public station NHK, has diversified considerably with the rising popularity of Asahi, Fuji, TBS, and other stations. Homogeneity, especially in political news, is facilitated in part by a system of journalist clubs, or *kisha kurabu*, in which major media outlets have cozy relationships with bureaucrats and politicians. Exposés by media belonging to journalist clubs are frowned upon and can result in the banning of members from press club briefings. Smaller media organizations and foreigners are excluded from journalist clubs. Japanese journalist clubs have been criticized by Reporters Without Borders and the European Union, because the government gives club members exclusive access to political information. In return, the journalists tend to avoid writing critical stories about government, thereby reducing the media’s ability to pressure politicians for greater transparency and accountability. Most of Japan’s investigative journalism is conducted by reporters outside the press club system. In recent years the rising number of journalists who do not participate in press clubs has slightly eroded their power to act as gatekeepers for news concerning government ministries and political parties.

In 2005, the right of journalists to refuse to reveal anonymous sources was upheld by Niigata District Court in a case in which a U.S. health food company asserted inflammatory news reports, dating from 1997, were based on a leak about the company’s investigation for tax evasion. Law suits concerning the reports filed by journalists with television station NHK and *Daily Yomiuri* (*Yomiuri shimbun*) have been appealed to the Tokyo High Court.

Jordan

Status: Not Free

Legal Environment: 21

Political Environment: 22

Economic Environment: 18

Total Score: 61

The Jordanian Constitution upholds Jordanians’ right to freedom of expression and holds that “freedom of the press and publications shall be ensured within the limits of the law.” Though senior politicians have said that these provisions will no longer be enforced, articles of the Jordanian penal and press codes restrict criticism of the royal family, the national assembly, public officials, the armed forces, and speech that might harm Jordan’s foreign relations. Within limits, criticism of the Jordanian government and its allies is tolerated in practice, as is speech in favor of Islamist movements, though criticism of the royal family is still taboo. According to the law that governs the Jordan Press Association (JPA), journalists must be members of the association to work legally—with the result that journalists are subject to the bylaws of the JPA in addition to

national laws. In the past, critical journalists have been excluded from the JPA and thereby prevented from practicing their profession. A draft law on access to information was introduced in 2005, the first of its kind in the region. Although this was seen as a positive development, the law has been criticized for its many loopholes.

In February, King Abdullah II established a National Agenda Committee to review and reform legislation. Among the committee's proposals was the striking of the requirement that journalists belong to the JPA. In July, the cabinet proposed a new press law that would abolish pre-publication censorship and arresting journalists performing their work. Journalists would be protected from having to reveal their sources and banning a publication would require a court ruling. Parliament had not enacted either reform by the end of 2005.

Editors and journalists report they have received official warnings not to publish certain articles or to avoid certain topics, and that security officials have pressured printers to hold publications until editors agreed to remove sensitive stories. On April 10, authorities delayed the publication of *Al-Wihda* until editors removed an article by Muwaffaq Mahadin—who had run afoul of the authorities before—claiming that Prime Minister Adnan Badran's new government had been formed undemocratically. In June, security officials delayed publication of *Al-Majd* because they objected to an interview with a member of parliament who supported the Iraqi insurgency and viewed the interim Iraqi government as illegitimate. And on March 14, authorities detained and questioned a journalist and two editors for *Al-Ghad* on suspicion that a story published in the paper was fabricated.

The government owns substantial shares in Jordan's two leading Arabic daily newspapers and must license all publications. There are high taxes on the media industry and tariffs on paper, and the government has been criticized for advertising primarily in newspapers in which it has ownership. In 2003, the government officially gave up its monopoly on domestic television and radio broadcast media by creating a new Audio Visual Licensing Authority, which in 2004 began to license and regulate private radio and television broadcasts. In 2004, the government issued licenses for one new radio and satellite television stations, but neither has started broadcasting yet. No restrictions are put on satellite broadcasts, and satellite dishes continue to proliferate. The Jordanian government is actively seeking to promote access to the Internet, and says that it places no restrictions on access to information online. In the past, users reported that Web sites airing critical views were blocked, but no such incidents were reported in 2005.

Kazakhstan

Status: Not Free

Legal Environment: 25

Political Environment: 28

Economic Environment: 22

Total Score: 75

Kazakhstan's constitution guarantees freedom of the press while at the same time providing special protection for the president. In practice, the authorities allow limited

press freedom but take action against perceived threats to the existing power structure. The media environment in 2005 saw neither significant deterioration nor significant improvement. Media provisions in new national security legislation passed after the revolutions in neighboring Georgia, Ukraine, and Kyrgyzstan, and the unrest in Uzbekistan, prohibit the glorification of “extremism” but do not provide a precise definition of “extremism.” Parliament, however, struck provisions from the draft law that would have given prosecutors expanded powers to close media outlets. Independent and opposition media outlets faced continued legal harassment and a targeted crackdown in the lead-up to the December presidential election, while new national security legislation gave the authorities additional legal mechanisms to control information. State-controlled media, as well as nominally independent media with ties to the state through subsidies or holding companies, shied away from aggressive coverage of sensitive issues, in particular, allegations of improper conduct by President Nursultan Nazarbayev and members of his family. Libel suits continued to take a toll on the independent press. In March, the National Security Committee won a \$38,000 libel judgment against the independent newspaper *Soz*, leading a local media watchdog group to charge in June that the Committee's aim was “to ruin the newspaper financially and destroy it.”

The opposition weekly *Respublika*, successor to *Assandi-Times*, was the target of numerous punitive actions. In May, a court liquidated Bastau, the company that owned *Respublika*, after the newspaper published an interview with Russian politician Vladimir Zhirinovskii, which the court deemed insulting to Kazakhstan. In April, *Respublika* editor-in-chief Irina Petrusheva had been briefly detained in Russia on a tax-evasion warrant issued by Kazakh authorities. When *Respublika* began to appear online as *Set.kz*, the authorities charged that it lacked proper registration. Many in the independent media encountered difficulties in the run-up to the December 4 presidential election. In September, the printing company Vremya terminated contracts with seven newspapers. Some of the contracts were later assumed by Daur, a printing company controlled by a relative of President Nazarbayev. Police seized the print run of the independent newspaper *Svoboda Slova* in October for an article that allegedly defamed the president. Another issue of *Svoboda Slova* was confiscated for an article about the business interests of Aliya Nazarbayeva, daughter of President Nazarbayev. Police also seized print runs of the independent newspaper *Juma-Times* in October and November. President Nazarbayev won a crushing 91 percent victory in the December election, but independent observers noted significant media bias, particularly in coverage by nationwide broadcast media. As in previous years, prominent broadcast media were either state run or controlled by members of the president's family or individuals with ties to the president's family.

The Internet increasingly attracted the attention of the authorities, who continued to block access to a number of opposition sites in Kazakhstan. In October, a state-controlled Internet provider stripped the online opposition newspaper *Navigator* of its .kz address, forcing the site to move to the .net domain. In November, the government said that it would deny a .kz address to sites hosted abroad.

Kenya

Status: Partly Free

Legal Environment: 20
Political Environment: 20
Economic Environment: 18
Total Score: 58

Status change explanation: Kenya's rating improved from Not Free to Partly Free owing to a decrease in the number of reported cases of extra-legal intimidation against journalists, as well as a gradual opening of the broadcast sector to private radio outlets.

Kenya's constitution does not explicitly guarantee press freedom. It was hoped that the administration-backed proposed draft constitution, which contained specific protections for the media, would change things, but the draft constitution was voted down in the November 2005 referendum. The Kenyan media continue to operate under Section 79 of the constitution, which guarantees citizens freedom of expression. Nevertheless the government routinely restricts the freedom of expression by broadly interpreting several laws, including the Official Secrets Act, the penal code, and criminal libel laws. The Miscellaneous Amendment Act passed in 2002, which raised publishers' mandatory insurance bond to 1 million Kenyan shillings (about \$13,100), has had a negative impact on numerous independent newspapers that cannot afford to pay the increased fees. A freedom of information bill is currently pending before parliament.

Reporters continue to face some harassment from the government, whose attitude towards press freedom oscillated throughout the year. On one hand the Kenyan press is more critical than they have ever been, and there has been a decrease in the number of reported cases of extra-legal intimidation. However, journalists are still subject to some intimidation from the government, particularly when they report on government scandals. In January, a journalist with the *Standard*, Kamau Ngotho, was charged with criminal defamation after publishing a report on Kenya's economic elite who have benefited from close links with the government. It was the first time that a journalist had been charged with criminal defamation since the country gained independence in 1963. The attorney general later dropped the charges as a result of domestic and international pressure and declared that the archaic law would no longer be used to suppress the freedom of expression. In late September, *Kenya Times* journalist David Ochami was arrested and detained by police as a result of a column titled "Coups in Africa do not occur out of nothing." *Sunday Times* managing editor Onyango Omallo was added to the charge for incitement.

On May 2, Kenya's first lady showed up at the offices of the *Nation* Media Group along with the Nairobi police chief and spent five hours insulting journalists and complaining about "unfair" reports about her. On the previous day, several newspapers, including the *Nation*, had written about Mrs. Kibaki shutting down a party in honor of departing World Bank representative Makhtar Diop because of "too much noise." Mrs. Kibaki vowed not to leave the *Nation* offices until the articles' authors were arrested and slapped a cameraman from the Kenya Television Network, Clifford Derrick, who had been filming the scene. Clifford Derrick later filed assault charges against the first lady as a private prosecution, but the attorney general terminated the proceedings. Also in May, the court case against *East African Standard* editor David Makali for the alleged theft of a police tape containing the confession of suspects in the murder of University of Nairobi

Professor Crispin Odhiambo Mbai, was dismissed by judge Aggrey Muchelule for lack of evidence and because a conviction would have violated the constitutionally guaranteed freedom of expression.

There were a number of censorship cases that occurred during the campaign period for the constitutional referendum. Both the supporters and opponents of the draft constitution at separate times “banned” independent journalists from attending their rallies because they would “misrepresent facts.” On November 16, the Communications Commission of Kenya (CCK) suspended the privately owned radio station Kass FM, which is broadcast in one of the local ethnic languages, Kalenjin, for seven days because the station was “inciting ethnic hatred and violence.” Several people had already been killed and tensions were high in the run-up to the vote. However, some local journalists felt that the closure was politically motivated. While anecdotal evidence suggests that some ethnic radio stations did broadcast incendiary statements during the campaign period, only KASS FM was targeted and no warning or official evidence accompanied the suspension.

While the number of private media outlets is on the increase, the government-controlled public broadcaster, Kenya Broadcasting Corporation, remains dominant outside the major urban centers and its coverage still favors the ruling party. The private media is generally outspoken and critical of the government policies. There has been a significant expansion of FM radio, particularly ethnic FM radio stations, increasing public participation as well as commentary unfavorable to the government through call-in shows. However, official pressure and bribery led some journalists to practice self-censorship. Access to the Internet and to foreign media is unrestricted.

Kiribati

Status: Free

Legal Environment: 5

Political Environment: 9

Economic Environment: 14

Total Score: 28

Freedom of speech and freedom of the press are generally respected in Kiribati. In July, the Kiribati media freely reported on calls for President Anote Tong’s resignation over his failure to resolve a scandal involving Korean fishermen who engaged in sexual relations with young Kiribati girls. Radio Kiribati, the country’s only state-run radio station, also broadcast stories that openly accused government officials of overspending. However, on December 6th, Radio Kiribati fired journalist Taberannang Korauaba for not revealing his sources for a report on a case of corruption involving Kiribati’s auditor-general. A number of government ministers, including the Information Minister Natan Tewe, publicly accused Kiribati journalists of irresponsible reporting. KIMA, the Kiribati Islands Media Association, has yet to finalize their proposed new constitution and code of ethics. Due to a weak economy, Kiribati’s population has limited access to diverse sources of information. The state-run newspaper *Te Uekera* and the privately owned Kiribati New Star operate on a weekly basis and offer diverse viewpoints. Newsletters

from the Catholic and Protestant churches provide alternative sources of information. Newair FM 101, a small independent radio station located in South Tarawa, reaches about half the Kiribati population.

Kuwait

Status: Partly Free

Legal Environment: 20

Political Environment: 20

Economic Environment: 16

Total Score: 56

Articles 36 and 37 of Kuwait's constitution provide for freedom of the press, and the media are generally free to criticize the government, with some important exceptions. The Printing and Publications Law and the penal code restrict criticism of the emir and articles that might harm relations with other states, jeopardize the value of the Kuwaiti dinar, or offend moral sensibilities. In addition, the law restricts material deemed offensive to religion or an incitement to hatred or violence. The government arbitrarily enforces these laws, and as a result many journalists practice self-censorship. The Kuwaiti government introduced a new draft press law in 2003, which would limit the government monopoly on newspaper licensing, lessen prison sentences, and ban the closure of media without a court order, but by the end of 2005, the national assembly still had not finished its debate over the proposed legislation. In January, an appeals court sentenced Ahmed al-Baghdadi to a one-year suspended sentence, a fine, and three years of probation for publishing an article in 2004 that criticized the Ministry of Education for increasing Islamic education lessons and cutting music classes.

Incidents involving Islamist militants and Kuwaiti security forces in January and February contributed to tension involving press freedom in Kuwait in 2005. In January, Kuwaiti authorities detained Adel Aidan, a correspondent working for the Arabic satellite news channel Al-Arabiya after it aired a report about clashes between Kuwaiti security services and suspected terrorists. Aidan's attorney said the correspondent was charged with "reporting false news that undermines Kuwait's position internally and abroad." Aidan was released several days later on bail and acquitted in May. In February, Prime Minister Sheikh Sabah al-Ahmed al-Sabah threatened to suspend or close newspapers that published information about the government's operations against suspected terrorists.

Most print media are privately owned and among the more vibrant in the region. There are five Arabic and two English language newspapers in Kuwait, but a new newspaper has not been launched in 30 years. Publishers must obtain a license from the Ministry of Information to start a newspaper, and there is no formal process to appeal if a license is not granted. In May, the government allowed Al-Jazeera, the regional satellite television channel, to reopen its offices, ending a nearly three-year hiatus after the government closed the channel's operations for security reasons. Kuwaitis have free access to the Internet, though some Internet service providers have blocked access to certain websites and the government requires Internet cafes to reveal customer identities on request. In another action related to the clashes between security forces and Islamist

militants, the Ministry of Communications blocked websites it deemed as inciting terrorism and instability in February.

Kyrgyzstan

Status: Not Free

Legal Environment: 22

Political Environment: 22

Economic Environment: 20

Total Score: 64

Kyrgyzstan experienced major political upheaval in 2005 that had the potential to bring about a sea change in the country's media environment. But while the fall of President Askar Akayev on March 24 amid demonstrations over falsified parliamentary elections brought a loose-knit opposition coalition to power, initial gains for press freedom have not seen sufficient follow through. The new authorities have squandered time on infighting, and worrying signs of instability, including high-profile contract killings, have posed challenges to media.

In the period before March 24, Kyrgyzstan's media environment witnessed abuses familiar from years past, with selective enforcement of laws, politically motivated libel suits, and various forms of state control over media significantly undermining constitutional guarantees of press freedom. Negative tendencies accelerated in the lead-up to the February 27 parliamentary elections. President Akayev threatened a lawsuit against the independent newspaper *MSN* after it published an article on his family's business interests. The state and structures close to the presidential family maintained control over nationwide broadcast media, which provided biased coverage in the run-up to elections. The week before first-round voting on February 27, the authorities cut off the power to the country's only independent printing house, which published a number of opposition newspapers. When police broke up a protest in Bishkek on March 23, they broke the legs of Azamat Kalman, head of a journalists' union. As demonstrations raged in central Bishkek on March 24, state television (KTR) showed nature documentaries. Only after Akayev had fled, and KTR management had vanished, did opposition leaders appear on national television on the evening of March 24.

President Kurmanbek Bakiyev and the group of former opposition figures who formed the new government—many of whom, it should be noted, at one time occupied official posts under Akayev—pledged far-ranging media reforms, including the privatization of state-owned media, the conversion of state television to public television, and a new media law. In a symbolic move, Zamira Sydykova, editor-in-chief of the independent newspaper *MSN*, was appointed ambassador to the United States. But while overt harassment of opposition and independent media fell off after Akayev's ouster, reforms moved ahead slowly. By year's end, little progress had been made on privatization and legislative reform plans, although the process of restructuring two national state-run newspapers had begun. Personnel policy at media outlets sparked protests under the new government. In one incident, staff at KOORT, a public radio and

television company, went on strike in October over what they claimed was the imposition of new management.

In May and June, officials reportedly denied media access to Uzbek refugees in southern Kyrgyzstan. On at least two occasions after Akayev's fall, national television cancelled talk shows because of content, including one show in July featuring then Prosecutor General Azimbek Beknazarov, who joined the opposition to the new government after he was dismissed in September. In November, Prosecutor General Kambaraly Kongantiev called for government action against media outlets that “destabilize the situation in the country.” In December, privately owned Pyramid TV was the target of a forcible takeover attempt amid allegations that officials from both the former and current government may have been behind the bid.

Internet is only available in a few places in the country. However, during the elections several opposition websites were blocked or attacked and opposition leaders and journalists were harassed with Spam email. Emails with discrediting content were sent to international organization, making it look like as if they originated from journalists and opposition figures.

Laos

Status: Not Free

Legal Environment: 26

Political Environment: 31

Economic Environment: 24

Total Score: 81

While central censorship is no longer directly imposed on the press, the Ministry of Information and Culture continues to oversee media coverage and academic publishing. Editors, also known as directors, are government appointees assigned to ensure that the media function as a link between the party and the people. Article 6 of the 1991 Constitution theoretically guarantees press freedom and civil liberties. But few citizens feel free to exercise these rights because there are no legal safeguards for voicing dissent in public. Article 7 requires the mass media, particularly the Lao language papers such as *Vientiane Mai* (*Vientiane News*), *Pasason*, and the national news agency, *Khaosan Pathet Lao* to “unite and mobilize” the diverse ethnic groups to support the ruling Lao People’s Revolutionary Party.

Thus, reported military abuses against the Lao-Hmong people, as well as arrests of Christians for practising their faith go unreported in the Lao language papers. Two papers that occasionally report on social and economic problems are the French weekly *Le Rénovateur*, and English daily *Vientiane Times*. Both are published by *Vientiane Times*, which is subsidised by the Ministry of Information and Culture. Both papers frame its contents primarily to attract tourists, expatriates and investors to the country, which still faces poverty and food security among the subsistence farming communities in the countryside.

Tourism has led to the proliferation of Internet kiosks with unrestricted access to foreign news sites. Language problem and high connection fee (ranging from USD300-

400 per month compared to the average monthly salary of US\$20-30) has limited the Internet to foreign tourists and business organizations.

To date, there are no international media agencies or journalism schools in Laos, except for UN development organizations. Thus, Lao journalists, whose salaries are paid by the government, are officiously guided by the editors' promulgation of the media as a "*khuangmu an lemkhom*" (sharp instrument) and "*phasana*" (vehicle) of the government. The media's role in providing "*ve thi*" (forum) basically means to "*sai nyai*" (linking the people to the Party) and delivering the Party policy messages and "*suksa op-hom*" (education and training in political ideology) to the masses. All editors are members of the Lao Journalists' Association, presided by the Minister of Information and Culture, Bouabane Vorakhoun. There were no major events last year that impacted on press freedom.

Latvia

Status: Free

Legal Environment: 6

Political Environment: 7

Economic Environment: 6

Total Score: 19

The constitution protects freedom of speech and of the press, and the government respects these rights in practice. In 2004, the criminal liability for defamation of government officials effectively ended. Libel, however, remains a criminal offense. In March 2005, the government brought a criminal legal action against *Chas*, an influential Russian-language paper and a strong supporter of Russian minority rights, for allegedly inciting ethnic hatred by publishing articles of Waffen-SS crimes and for calling for a halt to the annual SS veteran marches. Several sources have hinted that this proceeding might be part of a government harassment campaign against *Chas*, as the paper and its publishing house, *Petits*, have also undergone 20 questionable tax and financial inspections in a ten-month period. Alexander Kirshteins, a member of parliament who has made several comments perceived to be anti-Russian, has tried to start several criminal cases against the newspaper for inciting ethnic hatred; the newspaper believes because it has published articles critical of him.

Latvian media are diverse and competitive, and offer a wide range of political viewpoints. However, the main broadcasting regulator, the National Radio and Television Council (NRTP) has been allegedly subject to the influence of political parties and various private interests. One report claims that the NRTP has purposely delayed the licensing process for a second commercial broadcaster for several years. Latvia has two state-run television channels of which one broadcasts exclusively in Latvian and the other reserves 20 percent of airtime for Russian-language programming. Because of the limited options, the Russian population, which comprises about 30 percent of the population, often turns to cable television, which offers a wide assortment of Russian broadcasts. The print media in Latvia are independent and privately owned. However, media

concentration is high, with six companies owning 60 percent of printed media. The government does not restrict access to the Internet.

Lebanon

Status: Partly Free

Legal Environment: 21

Political Environment: 24

Economic Environment: 15

Total Score: 60

Lebanon's press freedom score remained relatively unchanged in 2005, as the greater press openness that followed the assassination of Rafiq Hariri in February was balanced by a series of violent attacks against journalists critical of Syrian involvement in Lebanon. The constitution provides for freedom of the press, though the government restricts this right in practice. A 1991 security agreement bans all media activity that might harm Syria, and strict defamation and security laws prohibit criticism of top leaders; however, political events in 2005 encouraged Lebanese media to challenge these restrictions. Journalists and publications accused of press offenses may be prosecuted in a special Publications Court. Security services are authorized to censor all foreign magazines, books, and films before they are distributed in Lebanon. The Lebanese government continues to take steps to limit journalists, though with less impact than before, as the diversity of media outlets and the momentum of political events have made it increasingly difficult to restrict press coverage.

The press became bolder in its criticism of the government following the resignation of Prime Minister Rafiq Hariri in 2004. Hariri's assassination in February 2005 sent shockwaves through Lebanese society and galvanized the Lebanese media to challenge further long-standing taboos against criticizing Syrian involvement in Lebanon. The media played an important role in mobilizing mass participation in the pro- and anti-Syrian demonstrations and expediting the Syrian withdrawal. Media outlets continue to provide in-depth coverage of the UN's investigation of the assassination and Syrian-Lebanese relations.

This opening in the Lebanese media environment was quickly followed by a crackdown with serious consequences for some journalists. On December 12, Gebran Tueni, editor of the independent daily *An-Nahar* and an opposition member of parliament, was killed along with three others in an explosion that targeted his vehicle. Tueni's assassination capped a series of attacks against outspoken journalists in the latter half of the year. In June, anti-Syrian *An-Nahar* columnist, Samir Kassir, was killed in a car bomb. May Chidiac survived a September attack, but lost an arm and a leg when explosives detonated beneath her car. Chidiac, the host of a political talk show on LBC, was outspoken in her criticism of Syrian involvement and her support for the Lebanese Forces. Also in September, journalist Ali Ramez Tohme, who had recently published a book on Hariri, escaped an assassination attempt. Charles Ayoub, pro-Syrian owner and editor of *Ad-Diyar*, faced government scrutiny as well as official and unofficial harassment after publishing details related to Hariri's assassination. International press

organizations have called on the UN to broaden its investigation of Hariri's assassination to include attacks on journalists.

A degree of economic freedom exists in Lebanon's media, though licensing of new print and broadcast media is highly politicized and prohibitively expensive. Lebanon features dozens of newspapers and hundreds of periodicals, many of which publish criticism of the government. All national daily newspapers are privately owned, as are most television and radio stations, including six independent television and satellite stations and nearly three dozen independent radio stations. In August Parliament passed a bill that would allow Murr TV (MTV) to resume broadcasting after a three year ban. Many media outlets in Lebanon are linked to political and/or confessional interests that exert significant influence over content. Election monitors criticized press coverage of the 2005 parliamentary elections for imbalanced reporting, with media outlets generally favoring candidates who shared their political outlook. Access to satellite television has grown substantially over the last decade, and unrestricted Internet access is widely available.

Lesotho

Status: Partly Free

Legal Environment: 13

Political Environment: 15

Economic Environment: 14

Total Score: 42

The government generally respects freedom of speech and the press, which is provided for in the constitution. However, a 1938 proclamation prohibits criticism of the government and contains penalties for seditious libel. Extremely high fines have been handed down by the courts in libel cases against publications and radio stations known for criticizing the government, forcing some to the verge of closure. In November, the English-language weekly *Public Eye* was ordered to pay a private businessman Lebohang Thotanyana 1.5 million maloti (about \$220,000) for alleged defamation (and the resulting damage to Thotanyana's business); the ruling was issued in the absence of the newspaper's legal representatives. Other libel and defamation proceedings occurred in 2005, some of which were settled out-of-court. Journalism groups have urged the government to create a media council or other regulatory body empowered to mediate defamation disputes before they end up in court. The government periodically attempts to pressure the independent press, and journalists have suffered occasional harassment or attack. In March, the editor of the tabloid *Moeletsi oa Basotho* was threatened with physical violence by two officials of the Lesotho Catholic Bishop's Conference; hosts of the radio talk show "Lijo'a Ke Baeti" on Catholic Radio were similarly threatened by anonymous callers in July. Several independent newspapers operate freely and routinely criticize the government, while state-owned print and broadcast media mostly reflect the views of the ruling party. There are four private radio stations, and extensive South African radio and television broadcasts reach Lesotho. Journalists reportedly have trouble

gaining free access to official information, and media development is constrained by inadequate funding and resources.

Liberia

Status: Not Free

Legal Environment: 19

Political Environment: 23

Economic Environment: 22

Total Score: 64

Liberia's 1986 constitution guarantees that citizens enjoy freedom of expression, "being fully responsible for the abuse thereof." This opaque clause helped the Taylor regime carry out abuses and intimidation of the media with the semblance of legitimacy. However, this clause has not been implemented in 2005 by either the transition government or the elected government of Ellen Johnson-Sirleaf with the intent to abuse the rights of journalists. In October of 2004, Liberia held a National Conference on Media Law and Policy Reform during which the participants recommended that the government create an independent regulatory body and adopt more progressive Freedom of Information laws. Unfortunately, by year's end neither of these legal reforms had been implemented, but a Freedom of Information Act adhering to the recommendations of the National Conference is currently being drafted in the legislature. Nonetheless, access to government information, particularly budget and financial issues, remains difficult due in large part to the persistence of a disorganized government infrastructure. Strict libel laws also remain an issue illustrated by an episode in March when a Monrovia court ordered the closure of the private weekly *Forum Newspaper*, a 200 dollar fine, and the arrest of the newspaper's entire editorial staff for ignoring several court summons in a libel case.

Wide and relatively unhindered reporting was permitted for both international and local journalists during the presidential elections in November, although the ability of local journalists to report accurately and fairly is still restricted by the lack of journalistic training and their inexperience to date with free and fair elections. Nonetheless, in preparation for the election, the Minister of Information announced in September that all foreign journalists not employed by UNMIL would be required to register with the Ministry particularly during the course of the election. Attacks on, and harassment of, journalists have significantly decreased from 2004 and no journalist has been jailed in Liberia since 2003. The only significant incidents of physical intimidation were carried out by disappointed pro-Weah supporters in the wake of the election.

The independent print media has grown significantly since the removal of Charles Taylor and there are now more than 30 newspapers operating in Monrovia that publish with varying degrees of regularity and provide diverse political perspectives. A handful of private printing presses have opened for the first time in 2005, but due to the lack of significant private funding, most print media still publish through the state-owned and operated printing facility in Monrovia. Most Liberians rely on radio broadcasts to receive news, and radio currently plays an important role in promoting and consolidating a culture of participation in political life. Over 33 community radio stations now operate

throughout the country without government interference, but most are still hindered by the irregular power supply. Access to foreign broadcasts and the Internet is unrestricted by the government but is severely limited by the dire financial situation of most Liberians.

Libya

Status: Not Free

Legal Environment: 29

Political Environment: 38

Economic Environment: 29

Total Score: 96

Moves by the government of Colonel Muammar Qaddafi to improve its diplomatic standing in the world meant little for the country's long beleaguered press. Libyan journalists continue to operate under some of the most restrictive laws in the world and in an extremely repressive climate. Press freedom, like all other public political activity, is illegal, and harsh laws impose life prison sentences and even death sentences for those who dare cross the regime. A public opponent can face a firing squad if they commit vaguely defined violations such as tarnishing Libya's image abroad or disseminating information that opposes the principles of Libya's constitution. In addition to the existence of such laws, Libya's judiciary does not operate independently.

In June 2005, the body of Libyan journalist Dayf al-Ghazal al-Shuhaibi—who had been missing for weeks—was found in a Benghazi suburb. The former reporter for the government-owned *Azahf al-Akhdar* had been shot in the head. After leaving *Azahf al-Akhdar*, al-Ghazal had published material critical of the authorities on London-based websites dedicated to covering Libya, including *Libya Alyoum* and *Libya Jeel*. To date, authorities have yet to find the person or persons responsible for al-Ghazal's murder. Another Libyan journalist, Abd al-Raziq al-Mansuri, who also wrote critical articles for a London-based website was found guilty of unlawfully possessing a weapon and sentenced to year and half in prison in October 2005. The journalist had been in detention since January 2005. According to the family of the journalist, cited by Human Rights Watch, the charges are bogus and the real reason behind his imprisonment is his critical writing. For the first time, a team from New York-based Human Rights Watch conducted a mission to Libya in May 2005 (Amnesty International was given permission to visit Libya in 2004). Human Rights Watch concluded that Libya continued to repress and imprison political opponents, even though minor steps have been taken to improve its human rights record.

Libya's print and broadcast media are government owned, and publish material in support of the regime and its programs. The use of secret police and informants intimidates journalists and regular citizens alike, and has created a pervasive climate of self-censorship. Few people have access to news and information from outside the country, but more people are turning to the Internet for information, to which authorities have responded by cracking down on online dissent.

Liechtenstein

Status: Free

Legal Environment: 1

Political Environment: 5

Economic Environment: 7

Total Score: 13

Freedom of expression is guaranteed under Article 40 of the 1921 constitution. No major press freedom violations were reported in 2005. Liechtenstein has two publicly owned daily newspapers, *Liechtensteiner Vaterland* and *Liechtensteiner Volksblatt*, as well as one Sunday paper, *Liewo*. There is one government-owned radio station, Radio Liechtenstein, which was privately owned until January 2004 when it encountered financial troubles. No local television stations are documented, though satellite television is widely viewed. Because of its small size and shared language, Liechtenstein relies heavily on media from neighboring Austria, Germany, and Switzerland. Internet access is open and unrestricted.

Lithuania

Status: Free

Legal Environment: 5

Political Environment: 7

Economic Environment: 6

Total Score: 18

The government generally respects freedom of speech and of the press. Libel remains a crime in Lithuania, and judicial authorities may order a journalist to reveal confidential sources if such disclosure is necessary to protect other constitutional values. Any form of speech that promotes national or religious hatred is prohibited. In July, independent daily *Respublika* was fined for publishing a cartoon deemed offensive by the Jewish community. However, Lithuania's supreme administrative court decided in September to throw out the case against *Respublika*'s publisher for a different, arguably anti-Semitic and homophobic article published in 2004. The media in Lithuania freely criticizes the government, as was evidenced by the coverage of the corruption scandals throughout 2004 and 2005. There are a wide variety of privately owned newspapers, and several independent and public television and radio stations broadcast throughout the country. Foreign companies, mainly from Norway and Sweden, invest greatly in the audio-visual media, and to a smaller degree, in the printed press. The government does not limit access to the Internet; however, the country's highest court confirmed in September the state's decision to ban an Internet site operated by a group of Chechen rebels, who claimed responsibility for the massacre in Beslan.

Luxembourg

Status: Free

Legal Environment: 1

Political Environment: 3

Economic Environment: 7

Total Score: 11

Freedom of speech and the press are safeguarded under Article 24 of the Constitution. Luxembourg does not have a freedom of information law. In April 2005, the Luxembourg Association of Journalists held a conference on copyright issues to discuss further expanding freedoms that were introduced in a 2004 press protection law. Luxembourg has a rich and diverse media for a country of its size, whose influence goes beyond its borders. Dailies are printed in Luxembourgish, German, French, as well as a weekly in Portuguese. Newspapers represent diverse viewpoints and are privately owned, though state subsidies protect presses from closing. Broadcast media is highly concentrated, dominated by the local group, RTL. Luxembourg is also home to the largest European satellite operator. There is one public broadcasting station, CLT. Many broadcasters only operate a few hours a day. There are two national and four regional broadcasters, as well as several local radio stations. The Internet is open and unrestricted.

Macedonia

Status: Partly Free

Legal Environment: 13

Political Environment: 20

Economic Environment: 16

Total Score: 49

The Macedonian legal framework contains most basic laws protecting freedom of the press and of expression and government representatives generally respect these rights. That said, libel is still a criminal offense and in 2005, Macedonian courts revealed they were still willing to apply such laws. In November, Zoran Bozinovski, was found guilty of criminal libel and sentenced to one three-month prison term as well as two six-month suspended prison terms for articles published in *Bulevar* magazine. Television journalist Ira Protuger was sentenced to a three-month suspended prison term for libel. Albanian journalist Rajmonda Malecka was sentenced to five years in prison for her alleged participation in terrorist activities, after she interviewed the leader of a paramilitary group. The Macedonian Court of Appeal, however, annulled the Skopje court's decision in October. Macedonia remains one of the only countries in the region without a freedom of information law, although a draft law was proposed in December. In 2005, parliament approved a new broadcast law, which covers public service broadcasting, including television and radio, stipulates standards and licensing procedure for commercial

broadcasters, and establishes an independent broadcast council. Some media organizations expressed concern that the broadcaster will have difficulty raising taxes to secure its funds. It remains to be seen how well the government will implement the new law. Authorities have had mixed results implementing other media legislation, such as the copyright law, the telecommunications law, and licensing regulations.

Macedonian media are becoming increasingly independent and diverse and frequently criticize the government, but they are at times constrained by political and commercial pressure. Macedonian Radio and Television (MRTV) favorably portray the government. While the country has remained peaceful since 2001, ethnic tensions cause problems for the media. For example, in June, the Macedonian National Unity appealed to television and radio station owners to ban the broadcasting of Serbian music, due to continuous wrangling between the two countries' churches.

Some observers question the high number of media outlets for a small country—over 150 media outlets exist largely because there is no registration process—which has led to fragile media environment with low economic sustainability. Financial constraints hindered pluralism in 2005, when two Albanian-language newspapers—the weekly *Lobi* and the daily *Koha ditore*—suspended publication, leaving only one Albanian-language newspaper, the daily *Fatki*. While the newspapers ceased publishing due to economic reasons, the government pledged under the 2001 Ohrid peace agreement to provide greater rights for ethnic minorities. Minority language media have mostly relied on foreign aid, which has not proven to be sustainable. The television and print media are not monopolies. There are no major state-controlled print media. The German group WAZ owns the three major dailies. Internet usage remains relatively low due to lack of access and high prices.

Madagascar

Status: Partly Free

Legal Environment: 15

Political Environment: 19

Economic Environment: 15

Total Score: 49

Freedom of speech and of the press is protected by the constitution, but strict libel laws are often used against private media outlets unsupportive of the government. In March, Lola Rasoamaharo, the publication director of the private daily *La Gazette de la Grande Ile*, was prosecuted under these laws on three separate charges of defamation including indictments in response to an article he published investigating corruption by the deputy speaker of the National Assembly. In total, Rasoamaharo received 5 months in prison and a \$1,550 fine. Also, James Ramarosaona was sentenced to a month in prison for publishing an audit report, accusing a state-owned real estate agency of embezzlement. In May, a correspondent for Radio France Internationale was forced to leave the country when his work permit renewal was refused. No reason was given by the government for this action.

Madagascar has six daily newspapers and a number of weeklies and monthlies; however, because of the low literacy rate, the print media are aimed primarily at the French-educated urban elite. The majority of the population receives its news through the broadcast media, which the government continues to monopolize nationwide. Nonetheless, numerous local, privately-owned radio and TV stations have emerged throughout the country that try to offer a critical voice on political issues. Three radio stations were allowed to re-open this year after being shut down in 2004. Journalists are, on average, poorly paid and subject to bribery, both from within the government and the opposition. Occasionally, the government also employs strong-arm tactics—including arbitrary censure—to pressure private media outlets to curb their coverage of political issues causing many journalists to practice self-censorship. There are an estimated 90,000 internet users and the internet is unrestricted by the government.

Malawi

Status: Partly Free

Legal Environment: 16

Political Environment: 22

Economic Environment: 17

Total Score: 55

Freedom of speech and of the press is constitutionally guaranteed, although these rights are occasionally restricted in practice. While the government does not exercise overt censorship, freedom of expression in Malawi is threatened in more subtle ways, resulting in some self-censorship. The Protected Emblems and Names Act prohibits the insult of the president and threatens violators with fines and prison terms. In March, two journalists—*The Nation's* Mabvuto Banda and Raphael Tenthani of the BBC—were arrested under the Act after writing articles reporting that Mutharika was not sleeping at the presidential State House because it was haunted by ghosts; both were released on bail shortly afterward. In September, Capitol Radio petitioned the High Court to declare the Act unconstitutional; the case was pending at the end of 2005. Journalists are also subject to occasional restrictions and harassment, and there have been a number of attacks on the press in recent years, allegedly committed by members of the Young Democrats, a group linked to the ruling United Democratic Front. In January, *Daily Times* reporter Collins Mitka was beaten by Alliance for Democracy (AFORD) supporters while covering an AFORD press conference; AFORD was then a member of the ruling coalition.

The print media represent a broad spectrum of opinion; ten independent newspapers were available, and of the eight major papers in circulation, six are privately owned and most are editorially independent. However, the independent media was come under substantial political pressure. In December 2005, the Office of the President and the Cabinet accused five journalists working for independent newspapers of being hired to write article to discredit President Mutharika and other high-ranking government officials. The state-owned Malawi Broadcasting Corporation (MBC) operates the country's two largest radio stations, and there are approximately 15 private radio stations with more limited coverage. The state-owned Television Malawi is the country's only

television station. State-run media generally adhere to a pro-government editorial line, and grant opposition parties more limited access. In December, the MBC did not air an opposition Malawi Congress Party press conference despite the fact that the party had paid for the airtime. Independent radio broadcasters receive no support from the state in terms of advertising revenue, and all equipment must be imported and paid for in dollars. Import duties and high taxes imposed by the state threaten the economic viability of independent commercial broadcasters. There are no restrictions on access to the Internet, although it is not widely used.

Malaysia

Status: Not Free

Legal Environment: 23

Political Environment: 24

Economic Environment: 18

Total Score: 65

Malaysian media continue to be constrained by significant legal restrictions and other forms of intimidation. The constitution permits limitations on freedom of expression, and the government imposes them in practice, ostensibly to protect national security and public order. The Printing Presses and Publications Act (PPPA) requires all publishers and printing firms to obtain an annual operations permit, which can be withdrawn without judicial review. Authorities have shut down or otherwise circumscribed the distribution of some pro-opposition media outlets under the PPPA. With the electronic media, the Information Minister decides who can own a broadcast station, and the type of television service suitable for the Malaysian public via the 1988 Broadcasting Act. The Official Secrets Act, Sedition Act, and harsh criminal defamation laws continue to impose restrictions on the press and other critics. Local media watch groups such as Charter 2000 continue to campaign for the repeal of these and other laws that repress freedom of expression, including the Internal Security Act, the Emergency (Public Order and Prevention of Crime) Ordinance, the Essential (Security Cases) Regulations, and the Universities and University Colleges Act. The universities' act was invoked in December to punish journalism student, Ali Bukhari Amir, whose stories on campus politics was published in the Islamic opposition party's newspaper, *Harakah*.

Self-censorship in the Malaysian media is entrenched through the history of political interference in media coverage of issues arbitrarily considered by the government to be 'sensitive' and against the national interest. Thus the real threat for Malaysian journalists does not come so much from professional sanctions but a learned cautiousness against expensive defamation suits, sackings, media closures, media bans, and unannounced interrogation by the Ministry of Internal Security for any "mishandling" of information. Two editors from *China Press*, the second highest circulated Chinese daily in the country, were forced to resign after publishing in its November 23 edition a leaked video clip of police abuse of a woman, alleged to be a Chinese national, who was forced to squat in the nude. The woman was later ascertained to be a Malaysian. The story compelled Malaysia to apologize to China, a major trading

partner. In December, the new Ministry of Internal Security, which has powers to issue, revoke, or change the terms of printing and publishing licenses, ordered *China Press* to show cause for its false reporting. The US-based *Epoch Times*, a pro-Falun Gong Chinese-language weekly printed in Indonesia, was banned in June and July for what the National Security Bureau said presented a negative view of China at a time when Malaysia was improving bilateral ties with China. The case of *Screenshots* blogger Jeff Ooi, who was threatened with prosecution in 2004 for allowing a reader's post on his Web site that was critical of the moderate vision of Islam promoted by the ruling party, remains under investigation, and Ooi was questioned again by police in February.

Political parties and businesspeople or companies close to the ruling coalition own or control all eight major daily newspapers. This type of patronage of the media via the editors' affiliation with government and corporate leaders continues to hamper investigative reporting of public affairs, and also contributes to self-censorship on the part of journalists. Both the print and broadcast media's news coverage and editorials generally support the government line, although there has been somewhat greater criticism of official policy in the mainstream print press in recent years. Foreign publications are subject to censorship, and the distribution of issues containing critical articles is frequently delayed. The Internet has minimized the government's monopoly of information and bolstered the average Malaysian's access to alternative information sources. Highly critical blogsites by Malaysian standards, such as *Screenshots* and *Sangkancil*, online news sites like *Malaysiakini*, and media watchdogs such Aliran and the Center for Independent Journalism have so far been able to operate since Abdullah Badawi took over as Prime Minister in 2003, although they are subject to repeated instances of harassment at the hands of authorities.

Maldives

Status: Not Free

Legal Environment: 24

Political Environment: 27

Economic Environment: 19

Total Score: 70

Freedom of expression and of the press are not provided for in the constitution and are generally not respected by the government in practice. The penal code bans speech and publications that threaten national security, insult Islam, or could "arouse people against the government," while other regulations make editors criminally responsible for the content of the material they publish. The press council, which is composed of lawyers, media representatives, and government officials, is mandated with reviewing lapses of journalistic conduct. The law allows authorities to shut newspapers and sanction journalists for articles containing unfounded criticism of the government. Of the four employees of the Internet magazine *Sandhaanu*, who were arrested in 2002 and sentenced to lengthy prison terms, one escaped from prison and remains in exile, two were released into house arrest, and one was pardoned and released in May.

Employees of the independent pro-opposition news organization *Minivan News* faced repeated harassment from authorities during 2005. Journalists affiliated with the group were arrested while they attempted to cover news stories and by year's end seven of a total of fifteen staff had been investigated or detained on a variety of alleged charges including incitement, drugs possession, seditious activity, arms trafficking, and ties to Islamic extremism. In addition, a number of journalists were arrested and imprisoned during and after the August civil protests. In this environment, many journalists practice self-censorship and remain reluctant to overtly criticize official policies.

All broadcast media are government owned and operated, while relatives or close associates of the president control three of the four main daily newspapers, and these media outlets generally provide pro-government views. An online opposition publication, *Minivan News*, was allowed to begin publishing a print version in the Maldives in July, but after the August protests, the printing house refused to continue publishing it under pressure from the authorities. Groups of Maldivian exiles run independent news outlets in the U.K. and Sri Lanka and attempt to transmit news into the Maldives via short-wave radio stations and websites. Although the country's sole ISP is state-owned, Internet access is generally not restricted. However, the Web sites of the opposition Maldivian Democratic Party and other news websites have been blocked by the government and are inaccessible from Internet cafés in Male, and Internet connectivity has occasionally been suspended.

Mali

Status: Free

Legal Environment: 6

Political Environment: 10

Economic Environment: 8

Total Score: 24

Despite its status as one of the poorest nations in the world, Mali is home to a press that is among the freest in Africa. The Constitution protects the right to free speech and the government generally respects this in practice. Nonetheless, severe punishments for libel still exist under a 1993 law that criminalized slander. A legislation passed in 2000 reduced the maximum penalty for those convicted, but the accused still remain guilty until proven innocent. Journalists are occasionally subject to harassment, particularly when covering cases of government corruption. In July of this year, Hamidou Diarra, a journalist with Radio Kélédou, was abducted and severely beaten by a group of unknown assailants. It is suspected that the attack was linked to Diarra's frequent criticisms of Malian politicians on his national radio program.

In general, the government strives to guarantee both an open environment for the media and universal access to information. It has funded the establishment of community radio stations that broadcast in the local languages for the benefit of Mali's sizable illiterate population. Today, there exist more than 100 private radio stations and over 50 independent newspapers many of which openly criticize the government. The country's only TV station remains under the control of the government, but regularly provides

balanced political coverage. Access to the internet, with an estimated 50,000 users, and to the foreign media is unrestricted.

Malta

Status: Free

Legal Environment: 2

Political Environment: 7

Economic Environment: 9

Total Score: 18

The constitution guarantees freedom of speech and of the press but also restricts those rights under a variety of circumstances. Malta bases its laws in European law, but is one of only three EU members not to have a Freedom of Information Act. Political parties, private investors, and the Catholic Church all have direct investments in broadcasting and print media which openly express partisan views. Malta has at least five daily and two weekly newspapers operating both in Maltese and English. Local and international television and radio stations are widely viewed. In 2004, the broadcasting authority fined an independent television station for broadcasting an interview with an independent candidate for the European parliament on the grounds that his statements as broadcast could have incited racial hatred. The station sought judicial review of the authority's decision, and the case was still ongoing at the end of 2005. In September, the Institute of Maltese Journalists alleged that photographers and camera operators were censored when they were stripped of their equipment during a riot at the Maltese National Stadium of Ta' Qali. The internet is unrestricted and widely used.

Marshall Islands

Status: Free

Legal Environment: 1

Political Environment: 6

Economic Environment: 8

Total Score: 15

The Bill of Rights in the Constitution provides for freedom of speech and of the media, and the government generally respects these rights in practice. The Marshall Islands do not have freedom of information legislation however, and the government has proven uncooperative in granting access to state information. The government reversed its prior decision to deny a local nongovernmental organization, Women United Together in the Marshall Islands (WUTMI), the right to broadcast outreach programs on violence against women on the state-run radio station. While government does not often actively restrict the media, the lack of an integrated communications infrastructure and the lack of government funding serve to limit the dissemination of information. The Marshallese

receive most of their news from the only weekly newspaper, the independent Marshall Islands Journal, and the national radio station V7AB, which both offer diverse viewpoints. However, independent media outlets seem to be growing with the birth of new privately owned radio and television stations.

Mauritania

Status: Partly Free

Legal Environment: 19

Political Environment: 20

Economic Environment: 18

Total Score: 57

Status change explanation: Mauritania's rating improved from Not Free to Partly Free in order to reflect a relaxation of draconian press laws as well as an opening of the state and private media under the transition government.

Since its inception in 1991, the constitution of Mauritania has provided for freedom of speech and of the press. The protection that this has afforded journalists was severely limited by a highly restrictive press code and its famous Article 11 under which the Ministry of the Interior was able to ban and censor newspapers for articles that violated public security, threatened national unity, or contradicted Islam. These restrictive laws were regularly invoked by President Taya's administration and journalists were frequently subject to arbitrary arrest and detentions. However, in August of 2005, a group of military officers overthrew the presidency in a bloodless coup while President Taya was out of the country, and formed a military council to govern the country in a 2-year transition to democracy.

Led by Colonel Ely Ould Mohamed Vall, the new regime has promised a number of reforms to both the draconian press laws and the environment in which journalists must practice. The military council has established the National Commission for Press Reform to address these issues, but the newly formed body has yet to produce any concrete results. Among the reforms promised are the opening of the radio and television sectors which to date have been monopolized by the government, as well as the opening of the official, state-owned media to opposition leaders and a variety of other political opinions. Colonel Vall has followed through on some of these promises by declaring Article 11 obsolete and permitting *Radio France International* (RFI) to resume its FM broadcasts in December of this year. RFI had been banned from broadcasting in Mauritania by Taya's administration since October of 2000.

Several journalists were arrested this year including two since the coup. Moulaye Nalim, director of the weekly newspaper *Points Chauds*, and his assistant were arrested under the Penal Code for allegedly publishing pornographic images taken at Nouakchott Civilian Prison. The new government has not expressed any intention of reforming this Penal Code under which journalists are subject to one to three years in prison for such publications. Significant improvements have been made since August and more are

promised, but we have yet to see whether the new regime understands the real implications of a genuinely free press.

Mauritius

Status: Free

Legal Environment: 6

Political Environment: 8

Economic Environment: 12

Total Score: 26

Press freedom is guaranteed by the constitution and is respected in practice. Strict libel laws exist but have not been used by the government to inhibit the media, though private libel suits are common. A dozen private daily and weekly newspapers publish throughout the country in a variety of languages. Some of these papers—among them *L'Express*—have long been established and respected for their unbiased coverage and critical eye. The government maintains a monopoly over local broadcasting stations that generally reflect the party line, but private national radio stations have begun to emerge since their legalization in 2002. In preparation for the elections in July of this year, the Independent Broadcasting Authority (IBA) took measures to ensure equal media coverage for all political parties and candidates. Several international broadcast news stations are available and the internet is unrestricted, but access is controlled by a single ISP.

Mexico

Status: Partly Free

Legal Environment: 13

Political Environment: 22

Economic Environment: 13

Total Score: 48

The law provides for freedom of the press and there were a few positive developments in 2005. The Senate approved a law to protect the confidentiality of sources, and journalists fought for the right to access public records. In Mexico City, legislators extended the types of government records available to the public under local access to information laws. However, the state's failure to re-establish democratic authority eroded press freedom more than any year since the Institutional Revolutionary Party regime left power in 2000. Concern stemmed from the inability to control drug trafficking, powerful broadcasters' attempts to capture state regulatory capacity, and the selective enforcement of authoritarian press laws.

State-level politicians used weak judiciaries and criminal defamation to punish journalists whose work they didn't like. The most infamous case involved journalist and

human rights activist Lydia Cacho. Cacho, who published a book alleging the involvement of important businessmen in a child prostitution ring, was detained December 16 in Cancun and driven incommunicado for 680 miles to Puebla to face defamation charges. She was held for 30 hours before being brought before a judge and faces up to four years in prison. Broadcast recordings of conversations between a businessman and Puebla's governor indicate they plotted to harass the journalist. In another conversation, the businessman suggests to an associate that the journalist be assaulted in prison. In a separate case, columnist Isabel Arvide awaited sentencing on a criminal defamation conviction in Chihuahua state.

The year proved as lethal as 2004. In a spate of attacks in April, newspaper reporter Alfredo Jiménez Mota disappeared in Sonora and is feared dead. Radio reporter Guadalupe García Escamilla was fatally shot in Tamaulipas, while Veracruz newspaper owner Raúl Gibb was murdered several days later. The first two cases were related to drug reporting and the third may have been. Journalists in the most conflict-ridden areas said they received both bribe offers and threats from traffickers. In zones along the U.S. border journalists regularly censored themselves as a result of the intimidation, even about high-level crime and corruption. On the other hand, journalists organized like never before, demanding federal investigations during marches throughout the country. Newspaper executives pledged to publish joint investigations of the crimes. President Vicente Fox promised to create a federal prosecutor for crimes against journalists, given the ineffectiveness of state-level officials.

Lack of competition is most notable in television and the state has failed to promote diversity. The major networks, Televisa and TV Azteca, together control about 95 percent of the viewing audience and 99 percent of the television advertising market. Televisa is the dominant player, controlling about 75 percent of market share and advertising. The network flexed its muscle in December when the lower house of Congress unanimously passed a law that critics say squeezes smaller players from the broadcast and cable markets, allows the government to award digital concessions without fee to current broadcast concession holders, fixes the regulatory body so that the incoming president cannot appoint new members, extends concessions 40 years, and weakens non-commercial radio. The initiative was stopped in the Senate by a group of academics, those who hoped to enter expanding markets, and non-commercial broadcasters, but taped conversations between Televisa lobbyists and key senators suggested incentives and arm-twisting might overcome resistance. None of the major presidential candidates, all of whom need Televisa coverage to win the July election, have criticized the network. Little independent local television production exists, and interference in state-owned local television is relatively high. Although radio is more diverse and competitive than television, the major chains, led by Televisa, moved to crowd out smaller competitors. Diversity in the print media is robust in Mexico City and most state capitals have at least one newspaper that has taken steps to separate commercial and editorial interests. Owners' interests influence news depending upon their business model and journalistic philosophy and some reporters complain that press assertiveness on political corruption has waned.

Micronesia

Status: Free

Legal Environment: 1

Political Environment 8

Economic Environment: 11

Total Score: 20

Article 4, section 1 of the constitution guarantees that no law may deny or impair freedom of expression, peaceable association, or petition. While the government generally respects these rights in practice, a weak economy, great distance between Micronesia's four states, and a small advertising base and market have resulted in limited media ownership. The newspaper with the broadest reach is the state-run *Kaselehlie Press*, which is published bi-weekly and available throughout the country. While often irregularly distributed, independent weekly and monthly newspapers and bulletins are also published in the states of Yap, Kosrae, and Pohnpei. Each of the four state governments have radio stations that often include news and sessions of the state legislatures in the local language. However, harsh weather conditions and technical difficulties interfered with government radio broadcasting in both Yap and Chuuk for most of the year. Media from outside the country is more prevalent than internal sources of news and information, and access to international satellite broadcasts continues to grow.

Moldova

Status: Not Free

Legal Environment: 20

Political Environment 25

Economic Environment: 20

Total Score: 65

Despite legal provisions protecting freedom of the press, the government often restricted these rights. Although libel is no longer punishable with imprisonment, courts can impose unlimited fines for libel convictions, promoting self-censorship. In July, Russian-language newspaper *Moldavskie Vedomosti* was convicted of libeling the head of a state-owned company and ordered to pay \$2,000. The newspaper appealed the ruling with the European Court for Human Rights (ECHR), where thirty cases are pending against Moldova. The Association for Independent Press filed lawsuits against the State Chancellery and the Ministry of Foreign Affairs for being denied access to information and won. The Audiovisual Coordinating Council suspended the license of a media group to rebroadcast a Russian news channel. In February, independent television TV-26 and radio Vocea Basarabiei filed a complaint against the Council for violating broadcasting rules after it prohibited a planned merger to create a nationwide independent radio. The council is often criticized for its lack of independence.

During the run-up to the March elections, President Vladimir Voronin and the ruling Communist Party manipulated the media to ensure Voronin's reelection. The council increased the range of pro-government stations and public broadcasters were biased in their coverage, while the Justice Ministry refused registration to opposition-run newspapers. Local organizations reported that state-financed institutions were told to subscribe to state-influenced publications. Following international pressure, the Central Election Commission (CEC) revised regulation and increased public airtime for opposition members. However, the regulations were only approved two weeks before the elections.

In the separatist Transdniester region, media are restricted and politicized. There are few independent outlets; most are controlled, owned, or funded by the Transdniester authorities. In February, Moldovan authorities on the border stopped newspaper deliveries going in and out of Transdniester. Print media are required to register with the local Ministry of Information instead of the Moldovan broadcasting authority.

Print media were able to express diverse political and public views throughout the year. Broadcast media were weaker as there is little private, local broadcasting and most is rebroadcast from either Romania or Russia. Most private media are dependent on government subsidies since foreign funding is prohibited. However, publications were able to receive funds through foundations created by foreign governments. The government frequently used financial measures to harass the media. In June, financial police officers ransacked the offices of a Russian-language weekly. The government-owned Teleradio Moldova continued its transformation into a public broadcaster. There were reports of politically motivated dismissals and the broadcaster maintained a bias toward the government. Foreign publications were available in low circulation. Authorities do not control Internet access, although Internet services are limited due to underdeveloped telecommunication infrastructure.

Monaco

Status: Free

Legal Environment: 3

Political Environment: 7

Economic Environment: 6

Total Score: 16

Freedom of expression is guaranteed under Article 23 of the 1962 Monegasque constitution. However, it is prohibited by law to publicly denounce the ruling family. This exception is generally observed by the media. Monaco has two weekly newspapers, the government-produced *Journal de Monaco* and *Monaco Hebdo*. Because of its close ties to France, French dailies are available, as well as French television and radio broadcasts. Monaco has one government-run television station, one privately owned English-language radio station, Riviera Radio, and the government-run Radio Monte-Carlo, which broadcasts in several languages both in and outside of Monaco. The Internet is available and unrestricted.

Mongolia

Status: Partly Free

Legal Environment: 11

Political Environment: 12

Economic Environment: 11

Total Score: 34

Censorship of public information in Mongolia is banned under the 1998 Law on the Media, which also prohibits the government from owning or financing media outlets. The government now led by President Nambaryn Enkhbayar of the Mongolian People's Revolutionary Party is slowly implementing a 1999 law requiring state broadcast media to be transformed into public corporations. In October 2005, the coalition government announced plans to convert Mongol TV and Radio into a public broadcasting entity.

In Mongolia, the government monitors media content for compliance with anti-violence, anti-pornography, anti-alcohol-content restrictions as well as compliance with tax laws. Government officials have at times filed libel suits against media or launched tax audits against publications in the wake of critical articles. Libel charges are hard to defend against, because Mongolian law places the burden on the defendant to prove the truth of the statement at issue. To avoid being sued for libel, many independent publications practice a degree of self-censorship.

Limited access to official information and widespread corruption hamper reporting by Mongolian journalists. The State Secrets Law inhibits freedom of information to a degree, as many archived historical records have been given a classified status. In addition, 70 percent of businesses surveyed by the Mongolia Chamber of Commerce and Industry in 2004 admitted to paying bribes in order to function normally. Mongolia ranked 85 out of 158 countries surveyed in Transparency International's 2005 Corruption Perceptions Index.

While independent print media outlets are common and popular in cities, the main source of news in the vast countryside is the state-owned Radio Mongolia. However, state-owned media are generally free of political control. Mongolians have access to local, privately owned television, English-language broadcasts of the BBC and Voice of America on private FM stations, and, in the capital city of Ulaanbaatar, foreign television programming via cable and commercial satellite systems. Owing to widespread poverty in Mongolia, the internet has yet to serve as a more powerful source of free information. In this country of 2.5 million, only 220,000 people are internet users, according to CIA fact book statistics from 2004, a number calculated at less than 10 percent of the population.

Morocco

Status: Not Free

Legal Environment: 22

Political Environment: 22
Economic Environment: 17
Total Score: 61

While Morocco's young independent press has been bold and aggressive in its coverage of issues once considered red lines, Moroccan authorities have fought back zealously to punish journalists deemed enemies. In March 2005, Nabil Benabdallah, Morocco's minister of information, announced that the harsh press laws that have been used to harass and prosecute journalists would be amended to ensure that journalists were no longer imprisoned for press offenses. But at year's end, not only had the law not been changed, but several journalists had been prosecuted under the laws and, in a shocking development, a court banned a critical journalist from practicing journalism for ten years. The case was a glaring reminder that Morocco's judiciary does not operate independently and is subject to government pressure.

Ostensibly, Moroccans are afforded freedom of expression by the constitution, but the press law, which was amended in 2002, defies that guarantee. It is illegal to criticize Islam, the king, and the royal family. It is also illegal to publish anything that challenges Morocco's "territorial integrity," which is an indirect reference to the Western Sahara, which Morocco has controlled for three decades. Those who violate the law are subject to heavy fines and lengthy prison sentences. The anti-terrorism law passed after the Casablanca terror attacks of 2003 also has serious implications for the press, as it contains broad language criminalizing the dissemination of material deemed to support terrorism. Several journalists have been prosecuted under this law.

In April 2005, independent journalist Ali Lmrabet, who has for years been a thorn in the side of Moroccan authorities, was sentenced to a ten-year ban on practicing journalism by a Moroccan criminal court. The journalist had written an article published in the Spanish daily *El Mundo* in November 2004 that referred to the Sahrawi people in Tindouf, Algeria, as refugees (the Moroccan government holds the position that the Sahrawis of Tindouf are held against their will by the Polisario, the Western Sahara independence movement). Lmrabet was sued for defamation by an unknown group he did not mention in the article. Lmrabet, who was sentenced to three years in prison in 2003 for defamatory cartoons and articles in his then satirical weeklies (and released by a royal pardon after serving nine months of his sentence), was also effectively barred from starting a new publication when he attempted to apply for a publication license in January 2005.

Other journalists who were prosecuted by authorities include Ahmed Benchemsi and Karim Boukhari, managing director and editor, respectively, of the independent French-language weekly *Tel Quel*. In August, Benchemsi and Boukhari were given two-month suspended prison sentences and ordered to pay damages of \$110,000 US dollars to a Moroccan member of parliament who sued the magazine for defamation. Two months later, a Moroccan criminal court levied another heavy financial punishment against the magazine \$96,000 US dollars, when it found Benchemsi, as director of the publication, guilty of defaming a Moroccan child-relief agency. The magazine had published a story about a police investigation into financial mismanagement at the agency. These heavy financial penalties, meant to put independent publications out of business, are the main economic means used by authorities to control the press.

Foreign journalists can work with relative freedom in Morocco but authorities are as sensitive with the foreign press as they are with local journalists when it comes to covering the Western Sahara issue. Authorities accompany foreign reporters covering the Western Sahara, and over the years, journalists who have reported from the region independently or angered authorities by interviewing people calling for the independence of the Western Sahara have been thrown out of the country. Though technically legal, there has been little movement to establish private television or radio stations. Local broadcast media are overwhelmingly government owned and supportive of the government. While the Internet is not tightly monitored or controlled, its penetration in Morocco is low.

Mozambique

Status: Partly Free

Legal Environment: 12

Political Environment: 17

Economic Environment: 14

Total Score: 43

The 1990 constitution provides for press freedom but restricts this right according to respect for the constitution, human dignity, the imperatives of foreign policy, and national defense. Some journalists have alleged that the Higher Council of Social Communication, an enforcement body for the press law that is dominated by the ruling party, has attempted to promote self-censorship among members of the press. Criminal libel laws are sometimes used to prosecute media outlets for defamation; seven suits for defamation and libel were brought against newspapers in 2005. While defamation of the president is illegal, no journalists were charged with the violation in 2005. In August, the government presented a draft Freedom of Information Bill, the product of five years of consultations with journalists and press freedom advocates.

Journalists continue to be subject to threats, harassment, and detention at the hands of officials and non-state actors. In January, television journalists Jeremias Langa was kidnapped and threatened with death for his political reporting. In February, two journalists from the Beira daily *Diario de Mocambique* were detained after photographing a police operation. In April, two cameramen for the independent TV station STV were attacked and forced to give up their equipment by private security guards; a similar fate befell *Zambeze* photojournalist Luis Muianga, who was beaten by police in Maputo in June. Developments concerning the 2000 murder of prominent journalists Carlos Cardoso continued in 2005. Anibal Antonio dos Santos Jr., convicted of Cardoso's murder, returned to Mozambique from Canada in January after escaping from a Maputo prison in 2004; dos Santos' retrial began in December. In March, journalists were barred from covering a libel trial connected to the murder; the Media Institute of Southern Africa condemned the barring.

The private media have enjoyed moderate growth in recent years, and independent newspapers routinely criticize the government. However, publications in Maputo have little influence on the largely illiterate rural population. The state owns or

influences all of the largest newspapers and also controls nearly all broadcast media. While state-owned media—including broadcast outlets Radio Mozambique and Televisao de Mocambique and the national daily *Noticias*--have displayed greater editorial independence, the opposition receives inadequate coverage. Internet access is unrestricted, though only a fraction of the population has access to the Internet because of a scarcity of electricity and computers.

Namibia

Status: Free

Legal Environment: 8

Political Environment: 10

Economic Environment: 12

Total Score: 30

Namibia's constitution guarantees freedom of speech and of the press, and the government generally respects these rights in practice. The country's press is considered one of the freest on the continent. Independent media routinely criticize the government, though government pressure and sensitivity to negative coverage has led to some self-censorship. In December, the youth league of the ruling SWAPO party called for restrictions on "cancerous, racists, and parasitic media operators" after some newspapers reported critically on former president Sam Nujoma's role in a 1989 battle with South African forces. Eight newspapers are in circulation, six of which are privately owned. There are at least eleven private radio stations and two private television stations that broadcast in English and German. A subscription satellite television service broadcasts CNN, BBC, and a range of South African and international news and entertainment programs. In October, the Katutura Community Radio station—the country's "foremost grassroots outlet", according to the International Press Institute—began to broadcast again after being forced to shut down because of financial issues. There are no government restrictions on the Internet, and several publications have popular Web sites. Private radio stations and newspapers usually operate without official interference, but reporters for state-run media have been subjected to indirect and direct pressure to avoid reporting on controversial topics. While many journalists insist that the state-run Namibia Broadcasting Corporation enjoys complete freedom to criticize the government, others believe that it is biased toward the ruling party. Although Nujoma appointed himself minister of information and broadcasting for a period in 2004, no significant problems were experienced during his tenure.

The most serious media restrictions in Namibia have been isolated incidents in which the government has canceled advertisements in a few newspapers for their supposedly critical coverage. In addition, some restrictions have been sought in media coverage of the mass trials of accused secessionists from the Caprivi region

Nauru

Status: Free

Legal Environment: 4

Political Environment: 13

Economic Environment: 13

Total Score: 30

Freedom of the press is guaranteed in the constitution and is generally respected by the government. There is no freedom of information legislation, however, and the government was not cooperative in providing public access to government information. The government continued to deny entry visas to foreign journalists and representatives of foreign nongovernmental organizations wishing to gain access to the island's Australian-run refugee processing and detention center. {can cut for space- Nevertheless, the Australian government was in the process of deactivating the processing center by year's end, and only two of the originally 1,200 refugees and asylum seekers remained in detention.} Environmental challenges, a poor communications infrastructure, and a failing economy have limited the country's media scene. There are no daily news publications or privately owned newspapers. The government publishes the weekly Nauru Bulletin, the fortnightly Central Star News, and the Nauru Chronicle, while the opposition publishes a newsletter, The People's Voice. The government operates the only television and radio stations, which carry broadcasts from Radio Australia, the BBC, and New Zealand television. Internet access remains limited due to incomplete satellite service.

Nepal

Status: Not Free

Legal Environment: 23

Political Environment: 35

Economic Environment: 19

Total Score: 77

Conditions for the Nepali media, which had already been poor as a result of the escalation of the Maoist insurgency in 2001, deteriorated sharply after a "palace coup" on February 1 in which King Gyanendra dismissed the government, assumed executive powers, and imposed a state of emergency. In the crackdown that followed, hundreds of political leaders and activists were arrested and detained, while freedoms of expression, movement, and assembly were severely curtailed. The ability of journalists, human rights defenders, and other civil society actors to work effectively was particularly compromised.

The 1990 constitution provides for freedom of expression and specifically prohibits censorship and the closure of media outlets. However, both the constitution and the Press and Publications Act allow for restrictions on speech and writing that could undermine the monarchy, national security, public order, or interethnic or intercaste

relations, and anti-terrorism legislation permits authorities to detain individuals suspected of supporting the Maoists for renewable six-month periods. Journalist Maheshwar Pahari, who had been arrested in January 2004 under this legislation, died in custody in October after authorities refused to provide him with the necessary medical treatment for tuberculosis.

As part of the state of emergency, censorship was imposed (including the posting of army personnel in media premises and prepublication vetting of news articles), private radio stations were banned outright from broadcasting any news, and other media were banned from reporting critically on government activities or on the insurgency. In addition, a number of prominent editors were arrested and detained during the crackdown. According to the 2005 report by the Kathmandu-based Center for Human Rights and Democratic Studies (CEHURDES), dozens of journalists have been arrested, detained, and subject to threats or interrogation in the months following, while media outlets have been subject to raids and other extra-legal action. A restrictive press ordinance announced in October gave the government the power to revoke journalists press accreditation and to impose high fines for publishing banned items; permanently barred private radio stations from broadcasting news; criminalized criticism of the royal family; and restricted media cross-ownership. In November, the Supreme Court refused to block the media ordinance, despite the petitions of a number of local groups asking that it be suspended.

Apart from the additional restrictions imposed during and after the crackdown, the ability of the Nepali press to operate freely, particularly in the rural areas, remains seriously constrained by both government forces and by the Maoists. Journalists who are suspected of pro-Maoist leanings or who produce material critical of the government are regularly arrested and detained by police and security forces, and a number have reportedly been subjected to harassment, torture, and occasionally death. Those reporters trying to cover events such as anti-government demonstrations have also been subject to beatings or other harassment by the police. Media professionals are also under constant pressure from the Maoists; reporters are regularly abducted and threatened as well as being expelled from rebel-held areas. In November 2004, the Maoists imposed a reporting ban in five western districts and put into place provisions that required journalists to obtain permission from local Maoist leaders before reporting from the area. Suspected Maoists shot Khagendra Shrestha in March; the editor of the Dharan Today daily died of his injuries two weeks later.

While self-censorship is a growing concern, journalists and local press freedom organizations and workers' groups have been at the forefront of resisting the King's assault on freedom of expression and other democratic rights more generally. These groups have organized a number of demonstrations demanding the restitution of their rights, as well as pressing the Supreme Court to uphold media freedom in several legal challenges to official ordinances and threats against journalists and specific media outlets such as Kantipur FM.

The government owns several of the major English-language and vernacular dailies; these news outlets generally provide pro-government coverage. A range of private publications, some of which have traditionally covered sensitive issues such as the role of the monarchy, human rights violations, the insurgency, and corruption, continue to operate, but their ability to provide critical reports has been severely

compromised by the range of factors noted above. The government owns both the influential Radio Nepal, whose political coverage is supportive of official policies, and Nepal's main television station. Private radio stations, which flourished prior to the coup, have come under severe strain, as has the privately-owned print press. Although access to the Internet is generally unrestricted, after the February coup Internet access, as well as other forms of communications including telephone lines, were shut down across Nepal and access to satellite TV and foreign broadcasts was restricted or censored, although some, but not all, Indian stations were allowed to resume broadcasting in June. Under government instructions, privately-run Internet Service Providers (ISPs) have blocked access to the Maoists' website since February 2004. In an already difficult economic environment, the viability of media outlets was threatened by the March decision to cut official advertising from all private media outlets. Meanwhile, as a result of the blanket censorship and news bans, more than 2,000 journalists are estimated to have lost their jobs during the year, thus adding to workers' hardship. In contrast, pro-palace journalists have been rewarded by government handouts.

Netherlands

Status: Free

Legal Environment: 1

Political Environment: 6

Economic Environment: 4

Total Score: 11

The country's media are free and independent. Restrictions against insulting the monarch and royal family exist but are rarely enforced. At times, journalists protested against authorities' actions that they claimed hindered press freedom, such as police restricting access when they arrested a local television camera crew for allegedly filming where they were not allowed. In July 2005, Mohammed Bouyeri, the radical Islamist who killed the controversial film-maker, Theo van Gogh, was sentenced to life for the 2004 murder. Following the murder, authorities criticized the media for inciting racial intolerance, and Dutch leaders contemplated invoking a seldom-used law banning blasphemy. Van Gogh's collaborator, Dutch Liberal Party MP Ayaan Hirsi Ali, continues to work on films examining discrimination in Muslim societies despite threats to her life. Due to security concerns, the names of the actors are not being released and will be obscured when the films are released. Despite a high concentration of newspaper ownership, a wide variety of opinion is expressed in the print media. In a remnant of the traditional pillar system, the state allocates public radio and television programming to political, religious, and social groups according to their membership size. The television market is competitive, and viewers have access to diverse domestic and foreign broadcasts. Internet access is not restricted.

New Zealand

Status: Free
Legal Environment: 2
Political Environment: 5
Economic Environment: 6
Total Score: 13

The news media in New Zealand generally enjoys a level of freedom shared by few other Commonwealth countries. While democratic traditions have been strengthened in recent years by reforms such as the Official Information Act and Bill of Rights Act, there are still concerns that these rights remain relatively fragile. Early in 2005, Members of Parliament attempted to banish TV cameras from the House in a blatant attack on public rights. Investigative reports in the *Sunday Star-Times* and the independent Scoop website claiming that the country's Security Intelligence Service (SIS) had spied on indigenous Maori groups and individuals for political purposes were dismissed by an official inquiry. During the 2005 general election campaign, leading current affairs host Sean Plunker was suspended after a "confrontational" interview with a minority opposition Green Party leader, Jeanette Fitzsimons. A controversial court ruling at the start of the election campaign forced a television network to open up an election policy debate which excluded two party leaders. A court later ruled that the network had to accommodate the two leaders. In spite of a culture of more open government established since the official information law was enacted in 1982, critics have concerns about a perceived bias against disclosure of archives to the media.

Four companies, all foreign owned, continue to dominate the country's radio, broadcast and television news media. Australia's John Fairfax Holdings Ltd owns almost 48 per cent of New Zealand's daily newspaper circulation. The country's largest daily, the *New Zealand Herald*, and a significant slice of smaller provincial and suburban newspapers is owned by the rival Australian Provincial Newspapers (APN) group. The state-owned corporation, Television New Zealand, dominated television with two free-to-air channels, and was increasingly at the centre of controversy over management issues. Maori Television Service, a bilingual second public broadcaster, had a successful debut broadcasting in English and Maori. Aside from TV3, CanWest Global Communications owns music TV channel C4 and a string of radio stations through its MediaWorks group. The Australian Consolidated Press (ACP) dominates New Zealand magazines. As of December, 2005, there were a reported 3,200,000 internet users. Internet is open and unrestricted.

Nicaragua

Status: Partly Free
Legal Environment: 14
Political Environment: 18
Economic Environment: 12
Total Score: 44

The administration of President Enrique Bolaños, who took office in 2002, tolerates criticism and diverse views expressed by the media. The constitution from the Sandinista era, which provides for freedom of the press, allows some forms of censorship. Although presidents have not used those powers since the 1980s, no efforts have been made to reform this legal framework. Judges are often aligned with the political parties and are not independent. Some judges have restricted reporters from covering stories, and there have been cases of judicial intimidation. New initiatives to promote access to information were discussed but there was not the political will to approve a law. A Supreme Court ruling on an appeal on constitutional grounds against Law 372, which requires all journalists to register with the Colegio de Periodistas, was still pending.

The safety of journalists continued to be a major issue this year after one journalist was murdered, the third journalist killed in the last two years. On August 14, Rony Adolfo Olivas, a reporter for the daily *La Prensa* who had recently written articles on drug trafficking, was shot twice by a taxi driver, who fled the scene of the crime. Santos Roberto Osegueda surrendered himself to the police on August 17 and was arrested after confessing to the murder of the journalist. Earlier in the year, a judge found a local politician guilty of the November 2004 murder in Juigalpa of journalist María José Bravo, a reporter for *La Prensa*. Although two of the recent killings were directly linked to the polarized political scene, threats against journalists from narcotics traffickers and corrupt police hindered press freedom in some of the more isolated regions of the country.

There are 10 Managua-based television stations, some of which carry obviously partisan content, as well as more than 100 radio stations, the main source of news in Nicaragua. Nicaragua is one of the poorest countries in the hemisphere, and its media rely on government advertising. There are still complaints about the political manipulation of government propaganda. Newspaper ownership is concentrated in the hands of various factions of the Chamorro family. Angel Gonzalez, noted for his holdings in Guatemala and Costa Rica, also owns significant electronic media properties. The prominent Sacasa family dominates television. The poor economic climate leaves journalists vulnerable to bribery. A new generation of journalists in Nicaragua is rejecting the old ways of self-censorship and bribery, but this process has been slow. There are no government restrictions on the Internet.

Niger

Status: Partly Free

Legal Environment: 21

Political Environment: 19

Economic Environment: 16

Total Score: 56

The rights to freedom of speech and of the press are protected by the Constitution in Niger, but in practice these rights are often ignored. The life of a journalist is made particularly difficult by a government that frequently implements a law criminalizing defamation and a judiciary ready to enforce it. 2005 saw an increase in the number of

press freedom violations, particularly those executed under this law. Journalists were subject to fines and imprisonment for reporting on such issues as the persistence of the slave trade, corruption in business and within the government, as well as the ongoing struggle with the rebel Tuareg factions. The government was particularly determined to conceal the existence of the famine that hit Niger this year. Tchirgni Maimouna, the editor-in-chief of the government-owned weekly *Sahel Dimanche*, was relieved of her duties after the paper became the first to report on the existence of the famine. In addition, Hammed Assaleh Raliou, the director of *Sahara FM* and a local correspondent for *Radio France International*, was sentenced to 8 months in prison charged with 2 counts of defamation after reporting on government corruption in the distribution of food aid. In a separate incident, the private radio station *Alternative* was forcibly closed by police in March, while its director, Moussa Tchangari, was arrested and detained in a maximum security prison. Tchangari and *Alternative FM* were charged with undermining the authority of the state by leading a non-violent protest over a new government tax on basic foodstuffs including water and flour. Abdoulaye Harouna, the publisher of an Agadez paper, and independent journalist Abdoukarim Salifou were imprisoned for 4 and 2 months respectively on separate libel charges.

The state-owned media consistently reflects the government line while private enterprises have been very critical of government action. The broadcast media has a greater influence than the newspaper industry due to the nation's low literacy level. The state continues to dominate the broadcasting landscape. Nonetheless, at least 6 private radio stations broadcast reports critical of the government in French and local languages. Restrictive press licensing laws and a heavy tax on private media outlets continue to prohibit the growth of a vibrant and dynamic press. Internet access is hard to acquire for most, but this is due more to the country's high level of poverty rather than direct government interference.

Nigeria

Status: Partly Free

Legal Environment: 15

Political Environment: 21

Economic Environment: 18

Total Score: 54

Even though the 1999 Constitution of the Federal Republic of Nigeria guarantees the right of freedom of expression and assembly, the state utilizes arbitrary actions and extra-legal measures to suppress political criticism and expression in the press. The freedom of access to information bill that was introduced in December 1999 and approved in August 2004 by the lower house of Nigeria's bicameral legislature is still awaiting approval in the Senate. Libel is criminalized with penalties ranging for one to seven years imprisonment and is used to intimidate the press. For example, in September 2005, the vice president, Atiku Abubakar and his wife, Titi, dragged the *Newswatch* magazine and five of its top officers to court in a multi-million dollar libel suit that is yet to be adjudicated.

While the press is vibrant, and generally vocal against government policies and official wrongdoings, a number of government actions stifled freedom of the press, encouraged self-censorship, and promoted an atmosphere of violence and fear. A number of media personnel were arbitrarily arrested, detained, and brutalized by the state police and other security agents. They included Orobosa Omo-Ojo, publisher of *Midwest Herald*, a Lagos-based publication; Jerry Needam, publisher of a Port Harcourt-based weekly tabloid, *National Network*; Acheneje, the Akwa Ibom state correspondent of *The Punch* and Owei Kobina Sikpi, publisher of the *Weekly Star*. In April 2005, two Australian Broadcasting Corporation journalists were arbitrarily arrested and questioned in Port Harcourt. On January 4, 2005, the police brutalized journalists who went to cover the National Executive Council meeting of the ruling People's Democratic Party in Abuja.

The State Security Services (SSS) arbitrarily raids and shuts down media houses. In 2005, SSS agents raided the offices of *The Exclusive*, a Lagos-based weekly, and confiscated over 200 copies of the publication. In October, another agency of the state, the National Broadcast Commission (NBC), the broadcast industry's watchdog, closed down the country's leading independent broadcast network, African Independent Television (AIT) and its radio network, RayPower FM, for several hours. On November 30, 2005, Glory FM, a radio station owned by the Bayelsa state government, was shut down by a team of soldiers and police officers.

There are about 100 national and local publications. The most influential are privately owned. The broadcast industry is liberalized. By 2005, about 280 radio and television licenses had been granted by NBC. However, most of the stations have yet to go on air due to financial difficulties. Radio tends to be the main source of information for Nigerians while TV is mostly used in urban areas and by the affluent. Foreign broadcasters, particularly Voice of America and BBC, were an important source of news in the country, although in April 2004 the NBC banned live broadcast of foreign news and programs. There are no government restrictions on the Internet.

North Korea

Status: Not Free

Legal Environment: 30

Political Environment: 38

Economic Environment: 29

Total Score: 97

Second-generation dictator Kim Jong-il rules this one-party state with military force and places severe restrictions on media freedom and on the ability of North Koreans to access information. All journalists are members of the ruling party, and all media are mouthpieces for the regime. The North Korean government runs a propaganda system under which all journalism is dedicated to exalting Kim Il-sung and his son Kim Jong-il. Journalists are punished harshly for even the smallest of errors. In 2005, Reporters Without Borders reported that a North Korean journalist was punished for mistakenly

referring to a deputy minister as simply a minister. The North Korean media portrays all dissidents and the foreign media as liars attempting to “destabilize the government.”

North Koreans face harsh punishments, including prison sentences and hard labor, for accessing foreign media. TVs and radios are permanently fixed to state channels, and all publications are subject to strict pre-publication censorship. As of this year, internet access in North Korea is restricted to a small number of North Korean elite who have received state approval and to 200 or so foreigners living in Pyongyang; all foreign websites are blocked by the state. For most North Koreans with computer access, web surfing takes place only on the state-run intranet. Cell phone use was banned in 2004.

Newspaper, television, and radio reports typically consist of praise of Kim Jong-il, often focusing on his daily activities. In February 2005, the *Pyongyang Shimun*, a four-page newspaper published in the capital, began running the first experimental commercial advertisements.

Radios must be registered with the police and are preset to government frequencies. Some North Koreans purchase a second radio set that is not registered with the police, enabling them to listen to broadcasts by Radio Free Asia and the South Korean public radio station KBS. Free North Korea (FNK), the first radio station run by North Korean refugees living in South Korea, began broadcasting in February 2004. In 2005, FNK signed a contract with Voice of America to broadcast 30-minute segments daily about the lives of North Koreans living in the South.

In the last few years, Pyongyang has introduced free market reforms that have boosted trade with China, encouraged South Korean tourism, and permitted the establishment of manufacturing facilities managed by South Korean companies in the Kaesong industrial zone. In the future, new wealth from trade and increased contacts with people from outside the country may provide North Koreans greater access to uncensored information from abroad.

Norway

Status: Free

Legal Environment: 3

Political Environment: 3

Economic Environment: 4

Total Score: 10

Freedom of the press is constitutionally guaranteed. A government ban on political commercials, designed to ensure equal opportunity to the media for all candidates regardless of varying resources, violates the European Convention on Human Rights, which Norway has signed. In April 2005 a Tamil journalist living in Norway received a death threat, accusing him of belonging to the separatist LTTE (Tamil Tigers). A nation of about 4.6 million people, Norway maintains over two hundred newspapers that express a wide variety of opinions. At the same time, three large companies dominate the country’s print media. The state subsidizes many newspapers, the majority of which are privately owned and openly partisan, in order to promote political pluralism. However,

subsidies have been cut in recent years, and there are fears that some special-interest publications will be forced to close. The Internet is unrestricted.

Oman

Status: Not Free

Legal Environment: 22

Political Environment: 26

Economic Environment: 22

Total Score: 70

Although Oman's basic charter provides for freedom of press, government laws and actions tightly restrict this freedom in practice. The law prohibits criticism of longtime ruler Sultan Qaboos. While the government permits private print publications, many of them accept government subsidies and the Ministry of Information may censor any material regarded as politically, culturally, or sexually offensive. As a result, journalists frequently practice self-censorship.

On July 12, the Omani government detained columnist and poet Abd-Allah Ryami, who had criticized the government's crackdown against members of the Ibadi sect that began in December 2004. He had also protested the Omani government's prosecution of former parliamentarian and journalist Taybah Mawali for insulting public officials via the telephone and the Internet under article 61 of the Omani press law.

In October, the Omani Ministry of Information licensed one private television station and three private radio stations, raising hopes that Oman's broadcast media might soon air more diverse views. But at the year's end, the government still owned and controlled all broadcast media with the largest viewership in Oman, despite the growing reach of satellite television. Omanis can access the Internet through the national telecommunications company, but the company blocked sites considered politically sensitive or pornographic and placed warnings of probable censorship and police questioning on others.

Pakistan

Status: Not Free

Legal Environment: 18

Political Environment: 25

Economic Environment: 18

Total Score: 61

Although the already outspoken Pakistani media have grown more diverse, they continue to face a range of pressures and harassment from both the government and other sources. The constitution and other laws authorize the government to curb freedom of speech on subjects including the constitution, the armed forces, the judiciary, and religion, and

harsh blasphemy laws have also been used in past years to suppress the media. In August 2004, the lower house of Parliament passed the controversial Defamation (Amendment) Bill, which expands the definition of defamation and increases the punishment for offenders to minimum fines of Rs. 100,000 (approximately US\$1700) and/or prison sentences of up to five years; however, this legislation has not yet been used against the press. On several occasions, General Musharraf and other members of his administration have contributed to an atmosphere that is inimical to free speech by making public threats against or derogatory comments about specific members of the press.

Over the past several years, military authorities have used increasingly aggressive tactics to silence critical or investigative voices in the media. A number of journalists have been pressured to resign from prominent publications, charged with sedition, or arrested and intimidated by intelligence officials while in custody, while media outlets have been shut down. On numerous occasions, police, security forces, and military intelligence subjected journalists to physical attacks, intimidation, or arbitrary arrest and incommunicado detention. In July, police raided the offices of several publications and arrested vendors selling newspapers deemed to be promoting religious hatred and disharmony; in August, the publication licenses of three of these periodicals were revoked. Islamic fundamentalists and thugs hired by feudal landlords or local politicians continue to harass journalists and attack newspaper offices. In February, gunmen killed two journalists and injured two others in the tribal areas of South Waziristan. Foreign journalists experience visa and travel restrictions that can inhibit their scope of reporting, and are subject to arrest and deportation if found in areas not covered by the terms of their visas. Both foreign and local correspondents were prevented from covering the Pakistan army's offensive against militants in the South Waziristan region at various times throughout the year.

While some journalists practice self-censorship, a plethora of privately owned daily and weekly newspapers and magazines provide diverse and critical coverage of national affairs. Although restrictions on the ownership of broadcast media were eased in late 2002 and media cross-ownership was allowed in July 2003, most electronic media are state owned and follow the government line, and private radio stations are prohibited from broadcasting news programming. However, a growing number of private cable or satellite TV channels provide live news coverage and a wider variety of political viewpoints than was previously available. The Web site of an online newspaper established abroad by exiled editor Shaheen Sehbai was blocked sporadically by Pakistani telecommunications authorities, while some journalists' email accounts were reportedly being monitored. Authorities wield some economic influence over the media through the selective allocation of advertising, and both official and private interests reportedly pay for favorable press coverage. Both state and national officials used advertising boycotts to put economic pressure on publications that did not heed unofficial directives on coverage; in 2005, the most prominent example of this occurred in May, when a ban on official advertising was placed on two newspapers in the *Nawa-i-Waqt* group of publications.

Palau

Status: Free

Legal Environment: 1

Political Environment: 5

Economic Environment: 8

Total Score: 14

The Constitution of the Republic of Palau guarantees press freedom and the government respects these rights in practice. Censorship is rare and the press is free to report on a diversity of issues including official corruption. While there have been no reports of physical harm to journalists, local radio personality Alfonso Diaz has reported having three cars burned. Palau has a relatively diverse media considering its small population. In addition to Eco-Paradise, a government-owned radio station, there are two private radio stations and two church radio stations. The government's television station broadcasts sessions of the National Congress, and every Wednesday President Tommy Esang Remengesau Jr. meets with the press on Eco-Paradise for questions. The weekly *Tia Belau News* and the bi-weekly *Palau Horizon* both actively report on the news and offer diverse perspectives, alongside the Palauan weekly, *Roureur Belau*.

Panama

Status: Partly Free

Legal Environment: 17

Political Environment: 16

Economic Environment: 10

Total Score: 43

Panama is notable for its harsh legal environment for journalists. But in July, President Martin Torrijos ratified the repeal of the country's "gag laws," enacted under military rule more than 30 years ago, which included harsh penalties for criminal defamation. The so-called *desacato* (disrespect) provisions that were part of many criminal and administrative codes, protecting most government authorities from criticism, were struck down. President Torrijos approved the reform after Panama's Legislative Assembly unanimously passed Law No. 73 on May 16, which prohibits prosecution for contempt and sets out provisions governing the right to clarification and reply. The measure also repealed Law No. 11, passed in 1978, which contained provisions concerning the news media and publication of printed matter, and Law No. 67 of that same year, which regulated the practice of journalism.

While the legal reforms promoted more freedom, there is still concern about other provisions, Articles 307 and 308 of the criminal code, which contain two insult laws with similar language to the *desacato* laws. In July, a court ordered the confiscation of property and salary of *La Prensa* reporter Jean Marcel Chéry at the value of \$18,753 dollars, in payment for libel damages to Supreme Court Judge Winston Spadafora. Chéry had written that a Supreme Court decision canceled Spadafora's US\$2 million debt to a government canal agency known as the Interoceanic Regional Authority. In another case, Spadafora filed a civil lawsuit that sought US\$2 million in damages from Editor El

Panamá America (EPASA), publisher of the daily *El Panamá America*, for a 2001 story that allegedly “insulted” him when he was minister of government and justice. The suit also named the story's authors, Gustavo Aparicio and Chéry, who was reporting for *El Panama America* at the time. The article said that public money was used to build a road leading to private property owned by Spadafora and Comptroller Alvin Weeden. Aparicio and Chéry were initially sentenced to a year in prison in 2004, but in August of that year outgoing president Mireya Moscoso pardoned them. Because of the poor legal environment, journalists often practiced self-censorship.

Independent media are very active in Panama and express diverse views. Media often reflected the polarized political scene, with different outlets openly supporting various factions. All of Panama's media outlets are privately owned with the exception of one state-owned television network. The law prohibits cross-ownership, but there is considerable concentration of media ownership by relatives and associates of former president Ernesto Perez Balladares, whose party Torrijos now leads. A bill to standardize government advertising and reduce official abuse of the practice was under consideration but no major change has occurred. Poor salaries encourage corruption among some journalists. There are no government restrictions on the Internet.

Papua New Guinea

Status: Free

Legal Environment: 4

Political Environment: 13

Economic Environment: 12

Total Score: 29

The media is robust and enjoys a constitutional guarantee of freedom of the media and expression. However, some politicians ignore press freedoms and use their power to threaten and intimidate journalists. The country has the highest level of training for journalists in the South Pacific. An A\$13.9 million five-year Australian-funded Media Development Initiative (MDI) project has been established with support from the PNG Media Council and state-run National Broadcasting Corporation (NBC) to strengthen national media and governance institutions. Prime Minister Sir Michael Somare, the country's “founding father” and himself a former broadcaster has at times enjoyed a frosty relationship with both the local media and media from the former colonial power, Australia. Reporting of the deployment of Fiji “mercenaries” by cultist and pyramid scheme conman Noah Musingku in the province of Bougainville after a 10-year long civil war during the 1990s provoked criticism of the media. There were concerns about restrictions on access to information when an Australian journalist was escorted from a room where PNG Prime Minister Somare was on an airport stopover.

Both daily newspapers are foreign owned. The long-established *Post-Courier* is owned by a subsidiary of Rupert Murdoch's News Corporation with a minority local shareholding and the rival *National* is owned by the Malaysian logging company Rimbunan Hijau. Fiji Television Ltd took over Papua New Guinea's 17-year-old sole free-to-air television channel EM TV at the beginning of the year amid controversy. The

television broadcasting company Media Niugini Ltd was previously owned by Australia's Publishing and Broadcasting Ltd (PBL). Another Fiji company, Communications Fiji Ltd, had already become the owner and operator of the major privately owned PNGFM radio broadcaster. The state-run NBC operates a network of national and provincial public broadcasting stations. There were a reported 170,000 internet users in 2005 and the internet is open and unrestricted by the government.

Paraguay

Status: Partly Free

Legal Environment: 18

Political Environment: 20

Economic Environment: 19

Total Score: 57

The 1992 Constitution guarantees freedom of the press and prohibits censorship. Nevertheless, press freedom continues to be hampered by the harassment and intimidation of journalists, widespread corruption, restrictive libel and defamation laws, and a concentrated media ownership structure. Although the constitution establishes the right to access information, including data from public sources, Congress has not yet passed a law to regulate this right. On April 29, 2005, a group of 23 civic groups presented a freedom of information bill, but Congress failed to approve any legislation. Journalists are regularly prosecuted or jailed as a result of restrictive press laws, which has led to self-censorship. On December 28, the Supreme Court ordered Aldo Zuccolillo, director of the daily *ABC Color* to pay a US\$200,000 fine for defamation of Senator Juan Carlos Galverna of the ruling Colorado Party. The paper had published reports that linked the senator to corruption and power abuse. The House of Representatives has revived debate on a bill that would require journalists to become members of a *colegio*, or trade association, which violates the American Convention of Human Rights.

Along the border with Brazil, groups controlling the illegal traffic of goods, weapons, and drugs frequently harass journalists. The Paraguayan Journalists Union reported an increase in insecurity for journalists in 2005, especially in the border areas. On August 3, unidentified attackers set fire to the studios of the Catholic community radio station *Quebracho Poty* in Puerto Casado. On 10 October, Nicolás Sotelo, director of the community radio station, FM San Juan, in San Juan del Paraná, was brutally beaten and threatened by local mayor Aldo Lepretti, who was apparently angered by the station's critical reporting. There were also several cases of threats and attacks on journalists working in the border city of Ciudad del Este.

A number of private television and radio stations exist, as do several independent newspapers. However, media ownership is highly concentrated and heavily tied to the interlocking Colorado and business elite. There are no government restrictions on the Internet.

Peru

Status: Partly Free

Legal Environment: 11

Political Environment: 17

Economic Environment: 11

Total Score: 39

Freedom of the press is guaranteed in the 1993 constitution, but international press organizations continued to express concern about the state of press freedom in Peru. In 2002, the government of President Alejandro Toledo passed a freedom of information legislation. In 2003, the legislation was consolidated in Law 27806, the Law of Transparency and Access to Public Information. In July, press organizations expressed concern when congress passed a new national intelligence law that tightened restrictions on access to information in certain categories and extended the timelines for release of classified information. A number of journalists were entangled in court cases, charged with defamation by public officials and private citizens. Among the most notable cases was that of two freelance British journalists who were charged with criminal defamation for a single-sentence reference to an alleged drug trafficker, Francisco Zevallos. The court found in favor of the plaintiff, ordering fines and probation for the journalists; a higher court reversed the ruling. In another high profile case, Francisco Zevallos threatened journalists from *El Comercio* with multi-million dollar legal suits and criminal complaints. In a case that set an unwelcome precedent, a superior court upheld a lower court decision that barred a radio journalist from Madre de Dios from working because he did not belong to the legally mandated professional association (*colegio*) or hold a college degree. The journalist, who was also convicted a libel and received a two year jail sentence, reported regularly on local cases of government corruption.

In addition to judicial harassment, the hostile climate for the press is evidenced in physical attacks and verbal threats. Journalists working in the country's interior provinces are especially vulnerable. Reporters covering crime stories and scandals were targets of physical intimidation and threats, largely after reporting on corruption. Public officials were not the only actors targeting journalists; protestors and individuals accused of wrongdoing were also implicated in attacks and harassment. In Cuzco, police assaulted a television reporter who was investigating allegations of payoff by the mayor. In Alto Amazonas, Tacna, Tumbes, and Cusco, local officials attacked journalists after reports of corruption. Neighbors and family members of a man alleged to be a hired assassin assaulted and stole the video equipment of television reporters in the region of Huánuco. A broadcast journalist from the region of San Martín was forced to flee the area after threats to his life, which allegedly came from persons associated with the coca growers' movement.

There were also a number of incidents in which journalists came under attack in the course of covering protests. Police assaulted a television news crew in Huaraz reporting on a strike against a local mining company and detained reporters covering demonstrations in Huancabamba province. Journalists were attacked by cotton farmers protesting on the Pan-American Highway, demonstrators in Loredo, Cusco, and Ayacucho, and twice by demonstrators in Cajamarca as they covered conflicts over the

local mining industry. Aguaruna natives in the Amazonas region kidnapped a radio reporter to pressure the government to respond to their complaints; the journalist was released when government officials opened up talks. Numerous reporters covering crime stories and scandals were targets of physical intimidation and threats.

While most of the abuses of journalists by public officials and private citizens go unpunished, at least some progress was made in two important cases. A superior court found the former mayor of Yungay, Amara León, guilty of ordering the assassination of Antonio de La Torre in 2004. De La Torre, a radio journalist, was a harsh critic of the mayor. The ex-mayor was sentenced to seventeen years in prison and a \$6,000 fine. Perpetrators of the 2004 murder of radio journalist Alberto Rivera in the city of Pulcallpa were apprehended and made confessions that implicated the mayor and a former judge as the masterminds of the plot.

Private investors dominate the media industry. The government owns two television networks and one radio station, and operates the news agency Andina. Radio is an important medium, especially in the countryside. Peru's media are diverse and express a broad range of viewpoints.

Philippines

Status: Partly Free

Legal Environment: 8

Political Environment: 21

Economic Environment: 11

Total Score: 40

The Philippine press has historically ranked among the freest, most vibrant, and outspoken—if often sensationalized—in Southeast Asia. The Philippine constitution guarantees that “no law shall be passed abridging freedom of speech, of expression, or of the people peaceably to assemble and petition the government for redress of grievances.” Legally, press freedom has few limitations (e.g., libel, national security, privacy, and obscenity laws). There is no licensing of newspapers or journalists.

While a censorship board broadly has the power to edit or ban content, government censorship does not generally enforce political orientation. In June, the Philippines Center for Investigative Journalism published the wiretapped conversation that would confirm electoral fraud, launching the presidential impeachment campaign that would dominate Philippine politics for much of the year. Press coverage of the impeachment trial, the controversial EO464, and President Gloria Arroyo's “cha-cha” (charter change) campaign was wide-ranging and extensive. Online media was particularly active, allowing the public to comment directly on trial developments. According to the Philippines Journalism Review, media coverage demonstrated less bias during Arroyo's impeachment trial than during Estrada's in 2000-2001. The Arroyo administration has generally shown considerable intolerance toward the media, especially foreign, for exposing corruption. Controversy surrounded the president's June 27 “I'm sorry” press conference, where only ten “pre-selected” reporters were allowed to ask

questions and representatives of international news organizations were barred from the event.

Journalist-targeted violence remains the greatest threat to press freedom in the country. According to the National Union of Journalists of the Philippines (NUJP), ten journalists were killed in 2005, in addition to numerous assassination attempts and death threats. The general escalation in journalist-targeted violence over the last several years earned the Philippines a ranking second only to Iraq as the “most dangerous place for journalists to operate” by the International Federation of Journalists in January and as the single “most dangerous country for journalists” by the Committee to Protect Journalists in May. Several cases involved journalists well known for exposing corruption scandals or regularly critical of the government, army, or police, with some watchdog groups alleging that the “unknown gunmen” were hired by government officials. The case of Maria Garcia Esperat—shot by two gunmen in her home in March—is among the most prominent. Garcia Esperat was a columnist in Mindanao, known for her corruption reporting and especially harsh criticism of the Department of Agriculture. In early May, Klein Cantoneros, whose radio program frequently featured the alleged corruption of Mindanao local officials and illegal gambling, was shot seven times. A mid-year investigation by the Committee to Protect Journalists attributed the recent spike in murders to a culture of corruption, guns, and lawlessness.

Despite the Arroyo administration’s launch of a \$92,000 Press Freedom Fund to curb violence against the media, a general culture of impunity continues to predominate, and critics claim that journalists’ killers are not brought to trial intentionally. In cases where suspects have been identified and arrested, the person or persons who ordered the killing generally have not. Claiming that more journalists have been killed since 2001 under the Arroyo administration than during Marcos’s martial law regime, the NUJP has criticized the government for not doing more to prevent the murders, and the International Press Institute has identified government non-intervention as a critical part of the problem.

The end of the year brought two landmark developments, however. In November, former police officer Guillermo Wapile was convicted for the murder of Edgar Damalerio, marking the first conviction among 22 cases of journalist killings since the wave of violence began in 2000. In December, citing the excessive influence of a local Mindanao official (and accused mastermind of the murder) on court proceedings, the Philippine Supreme Court ordered the transfer of Esperat Garcia’s murder trial from the island of Mindanao to the central city of Cebu. The CPJ heralded the court’s decision as a “blow to the culture of impunity in the Philippines.” Yet, just days later, George Benjoan, a radio and newspaper journalist known for his aggressive reporting on official corruption, was shot and killed in Cebu.

Most print and electronic media is privately owned, while many television and radio stations are government owned, although they too present a wide variety of views. Since 1986, however, there has been a general trend toward concentration of ownership, with two broadcast networks (ABS-CBN and GMA), owned by companies of wealthy families, dominant among audiences and advertising. Often criticized for lacking journalistic ethics, the press is likely to reflect the political or economic orientations of owners and patrons, and special interests reportedly use inducements to solicit coverage and stories favorable to their positions. The government does not restrict Internet access.

Poland

Status: Free

Legal Environment: 6

Political Environment: 8

Economic Environment: 7

Total Score: 21

Generally the Polish media operate freely in an environment not dominated by overbearing political or economic interests. The Polish constitution forbids censorship and guarantees freedom of the press. Some old communist-era regulations remaining on the books can be abused to harass investigative journalists. A new and much discussed media law remains in draft form. Critics of the proposed legislation argue that it is motivated by successive governments' desire to strengthen control over public media and to reign in private sector media through constraints on ownership.

Libel and some forms of insult are criminal offenses subject to fines or imprisonment. In 2005, prosecutions for libel or the threat thereof were used to intimidate some media outlets and investigative journalists, which may lead to self-censorship. Legal actions included attempts to introduce a gag order, criminal slander charges, and demands of \$1.5 million in damage brought against several leading publications by the Polish National Council of Credit Unions (SKOK). In a case brought by the PZU insurance company and its former director who is currently under investigation for mismanagement and financial improprieties, all of these actions were used, though one of the gag orders imposed was later ruled down by a higher court decision. Investigative coverage on legal issues surrounding J&S's monopoly on supplying oil, and alleged commissions paid to public officials, also resulted in legal action against a weekly publication, including demands of \$3 million in damages. A long-standing criminal insult case concerning an article insulting Pope John Paul II was resolved with the conviction of Jerzy Urban, a suspended sentence, and a fine of \$6,500. At the close of 2005, Andrzej Marek, editor of the weekly *Wiesci Polickie*, was slated to serve a three-month sentence following a conviction for libeling a local official.

Public officials can exert considerable pressure on public and state-owned media; seats on regulatory agencies as well as the directors of state-owned media are effectively political appointments. Late 2005 saw reorganization of the State Committee on Radio and Television, with a new law ending the term of the committee members, reducing the number of members, and reappointing an entirely new committee. Media advocates criticized these changes for the accelerated manner in which they were conducted, the lack of public consultations, and an unclear vision for the future of the media.

The print media are highly diversified. The government-owned Polish Television and its five channels remain the major source of information for the country, but private television is available throughout the country, including TVN and PolSat who have gained a considerable share of viewers. About a third of the Polish population accesses the Internet and there have been no reports of the government restricting Internet use.

Portugal

Status: Free

Legal Environment: 2

Political Environment: 6

Economic Environment: 6

Total Score: 14

Freedom of the press is guaranteed by the constitution, and laws against insulting the government or the armed forces are rarely enforced. A draft bill for the creation of a government media watchdog group, which has caused concern among the European Federation of Journalists, was expected to be approved during the summer of 2005. Confidentiality of sources is typically recognized as a journalist's right in Portugal, except in cases where the journalist's knowledge could prevent a crime. Journalists contend that this year their right to protect their sources was not respected. In December 2004 a journalist was given an eleven-month prison sentence for refusing to give up his source as evidence in a drug case. Commercial television has been making gains in recent years, providing serious competition for the public broadcasting channels that lack funds. Internet access is not restricted. However, use of the Internet is well below the European Union average, with only 20 percent of the population accessing it regularly.

Qatar

Status: Not Free

Legal Environment: 18

Political Environment: 23

Economic Environment: 20

Total Score: 61

The 1979 press and publications law that regulates media licensing, production, and distribution is in the process of being updated and amended. Qatar's new constitution provides for freedom of the press, though there are criminal penalties for libel. This right is restricted further in practice. Qatar ended formal government censorship of the media in 1995. However, a censorship office within the Qatar Radio and Television Corporation reviews domestic broadcast media and foreign media for sexually explicit material and material deemed hostile to Islam. Furthermore, social and political constraints make self-censorship very common, especially when reporting on government policies, the ruling family, and relations with neighboring countries. Although the five leading daily newspapers are privately held, owners and board members of these newspapers include royal family members and other notables who exert significant influence on content. As a consequence, direct criticism of the government is rare. With the exception of the satellite channel Al-Jazeera, broadcast media are state run. Qataris have access to the Internet through private Internet service providers, but the government censors content and blocks access to certain sites it considers pornographic or politically sensitive.

Al-Jazeera, one of the most popular satellite television channels in the region, was launched from Qatar in 1997. It has gained international recognition for addressing sensitive regional topics, but shies away from covering Qatari politics. Though the government subsidizes Al-Jazeera's operating costs, both the station and the government attest to its editorial independence. In April, there were reports that the Qatari government was considering privatizing the station, raising concerns about future editorial direction.

Romania

Status: Partly Free

Legal Environment: 13

Political Environment: 16

Economic Environment: 15

Total Score: 44

The constitution protects freedom of the press and the government is increasingly respectful of these rights. The parliament adopted a new criminal code in June, under which libel remains a criminal offense, but is no longer punishable with imprisonment. However, the new code has yet to be enacted. In October, the Justice Minister proposed further amendments to completely decriminalize libel. Meanwhile, in June, an opposition party member sued a journalist for his article alleging the official engaged in corrupt activities. Although a lower court ordered the journalist pay a fine, a higher court reversed the ruling. Progress toward implementing freedom of information legislation has been difficult. The law on public radio and television remains unreformed—the government still appoints the boards of the public operators, and in July, changes were unexpectedly adopted without consultation with media groups reinforcing government control over public broadcasting.

The political environment for media improved drastically during 2005. President Traian Basescu, elected in late 2004, pledged greater respect for press freedom and has proven to be less controlling and manipulative of the media. Self-censorship appears to have decreased. Despite positive changes in government attitude, a culture of secrecy prevails over many Romanian institutions. In January, following media criticism, the government acknowledged having tapped the phones of Romanian journalists working for foreign media. In February, media organizations criticized Basescu for attempting to replace the director of TVR. Also in February, Targu Mures court withdrew the accreditation of a journalist with *Romania Liberia* due to articles criticizing local courts. The court was forced to reverse its decision following protests from media organizations. In August, the mayor of Ploiesti withdrew the accreditation of a journalist with *Informatia Prahovei* after the journalist criticized the mayor. Media observers remained skeptical about the independence of the licensing process enforced by the national Council of Broadcasting (CAN). The government appoints eleven members of the CAN.

Local organizations reported several instances of journalists being verbally and physically assaulted while trying to carry out their work. Although violence and

intimidation of journalists substantially decreased in 2005, there were few developments into cases from previous years.

The number of media outlets and news sources increased in 2005 and media are becoming more active and self-sufficient. But media still face significant economic pressure, due to ownership concentration, lack of revenue, and unreformed advertising. Most media rely on government-funded advertising. In May, in consultation with media groups, the government adopted reforms to make advertising allocation more transparent to prevent government officials distributing advertising to favorable media outlets. Concentration and lack of transparency of media ownership remains a serious concern. Western European media groups Ringier and WAZ own the three highest-circulating dailies and journalists report that the owners are increasingly toning down reporting. According to a 2005 EU study, media outlets are increasingly registering under out-of-country jurisdiction in order to avoid disclosing ownership structures. Funding remains a problem and most newspapers are highly dependent on sales. The situation is worse for smaller newspapers outside of Bucharest where the advertising market is less developed and local officials own many media outlets. In October, an *Evenimentul Zilei* journalist reported a businessman attempted to bribe him not to write about his corrupt activities. There are no government restrictions on the Internet.

Russia

Status: Not Free

Legal Environment: 16

Political Environment: 32

Economic Environment: 24

Total Score: 72

Press freedom in Russia in 2005 was further constricted as President Vladimir Putin's government obstructed journalists from reporting on sensitive topics and tightened control over news sources. Although the Russian constitution provides for freedom of speech and of the press, authorities were still able to use the judicial system to harass and prosecute journalists for independent reporting. In 2005, courts charged several journalists with criminal defamation for printing and broadcasting statements public officials found unfavorable, such as Eduard Abrosimov for writing about the sexual orientation of the State Duma vice speaker and Nikolai Goshko for accusing top Smolensk officials of organizing the killing of the former owner of Radio Vesna. The authorities also took advantage of legislation like the Law against Extremist Activities, which prohibits the dissemination of information supporting "extremist activities" and allows authorities to shut down media outlets after three warnings. Such legislation restricts coverage of contentious areas, like Chechnya, where the Kremlin wants the public to believe it maintains control. At the end of the year, Russia's parliament considered a new bill requiring stricter registration of non-governmental organizations, thus asserting greater government control over civil society and potentially clamping down on the freedom of speech of NGOs.

Authorities continued to exert direct influence on media outlets and determine

news content, as the state owns or controls the country's three main national television networks—Channel One, RTR, and NTV. The authorities waged a campaign against both local and foreign journalists to bar them from accessing and publishing contentious information, namely regarding Chechnya. During the course of 2005, the prosecutor's office criminally charged Stanislav Dmitriyevsky, editor-in-chief of the monthly newspaper *Pravo-Zaschchita*, for publishing statements by Chechen rebels; a warning was issued to the independent Moscow daily *Kommersant* for publishing an interview with Chechen rebel leader Aslan Maskhadov; the Foreign Ministry criticized an independent Swedish news agency for publishing an interview with Chechen rebel leader Shamil Basayev; police and secret service agents detained three journalists from the Polish state television station TVP who were producing a documentary about Chechnya and pressured them to leave Russia; and authorities denied access to government officials and renewal of accreditation to reporters from the American network ABC after it broadcast an interview with Basayev. In addition, television networks all but ignored the wave of pensioners' protests that took place all over the country in January Leveling massive damages against newspapers, including *Kommersant* for its reporting on the banking crisis in Russia, was another tactic used to intimidate independent press in 2005.

In 2005, there were numerous cases of journalists being detained or attacked, likely related to stories they had covered on topics like corruption or protests against the government. Such media abuse has led to increased self-censorship in Russian media. Official censorship also remains in Russia, as in the case of news anchor Olga Romanova at the privately owned station Ren-TV, who was taken off the air at the end of 2005 because of her critical comments related to the Defense Minister. Journalists were killed during the year, with cameraman Pavel Makeev found dead after filming an illegal drag-race competition, as was journalist Magomedzarid Varisov after sharply criticizing the opposition. Other murders remained unsolved, as the authorities reopened the investigation into the 2003 murder of journalist Alexei Sidorov; the Military Collegium of Russia's Supreme Court upheld a 2004 acquittal of six military officers accused of murdering Dmitry Kholodov in 1994; and a trial against two Chechens, accused of killing *Forbes* editor Paul Klebnikov in 2004 and extradited to Russia, began behind closed doors at the end of 2005.

Much print media on the national level in Russia are privately owned, so some diversity of viewpoints exists. Ownership of regional print media is less diverse and is often concentrated in the hands of local authorities. Online media, an area not yet regulated by the government, is also developing. However, owners of print and electronic media outlets are generally oligarchs and large businesses, such as the energy company Gazprom, which has a majority of shares of the newspaper *Izvestia*, and use them to advance personal and political interests. The law requires little transparency in media ownership. An English-language news satellite channel, called *Russia Today*, which is funded by the Kremlin, was launched in late 2005. The number of independent voices in media decreased for financial reasons in 2005, as privately owned newspapers like *Russky Kurier* closed and the imprisoned Boris Berezovsky's *Nezavissimaya Gazeta* restructured. The government, furthermore, continued to disadvantage private media by allocating subsidies to state-controlled outlets and controlling the means of production and distribution. While the government generally does not restrict Internet access, ISPs must enable police to monitor traffic.

Rwanda

Status: Not Free

Legal Environment: 24

Political Environment: 35

Economic Environment: 26

Total Score: 85

The constitution provides for freedom of the press “in conditions prescribed by the law.” The government sharply restricts the ability of the media to operate citing the role certain media outlets played in provoking violence during the 1994 genocide. The law now prohibits “any propaganda of ethnic, regional, racial, or divisive character or based on any other form of divisionism;” inciting ‘divisionism’ is punishable with up to five years in prison. President Paul Kagame vetoed a new media bill passed by the parliament in September 2001 that prescribed the death penalty for journalists found guilty of inciting genocide and would have compelled reporters to reveal confidential sources. A media bill passed in 2003 paved the way for the licensing of private radio and television stations, however, the growth of independent media has been restricted due to a fear of official reprisals. Journalists doubt the independence of the High Council of the Press, which was established in 2003 to regulate the media.

Attacks on journalists who were critical of the government did not diminish in 2005 and the legacy of the 1994 genocide is still used to silence critical journalists. Since September 2005, Bonaventure Bizumuremyi, the editor of the independent newspaper *Umuco*, has been arrested and interrogated several times for writing articles critical of the Rwandan Patriotic Front. His colleague, Jean Leonard Rugabage, has been in detention since September 7, 2005, ten days after writing an article alleging that judges in the *gacaca* tribunals—popular courts originally set up to try genocide suspects, in which defendants are judges by peers without access to a defense lawyer—are using their positions to settle personal feuds. He was later accused of being a murderer during the genocide and in November was charged with contempt of court and sentenced to one year in prison after contesting the impartiality of the *gacaca* court appointed to try him.

Private and state-owned newspapers operate in Rwanda, though due to financial constraints none is able to publish on a daily basis. The government influences the printed press through its purchase of advertising space, upon which many private publications are financially dependent. The government also maintains control over both radio and television broadcast media causing many journalists to practice self-censorship and regularly follow the government line. Nonetheless, a number of private radio stations have been established since the elections in 2003—including commercial, community, and religion stations—though most focus primarily upon musical broadcasts instead of political news. The challenge facing the independent media is compounded by the existence of only one government-run printing press available to nonreligious media, forcing Rwandan print media to publish abroad to avoid direct government control of their content. Foreign media like the *BBC*, *Deutsche Welle* and *Voice of America* are able

to broadcast from Rwanda and are one of the few sources of independent media in the country. Internet access appears to be unrestricted.

St Kitts and Nevis

Status: Free

Legal Environment: 4

Political Environment: 9

Economic Environment: 8

Total Score: 21

Freedom of the press is enshrined in the constitution. While the independent media were active and expressed a wide variety of views, the opposition People's Action Movement (PAM) party alleged that the ruling Saint Kitts and Nevis Labour Party (SKNLP) blocked PAM's access to the government-controlled media. The PAM acknowledged, however, that it had access to independent media outlets. Clive Bacchus, a Guyanese national and manager of the private WINN FM radio station, whose work permit renewal had been delayed in December 2004, finally received a new permit in mid-February. The delay had been criticized as an attempt to intimidate the independent media. Both the ruling SKNLP and the main opposition PAM publish weekly newspapers. There are three other non-aligned weekly newspapers. ZIZ Broadcasting Corporation, a company in which the government is a majority shareholder, operates both radio and television services. Additionally, there are seven private radio stations and a multi-channel cable TV service that offers a range of local and international TV stations. There are no government restrictions on the Internet.

St Lucia

Status: Free

Legal Environment: 6

Political Environment: 7

Economic Environment: 5

Total Score: 18

During 2005, press freedom advocates in St Lucia continued to voice concern about clause 361 of the newly amended criminal code. The clause makes the publishing of news that endangers the "public good" an offence punishable by a prison sentence. A certain cooling of relations between the media and the government, noted during 2004, continued. In April, Prime Minister Dr. Kenny Anthony accused media personalities of engaging in a disinformation campaign designed to undermine his ruling St. Lucia Labour Party. In November, a Dominican lawyer, Anthony Astaphan, who represents Dr Anthony, and who, in recent years, has been highly critical of the media in the sub-region, attacked the media, denouncing them as hypocrites. St Lucia has three television

stations, and seven radio stations, all of them private, apart from the state-owned Radio St Lucia. There are three weekly newspapers, and two that are published three times a week. There are no government restrictions on the Internet.

St Vincent and the Grenadines

Status: Free

Legal Environment: 3

Political Environment: 6

Economic Environment: 7

Total Score: 16

The constitution guarantees a free press, and publications openly criticize government policies. The main newspaper, the daily *Herald*, and the weeklies, *Searchlight* and *The Vincentian*, are all privately owned. The state-run St. Vincent and the Grenadines Broadcasting Corporation operates SVG Television and the Hitz FM music radio station. NBC is a partly government-funded national FM radio service, and there are numerous other private radio stations. Concerns have been expressed about a possible conflict between the government and Elwardo Lynch, the host of a talk show sponsored by the opposition New Democratic Party. In May, a court found Lynch guilty on two counts of making false statements likely to cause alarm. A survey confirmed it is the most widely listened to radio program in St. Vincent and the Grenadines. There are no government restrictions on the Internet.

Samoa

Status: Free

Legal Environment: 6

Political Environment: 12

Economic Environment: 11

Total Score: 29

The constitution protects freedom of the press, though Samoan law allows imprisonment for the refusal to reveal a confidential source. Moves were underway late in the year to establish a self-regulating Samoan media council. A consultant from the British-based Thomson Foundation training agency helped develop a new national media code of conduct.

Samoa has three English-language papers and several Samoan-language newspapers. It also has five private radio stations, a state-run Samoa Broadcasting Corporation (SBC), and some access to local and foreign satellite television. The *Samoa Observer*, owned by the entrepreneurial Samoan poet and editor-in-chief Savea Sano Malifa, continued to dominate the local private newspaper market and provide a vanguard for the country's media freedom efforts. It extended its influence to New Zealand where there resides a large Samoan community. A third printing press and an

edition named the *American Samoa Tribune*, were also established across the border in American Samoa. The paper had a long struggle dealing with issues in recent years such as censorship, denial of government advertising and harassment. There are 6,000 recorded internet users in 2005 and the internet is unrestricted by the government.

San Marino

Status: Free

Legal Environment: 4

Political Environment: 6

Economic Environment: 7

Total Score: 17

The right to freedom of expression is safeguarded under the 1974 San Marino Constitutional Order and Article 183 of the Criminal Code protects against libel and slander. However, there are restrictions when expression comes in conflict with the right to confidentiality and the right to secrecy. The media operate freely, and no major impediments were reported in 2005. By law, radio and television broadcasting is monopolized by the San Marino Broadcasting Company, whose responsibility it is to grant concession to private broadcasters. State-owned San Marino RTV runs both a radio and a television station. Italian radio and television are also available. There are two daily papers, *La Tribuna Sammarinese* and *San Marino Oggi*. Two Italian newspapers that contain news about San Marino are also distributed. The internet is available and unrestricted.

Sao Tome and Principe

Status: Free

Legal Environment: 4

Political Environment: 11

Economic Environment: 14

Total Score: 29

The Constitution of Sao Tome guarantees freedom of the press and the government has an exemplary history of respecting these rights in practice. Publications that criticize official policies circulate freely without journalists being arrested, jailed, tortured or harassed. However, journalists do practice a good degree of self censorship, and often depend on official news releases for their reports which inhibits the growth of investigative journalism. Lack of advertising revenue, technology, media training and poor salaries also constitute major handicaps for journalists.

There are six privately owned newspapers and one state-run newspaper. While no law forbids independent broadcasting, the government controls a local press agency and the country's only television and radio broadcast stations -- *Radio Nacional de Sao Tome*

e Principe and *Televisao Saotomense*. These stations provide opposition political parties with unlimited free air time. Internet access is unrestricted by the government but the high level of poverty in Sao Tome and Principe severely limits the impact of this medium.

Saudi Arabia

Status: Not Free

Legal Environment: 28

Political Environment: 28

Economic Environment: 23

Total Score: 79

Saudi Arabia has few safeguards to protect press freedom. Article 39 of the Basic Law exhorts the media to promote unity and bans material that “may compromise the security of the State and its public image.” While the 1982 Royal Decree for Printed Material and Publications upholds freedom of expression, it restricts press freedom by limiting the range of topics permitted to be covered. Criticism of the royal family and the religious authorities is forbidden. Violations are considered criminal offenses, punishable with imprisonment and/or fines. Created in 2003 with the stipulation that its decisions are subject to veto by the Ministry of Information, the Saudi Journalists Association has been largely ineffective.

In January, Saudi authorities detained Mohamed al Oushan, editor of the weekly *Al Mohayed*, following his criticism of the government’s attitude toward Saudi prisoners held at Guantanamo. Saudi authorities refused to confirm his arrest. All journalists must register with the Ministry of Information, and while restrictions have eased in recent years, visas for foreign journalists are difficult to obtain. Once in country, journalists must be accompanied by a government chaperone.

The print media are privately owned but publicly subsidized and often closely associated with members of the royal family. Newspapers are created by royal decree, and the government appoints or approves editors and publishers. Government authorities can fire journalists and editors who publish articles deemed offensive. Official censorship is common, as is self-censorship. There are ten daily newspapers, and they generally follow the editorial line of the state-owned and -controlled Saudi Press Agency. Two Saudi-owned, London-based dailies, *Al-Sharq al-Awsat* and *Al-Hayat*, are read widely, though they also tend to comply with government proscriptions on sensitive subjects. Nevertheless, recent years have seen newspapers report on previously taboo issues, including domestic crime, corruption, women’s rights, religious extremism, terrorism, minority rights, and elections, without prior authorization. Saudi newspapers featured extensive coverage of the 2005 municipal elections.

The government controls broadcast media. There is no private radio or TV broadcasting from Saudi Arabia except for MBC-FM, a radio station owned by the late king’s brother-in-law; however, there are reports that the government plans to privatize other radio stations. Satellite television has become widespread, despite its illegal status, and is an important source of foreign news. In January 2004 the government launched an

all-news satellite channel, Al-Ikhbariya, to compete with Al-Jazeera, which has been barred from establishing a local office and from covering the annual pilgrimage to Mecca since 2003. As with print media, broadcast media face strict censorship and exercise self-censorship. In an example of editorial censorship exceeding official bounds, in August the minister of information intervened to reinstate TV talk show host Abdel Rahman al-Hussein after he was fired by his director following a show in which guests criticized Saudi religious police. The government continues to censor foreign publications and broadcasts, removing objectionable material, including references to politics, pork, alcohol, sex, and religions other than Islam.

The Internet is widely available, but the government has employed a sophisticated filtering system to block access to websites deemed morally or politically inappropriate. The Saudi authorities acknowledge blocking more than 400,000 websites. Some users circumvent these controls by accessing servers based in other Gulf states. In October, the government blocked access to www.blogger.com, a popular web log creation and hosting service. The site was unblocked after two days.

Senegal

Status: Partly Free

Legal Environment: 12

Political Environment: 20

Economic Environment: 12

Total Score: 44

Senegal remains in the ranks of the “Partly Free,” but there were worrying trends emerging in 2005, particularly concerning government censorship of the media, in 2005. Although the constitution guarantees freedom of expression and of the press, the government restricts this right in practice. Despite continued promises by President Abdoulaye Wade to decriminalize several press offenses, Article 80 of the penal code and other laws that impose criminal penalties for defamation and the publication of materials that compromise national security remain in place. Press freedom was further endangered in 2005 by a controversial broadcasting bill that was passed through a vote of 11 to 2 in the 120-seat Parliament in December. The bill now awaits the signature of President Wade, but if approved, would create a National Council for the Regulation of Broadcasting (CNRA). The new body would be made up of the president’s appointees on a nine-member panel, only one of which would be a professional with broadcasting credentials. The CNRA would function as a supreme tribunal with the power to monitor media behavior and impose punishments ranging from temporary closures, to exorbitant fines of up to \$18,000 US. The new bill also strips the media’s professional self-regulatory body—the Council for the Respect of Professional Ethics and Conduct—of its authority to monitor and sanction members of the media who act unprofessionally.

2005 was also a year that witnessed a wave of bans and seizures of media outlets that discussed or interviewed the Casamance separatist group or criticized local governments. In October, police shuttered and suspended the broadcast of the private radio station, *Sud FM* for a day, while dozens of its staff members were detained for several hours. These actions were taken after the station aired an interview with Salif

Sadio, a radical rebel leader of the Casamance separatist group. The distribution of the October 17th issue of *Sud Quotidien*, a newspaper distributed by the same independent media group that owns *Sud FM*, was also seized for publishing the transcript of the radio interview with Salif Sadio. In September, Chief Caliph Serigue Saliou Mbacke, a prominent local Muslim cleric, ordered the closure of three FM radio stations in the Muslim holy city of Touba. The shutdown order targeted the private station *Disso*, the local branch of the state-owned *Radio Television Senegalaise* (RTS), and the community radio station, *Hizbut Tarquiyah*. The ban against the broadcasters was likely related to *Disso's* broadcast of phone-in programs during which several callers criticized Touba's elected governing council. Local scholars, journalists, and civil society leaders condemned the ban, saying it symbolized the growing number of threats to press freedom in Senegal. Aside from overt threats and direct actions against the media many journalists continue to practice self-censorship. There is pressure on the media not to publish certain issues, and the government often uses financial subsidies or more direct means to shape media coverage of public issues.

Senegal has many private, independent publications and a string of private and community radios. By the end of the year more than 70 radio frequencies had been assigned to community, private and public radio station all over the country. Nevertheless, the Wade administration refuses to accept private participation in television except for entertainment channels. The state owns and controls the only national television station, which broadcasts generally favorable coverage of the government. In the past, Senegal's media watchdog, the High Audiovisual Council, criticized the government-run television station for not reflecting diverse viewpoints and not allowing equal coverage of opposition members and religious groups. Foreign satellite television and radio stations that originate primarily from France and South Africa are available as well as unrestricted internet access.

Serbia and Montenegro

Status: Partly Free

Legal Environment: 12

Political Environment: 17

Economic Environment: 11

Total Score: 40

The government is increasingly respectful of constitutionally protected press freedom rights, but impunity for crimes and frequent prosecution of journalists persists. The Serbian parliament adopted a new criminal code in September, under which libel is no longer punishable with imprisonment, but remains a criminal offense, punishable by high fines, or up to six months in jail when the individual cannot pay the fine. Before the new code, an editor was sentenced to one-year suspended prison for libeling a businessman. Media organizations were critical of government efforts to implement the Access to Public Information Act in Serbia. In Montenegro, where progress has been slow, a draft freedom of information law was proposed in May. In August, a Serbian parliamentary committee adopted amendments to the Broadcast Act, giving greater voting power to

parliament members. The amendments also extend the privatization deadline for local government-operated media until 2008 and delay the transformation of Radio Television Serbia (RTS).

Media are diverse and active and publish freely despite pressures. Some journalists did resort to self-censorship, often at local media outlets, choosing not to express critical views or investigate issues such as war crimes. In Montenegro, many outlets have close ties to either the ruling coalition parties or the opposition. In December, the Montenegro Radio and Television Council (RTCG) dismissed the director of public broadcaster TV Montenegro (TVCG). The TVCG editorial staff resigned in protest alleging that the dismissal was politically motivated. In July, the municipal assembly in the town of Valjevo replaced the editor-in-chief of a local weekly with a member of the Socialist Party. The mayor of Vranje threatened independent journalists and reportedly refused to give them official information. In October, the offices of a local Vranje weekly were ransacked; it was their third such break-in in recent years. In Belgrade, the independent broadcaster B92 was frequently criticized for being anti-Serb. In July, a bomb threat forced the evacuation of B92 premises, and in November, the car of a B92 journalist was destroyed. In June, editor-in-chief of independent daily *Danas* received death threats after the newspaper identified an area where an indicted war criminal was reported to be hiding. In September, unknown assailants beat a local correspondent for Belgrade daily *Vecernje Novosti*. Media organizations protested the lack of progress in the investigations into the 2001 and 1999 murders of Serbian journalists Milan Pantic and Slavko Curuvija. In Montenegro, one suspect is still on trial and a second suspect was arrested a year after the 2004 murder of Dusko Jovanovic, editor of opposition daily *Dan*.

While there is a good amount of media diversity and pluralism, press freedom is limited in the UN-administered province of Kosovo due to unreformed legislation and a politicized environment. The UN Mission (UNMIK), the OSCE, and the Office of the Temporary Media Commissioner (TMC) regulate the media. The current criminal code allows for three-month long prison terms for libel. The Association of Professional Journalists of Kosovo (APJK) reported that media are frequently harassed and that Kosovo authorities often do little to protect journalists. In June, Bardyl Ajeti, a *Bota Sot* journalist, was shot from a passing car. Ajeti, who was frequently criticized for his articles, died three weeks later. This was the second shooting of a Kosovo journalist in eight months. Most media rely on international aid. The Serbian minority is often underrepresented in the media. APJK reported that the Kosovo Protection Corps blocked media from filming a visit by Serbian President Boris Tadic.

There are numerous private media outlets in both Serbia and Montenegro, although the large number makes them highly dependent on advertising and some newspapers have resorted to “tabloidization” in order to sell more copies. Despite ongoing legislation reforms, ownership transparency is weak and privatization has slowed. The Serbian government published a popular daily *Borba* and owned one of the main printing houses. In Montenegro, few newspapers have been privatized. There are a large number of public and private broadcast outlets, including public, state-owned, and 16 private television and 39 private radio stations. Although local media are generally diverse, they often rebroadcast Belgrade and foreign programs. Internet access is unrestricted, but authorities selectively monitored email conversations.

Seychelles

Status: Partly Free

Legal Environment: 20

Political Environment: 21

Economic Environment: 19

Total Score: 60

The constitution provides for freedom of speech but also restricts this right by protecting the reputation, rights, and privacy of citizens, as well as the “interest of defense, public safety, public order, public morality, or public health.” These restrictions have limited the freedom of the press, particularly because libel charges can easily be filed to penalize journalists. The law also allows the Minister of Information to prohibit the broadcast of any material that is against the “national interest.”

The only significant opposition newspaper, the weekly *Regar*, has been repeatedly brought to court on libel charges carrying steep monetary penalties, though no new libel suits were filed in 2005. On December 8 2005, the paper was the target of an arson attack that seriously damaged its printing press. The editor of *Regar*, Roger Mancienne, claimed that the attack was “an attempt to censor us that clearly had a political motive” in the run-up to the presidential elections in 2006. The Seychelles Broadcasting Corporation (SBC), the state-controlled media regulation body, also continued to ban a local singer’s music on the grounds that it was seditious.

The government owns the country’s only daily newspaper, *The Nation* which adheres closely to government policy. The state also has a de facto monopoly over the widely consumed broadcast media and private broadcasters have been slow to develop due to the restrictive licensing fees of more than \$185,000 per year. Telecommunications companies must submit subscriber information to the government and the Internet is available and unrestricted in Seychelles.

Sierra Leone

Status: Partly Free

Legal Environment: 19

Political Environment: 22

Economic Environment: 18

Total Score: 59

The constitution guarantees freedom of expression in Sierra Leone but enjoyment of this right in practice is illusory. The 1965 Public Order Act criminalizes libel and holds accountable not only journalists, but vendors, printers, and publishers as well. By year’s end, President Ahmed Tejan Kabbah had pledged his support for the decriminalization of

libel, but no official legislation has yet been passed and the government continues to implement these laws to intimidate persistent investigative journalists.

Targeting uncooperative reporters through laws and using the judicial power of the courts to ambush correspondents has been a growing strategy of the government in recent years and 2005 was no exception. Journalists who persist in investigating high-level corruption often become victims of violence and harassment. In May, Harry Yarsaneh, the acting editor of the independent newspaper *For di People*, was the victim of a violent attack allegedly ordered by Fatmata Komeh, a ruling party Member of Parliament. Yarsaneh died of complications from the attack two months later. In August, Komeh and her accomplices were arrested on charges of manslaughter but were released on bail only a few days later. The police investigation has since refused to press any further charges. In November, Paul Kamara, the founder and editor of *For di People*, was released from prison after serving 14 months of a two-year sentence for seditious libel concerning a published piece linking the president with corruption. An appellate court overturned the original sentence and concluded that Kamara's actions did not amount to sedition. Other incidents of government intimidation of the media were widespread including the apprehension of newspaper editors and a reporter for the publication of articles criticizing the President.

Despite such extensive media harassments, newspapers openly and routinely criticize the government, its officials, opposition political parties, and former rebel forces. The diverse and lively media, particularly the growing print press, have been a strong voice against corruption. Nonetheless, poor journalistic skills, insufficient resources, and a lack of professional ethics all pose enduring problems for the quality of the press. More than 25 newspapers, catering to a wide spectrum of interests and political opinions, were published in 2005. Most of these were privately-owned but several were affiliated with political parties. Consequently, the media are highly politicized, and there is widespread corruption among journalists. Several government and private radio stations, as well as international station like the United Nations Radio, all provide coverage of domestic news and political commentary. The radio remains the medium of choice for most Sierra Leoneans, who for economic reasons have limited access to television, newspapers, and the internet.

Singapore

Status: Not Free

Legal Environment: 23

Political Environment: 24

Economic Environment: 19

Total Score: 66

Media freedom in Singapore is legally and economically constrained to such a degree that in 2005 the vast majority of journalists practiced self-censorship rather than risk being charged with defamation or breaking the country's criminal laws on permissible speech. The constitution provides the right to freedom of speech and expression in Article 14 but permits restrictions on these rights. Legal constraints include strict censorship

laws, including the Newspaper and Printing Presses Act, which allows authorities to restrict the circulation of any foreign periodical for publishing news that interferes in domestic politics, and the Internal Security Act (ISA). The ISA gives officials the power to restrict publications that incite violence, arouse racial or religious tension, or threaten national interest, national security, or public order. Given the government's record of successfully suing critics under harsh criminal defamation laws, journalists most often refrain from publishing critical stories about corruption or nepotism. In September the regional magazine *FinanceAsia* was forced to offer an apology and pay undisclosed sums of money to several national political leaders after it published an allegedly slanderous article. The limits to political speech were reflected in the arts as well. In August, police ordered a 36-year-old filmmaker to surrender equipment used to make a documentary on opposition figure Chee Soon Juan. Chee himself was sued for defamation in 2001, and is now facing bankruptcy proceedings.

The vast majority of print and broadcast media outlets, as well as Internet service providers and cable television services, are either owned or controlled by the state or by companies such as SPH or Media Corp that have close ties to the ruling party. Moreover, annual licensing requirements cause media outlets to limit or moderate their criticism of the government. By law, the circulation of foreign news periodicals can be limited or barred, and foreign broadcasters are also subject to potential restrictions if they are deemed to be "engaging in domestic politics," according to the U.S. State Department.

Internet use is widespread in Singapore, but political and religious web sites are required to register with the government's Media Development Authority (MDA). In recent months the threat of defamation lawsuits has been used to inhibit criticism of the government in cyberspace, much as it has in Singapore's traditional media. In April, Jiahao Chen, a Singaporean student who is studying in the United States, was forced to shut down his weblog for fear of libel action by a government agency that grants research scholarships. In October, two men were jailed for posting racist comments aimed at the country's ethnic Malay community, who are mainly Muslim, on the Internet.

Slovakia

Status: Free

Legal Environment: 5

Political Environment: 8

Economic Environment: 7

Total Score: 20

Press freedom in Slovakia is constitutionally guaranteed and generally respected. Independent media outlets freely publish and disseminate diverse views. Although defamation was decriminalized in 2003, some media outlets and individuals continue to be beleaguered with civil defamation suits. In April, Prime Minister Mikulas Dzurinda sued the publisher of *Pravda* daily newspaper, for libel, regarding series of articles that appeared in autumn 2003. The prime minister is demanding an apology and approximately 125,000 euros. In December, *Prvada* was ordered to pay approximately 75,000 euros in damages to former Supreme Court President Stefan Harabin for a series

of articles published about him between summer 2002 and February 2003. Media watchdogs believe there is some measure of self-censorship. A draft of a new media law was prepared in 2005 and was generally well received, though there was criticism of provisions requiring the accreditation of free-lance journalists and introducing constraints on recording and reporting on confidential conversations.

Most important Slovak media are privately owned, with the exception of TASR, the state-run press agency, and public service broadcasters. Following legislative changes in 2004, the heads of state-owned media enterprises are no longer political appointees, and journalists have increasing editorial independence. A lack of transparency in media ownership in the private sector remains an issue. Electronic media became more diverse this year thanks to new and stronger players in the television sector and the growing market shares of private radio broadcasters. Local broadcast media are often affiliated with local governments, and as such at times act more as mouthpieces of local authorities and less as independent sources of information. Print media is dominated by two large dailies and a broad network of regional publications; it is diverse but there is a disturbing trend away from fact-based public-interest journalism towards sensationalism. Access to the Internet is unconstrained, and the number of regular users continues to grow.

Slovenia

Status: Free

Legal Environment: 4

Political Environment: 9

Economic Environment: 7

Total Score: 20

The Slovenian constitution provides for freedom of expression and of the press, and government generally respects these rights in practice. Nevertheless, both unreformed and recently adopted legislation have the potential to hinder press freedom. While libel is not punishable with prison terms, it remains a criminal offense. In November, a controversial new act on the public broadcaster RTV Slovenia entered into force. International and local media organizations criticized the act for its vague language and potential adverse effects on media freedom and editorial independence. The act was first published in April, without debate or input from local media organizations, and was approved by a national referendum with an extremely narrow margin in September. The law, prepared by the Ministry of Culture, stipulates that parliament will appoint 16 members of the 29-member Programming Council, including the director general, who now has more authority over high-level editorial jobs. The new act also established a special national television program to broadcast sessions of parliament. While not in session, the program will broadcast shopping ads. The government of Prime Minister Janex Janasater maintains it introduced the law to ensure the independence of board members, while opposition and media groups contend the law will allow the government to influence the council's decisions.

In June, the weekly *Mladina* revealed that the main governmental spokesperson, Jernej Pavlin, had instructed the government's PR officers not to communicate with

Mladina, or, failing this, to keep any communications to a minimum. The instruction came after a series of critical articles against the center-right government. Despite Pavlin's quick resignation and his assumption of full responsibility for the attempt to restrict information, the scandal threw a shadow over Janez Jansa's government and its transparency. In spring, POP TV reporter Damjana Seme was under unjustified police surveillance because Franc Kangler, head of the parliamentary intelligence oversight commission, wondered how the reporter acquired information on pre-trial proceedings of a case involving a politician. An investigation was opened later and the transgression of the police's power condemned.

Slovenian media are active, diverse, and largely independent. However, investigative journalism is scarce and media do not go out of their way to express a wide range of political and public opinions. Most large media outlets are privately financed, but the government held partial ownership in several companies that owned major media houses and reports indicate that indirect government influence led to a degree of self-censorship. In a controversial move, Slovenia's main news publishing group Delo bought the small right-leaning weekly *Mag*, which then took over Delo's main newspaper. Media organizations criticized the publisher's purely economic goals, which they say threatened media diversity. In October, after more than 60 years, the BBC closed its Slovenia section, as well as 11 other European sections, due to financial expenses and expansion into Arabic countries. Three of the six national television channels were part of the government-subsidized RTV Slovenia network. Internet usage is high and unrestricted.

Solomon Islands

Status: Free

Legal Environment: 5

Political Environment: 14

Economic Environment: 11

Total Score: 30

The law provides for protection of free speech and freedom of the press on the Solomon Islands. The media climate has continued to improve since the establishment of the Australian-led RAMSI (Regional Assistance Mission in the Solomon Islands). The pattern of ethnic violence of the previous few years has ended and led to a safer environment for journalists and the media. However, political figures continue to occasionally harass journalists and the country lacks diversity in the media. Health and Medical Services Minister Benjamin Una lambasted the media in Parliament during February after the Solomon Islands Broadcasting Corporation reported a heated exchange with hospital staff in the capital of Honiara after he had been drinking. In April, police ordered an Australian broadcaster acting as an adviser to the SIBC, Sue Ahearn, to leave a room in which Papua New Guinean Prime Minister, Sir Michael Somare, and his delegation were waiting during a flight stopover.

Just one daily newspaper, *Solomon Star*, dominates the media scene, with two weekly papers and two monthly newsletters also published. Low literacy rates mean that broadcasts are heavily relied on for news. The SIBC operates the national public station

Radio Hapi Isles, Wantok FM and the provincial stations Radio Hapi Lagun and Radio Temotu. One private commercial station broadcasts, Paoa FM. There are no television stations, although Australia's state-run ABC Asia Pacific, BBC World and other satellite channels can be received. There were 8,400 reported internet users as of March, 2005. Internet is unrestricted by the government.

Somalia

Status: Not Free

Legal Environment: 26

Political Environment: 33

Economic Environment: 24

Total Score: 83

The Transitional Federal Government (TFG) was intended to oversee disarmament, demobilization, and a reunification of Somalia under a loose federal arrangement, but instead, the central government has collapsed and political rivalries have turned violent leaving the country divided and anarchic. Legislations adopted by the TFG, including the unimplemented constitution, provide for freedom of speech and of the press, but also require all media to register with the ministry of information and impose penalties for false reporting.

Lethal attacks on the press increased in 2005 as the TFG split and clan rivalries sparked violence, especially in Mogadishu, where Kate Peyton, an international correspondent for the *BBC*, was shot dead in February while covering the peace process early in the year. Allegedly, the murder was intended to portray Mogadishu as unsafe and to discourage international support for peace. Domestic Somali journalists have also paid a heavy toll for their coverage of the conflict. In June a radio journalist for *Capital Voice*—a local radio station owned by the *HornAfrik* media company—was shot and killed while covering a protest in Afgoye. Also in June, a reporter with the popular *HornAfrik* radio station was shot and killed while covering the dismantling of a militia checkpoint in Mogadishu. During its annual general assembly meeting in September, two leaders of the National Union of Somali Journalists (NUSOJ) received anonymous death threats. According to NUSOJ, attacks on the press in Somalia originate from all rivaling factions including warlords, regional administrators, independent militias, armed business groups and others.

Due in large part to the weakness of the central government, private media outlets are able to operate freely and some 20 private newspapers, a dozen radio and television stations, and several Internet news sites exist in the country. Photocopied dailies and low-grade radio stations have proliferated in the capital Mogadishu and elsewhere since 1991, but journalists struggle to shake off accusations of bias and cover issues that span the ethnic rivalries. Most of the independent newspapers or newsletters that circulate in Mogadishu are linked to one faction or another and most are dependent upon these factions for protection.

In the two self-proclaimed autonomous regions of Puntland and Somaliland, press freedom is very limited and coverage of political and security issues is particularly

perilous. The Puntland charter provides for freedom of the press, "as long as they respect the law." In April, security forces raided the offices of the Puntland weekly *Shacab* and detained two staff for articles deemed unfairly critical of local authorities. In Somaliland, liberal decrees nominally guaranteeing press freedom do not prevent the local administration from continuing to harass and detain journalists. In March, the Somaliland administration dismissed two reporters working for the state-owned *Radio Hargeisa* on accusation that they were also working for a pro-opposition station based in London.

South Africa

Status: Free

Legal Environment: 7

Political Environment: 11

Economic Environment: 9

Total Score: 27

Freedom of expression and the press, protected in the constitution, is generally respected. Nevertheless, several apartheid-era laws remain in effect that permit authorities to restrict the publication of information about the police, national defense forces, prisons, and mental institutions and to compel journalists to reveal sources. In May, the Johannesburg High Court issued a gag order against an article on the "Oilgate" corruption scandal set to appear in the independent *Mail & Guardian* newspaper. The article—following up on an earlier report alleging the misappropriation of R15 million (about \$2.5 million) by the ruling African National Congress (ANC)—was gagged because the newspaper refused to reveal its sources of information for the story (which was allegedly illegally obtained). The gag order was lifted in June; however, in September, the government issued a subpoena to the *Mail & Guardian's* online host, requiring the M-Web company to deliver records of a bank statement related to "Oilgate," published on the *Mail & Guardian* website.

South Africa features vibrant press freedom advocacy and journalists organizations. A number of private newspapers and magazines are sharply critical of the government, political parties, and other societal actors. In addition, the government continued to reveal a heightened sensitivity to media criticism—including accusing critical journalists of racism and betraying the state—in 2005. In May, then Minerals and Energy Minister Phumzile Mlambo-Ngucka (later appointed Deputy President) proposed introducing legislation compelling journalists and civil society groups to "speak responsibly" on sensitive matters, and to charge violators with incitement; the proposal was forcibly condemned by the Freedom of Expression Institute and the Media Institute of Southern Africa.

Reporters are occasionally subject to threats and harassment, and are sometimes denied forcibly denied access to official proceedings. In May, officials in Limpopo province barred South African Broadcasting Corporation (SABC) journalists from entering the provincial legislature; two weeks earlier, an advisor to Limpopo's premier accosted SABC employees about the broadcaster's coverage of local politicians. In

December, police used force to prevent journalists from *The Star* newspaper from covering former Deputy President Jacob Zuma's rape trial.

For primarily socioeconomic reasons, most South Africans receive the news via radio outlets, a majority of which are owned and controlled by the state broadcaster, the SABC. However, a number of independent community radio stations operate throughout the country, though some stations report difficulty in attaining the appropriate license. The SABC also dominates the television market with three stations; still, the country's two commercial television stations, e.tv and Mnet, are reaching increasing greater proportions of the population. While editorially independent from the government, the SABC has come under fire for displaying pro-government and pro-ANC biases and for encouraging self-censorship. Internet access is unrestricted and growing rapidly, although many South Africans cannot afford the service fee.

South Korea

Status: Free

Legal Environment: 9

Political Environment: 11

Economic Environment: 10

Total Score: 30

President Roh Moo-hyun's tenure as head of the liberal Uri Party government has been marked by disputes with conservative media and allegations that President Roh has acted to suppress media freedom with the passage of two media reform laws in the National Assembly on January 1, 2005. The Act Governing the Guarantee of Freedom and Functions of Newspapers Etc. (also known as the "Newspaper Law") requires all newspapers, including internet sites, to register with the government, and designates newspapers with market share of more than 30 percent, or a combined total of 60 percent for three dailies, as "dominant market players." In the event that a dominant player engages in unfair trade practices, it may be subject to a cease-and-desist order or suffer financial penalties. *Chosun Ilbo* (whose market share exceeds 30 percent) and *Dong-A Ilbo* have challenged the law in Constitutional Court. The Korean Association of Newspapers expressed regret that the Newspaper Law went into effect in 2005 with "problematic" clauses.

A second Law Governing Press Arbitration and Damage Relief (also known as the "Press Arbitration Law") empowers the Press Arbitration Commission to examine infringements by media of the interests of the state and individual citizens; third-party petitions concerning infringements are also permitted in the absence of a direct petition from a victim. Reporters Without Borders has expressed concern that the involvement of third-party participants in the arbitration process poses the danger of a "deluge of applications resulting in an unfair curtailment of media activity." In July, the new powers of the Press Arbitration Commission allowed the Roh administration to appeal for corrections in an editorial piece published about President Roh's coalition government in *Chosun Ilbo*.

Censorship of the media is against the law in South Korea. South Korea has a vibrant and diverse media, with numerous cable, terrestrial and satellite television stations and over 100 daily newspapers across the nation. The South Korean online media is especially vigorous. Most South Koreans have access to the Internet; a significant number of young people get their news exclusively via electronic media.

Spain

Status: Free

Legal Environment: 4

Political Environment: 12

Economic Environment: 5

Total Score: 21

Spain has a free and lively press with more than 100 newspapers that cover a wide range of perspectives and are active in investigating high-level corruption. Daily newspaper ownership is concentrated within large media groups like Prisa and Zeta. The Internet is unrestricted. However, the media runs into difficulties reporting on certain taboo subjects, namely terrorism. The year was dominated by disputes between the media and the government over this subject. Arnaldo Otegi, a spokesman for the banned Basque nationalist party Batasuna, was sentenced to a year in prison for slandering the King of Spain. Otegi, a convicted kidnapper and currently facing charges for defending terrorism, said that the king was “in charge of torturers.” Spain also jailed Tayssir Alouni, a former al-Jazeera journalist, for collaborating with a terrorist organization. Alouni, a Syrian-born Spanish citizen and a former prominent and popular correspondent for the Qatar-based news network, was sentenced in September 2005 to seven years for acting as a financial courier to al-Qaeda. Alouni has denied the charges.

In November 2005, the national court began hearing appeals by journalists of the Basque-language daily *Euskaldunon Egunkaria* who were charged in December 2004 by lower court judge Juan Del Olmo with creating an “illegal association” and some of them with “membership of a terrorist group” as well. In 2003, the newspaper was shut down under suspicion of collaborating with the Basque separatist group Euskadi Ta Askatasuna (ETA, or Basque Fatherland and Freedom). The journalists, who are all free on bail, face prison terms ranging from one to fourteen years. According to Reporters Sans Frontiers, the same judge had the *Egunkaria* group’s accounts frozen and demanded that the company be liquidated. In an interview with RSF, one of the newspaper’s lawyers has stated that “the charges are based solely on the judge’s assumption.” In October 2005, more than sixty members of the Spanish parliament called on the government to drop the entire case against *Egunkaria*. In the past, the ETA has waged a campaign of fear targeted against journalists who oppose its separatist views in the disputed region. There were no known attacks on journalists in the country by the ETA in 2005.

Sri Lanka

Status: Partly Free

Legal Environment: 15

Political Environment: 26

Economic Environment: 17

Total Score: 58

An increasingly unstable ceasefire between government forces and the Liberation Tigers of Tamil Eelam (LTTE) separatist rebel group, coupled with heightened political uncertainty and tensions between the main political parties, led to a worsening of the conditions for Sri Lankan media in 2005. Freedom of expression is provided for in the constitution. Emergency regulations enacted in August following the assassination of the foreign minister allowed the government to bar the publication, distribution, performance, or airing of any print or broadcast material deemed likely to cause public disorder; however, it did not use these provisions during the remainder of the year. The Official Secrets Act (OSA) bars reporting on information designated as “secret”; those convicted of gathering secret information can be subject to 14 years in prison. Although no journalist has ever been charged under the act, in August President Kumaratunga threatened, in front of a gathering of military personnel, to charge senior defense correspondent Iqbal Athas under the OSA. Contempt of court laws have been used in the past to punish reporters who investigate judicial misconduct, but during 2005 authorities generally did not use legal means to harass the media.

The LTTE does not permit free expression in the areas under its control and continues to terrorize a number of Tamil journalists and other critics. Increasing tension and violence during the year, both between the government and LTTE as well as between the LTTE and a breakaway faction led by Colonel Karuna, negatively impacted on journalists’ ability to cover the news freely, particularly in the troubled north and east. A number of journalists and media outlets faced intimidation (including death threats) during the year, two Tamil journalists were killed, and distributors and Tamil media outlets were also attacked. Journalists, particularly those who cover human rights issues or official misconduct, continued to face intimidation and threats from the police and security forces and from government officials; the critical English-language newspaper *Sunday Leader* and its editor Lasantha Wikramatunga were particularly singled out by authorities in this regard during the year. In a growing trend, those perceived as being supportive of Tamil interests have drawn ire from Sinhalese nationalist groups; in May, the Free Media Movement (FMM) received death threats from one such extremist group, while other journalists and media outlets, such as *Sudaroli*, a Tamil-language newspaper based in Colombo, have also been targeted. In several other instances, police or security forces manhandled reporters as they attempted to cover the news. The environment for media workers worsened particularly prior to the November presidential election campaign.

While some journalists, particularly those covering the LTTE-controlled areas, practice self-censorship, a wide array of privately owned newspapers and broadcasters scrutinize government policies and provide diverse views. However, the FMM has noted that state-run media—including Sri Lanka’s largest newspaper chain, two major television stations, and a radio station—have been used by the ruling party for political ends, including pressure on editors and biased election coverage prior to the November

presidential elections. Business and political interests wield some control over content in the form of selective advertising and bribery. Access to the Internet and to foreign broadcasts is not restricted.

Sudan

Status: Not Free

Legal Environment: 27

Political Environment: 32

Economic Environment: 26

Total Score: 85

Despite the lifting on the 1989 state of emergency and the signing of a new, less restrictive constitution, the government continued to severely hinder the ability of media to operate freely. In July 9, President Al Bashir and then vice-president (and former SPLA leader) John Garang signed into a law a new constitution which did not explicitly subordinate press freedom to the imperatives of public order, security, or morality. The following day the state of emergency was lifted, formally ending censorship in Sudan. Nevertheless, in 2005 the government—via the National Security Office—engaged in prepublication censorship, confiscated and banned publications, and detained journalists. As a result, many journalists practice self-censorship. The quasi-official National Press Council (NPC) is responsible for applying the press law and has the power to license and suspend newspapers and journalists; numerous suspensions were enforced in 2005.

There are several daily newspapers and a wide variety of Arabic- and English-language publications. While all of these are subject to scrutiny and harassment, some do criticize the government. Domestic broadcast media are directly controlled by the government and are required to reflect official views, though some foreign programs are available. In spite of license requirements and high costs, satellite usage continued to rise. During the year, authorities cracked down on independent media. After the editor of the daily *Al Wifaq* was arrested on criminal blasphemy charges in May, the NPC suspended the newspaper for three months and fined it about SDD 732,000 (about \$3,200). Later that month, security forces raided the offices of the English-language daily *Khartoum Monitor* and banned the publication of the May 21 issue because of a report and an editorial covering violent riots in the Soba Aradi displaced-peoples camp. On June 12, the *Monitor* was shuttered by the Khartoum High Court for publishing an interview accusing the government of practicing slavery; the ban was revoked in July, following the lifting of the state of emergency. However, in August police prevented the publication of two Arabic-language dailies—*Al Watan* and *Al San*—after raiding the printing press that served both newspapers; while no explanation was given, *Al Watan* editor Tahir Sati attributed the raid to critical reporting of the government's handling of riots following the death of Garang. [In January, *Al Wan* editor Hussein Khogali was released from prison after more than a month of secret detention.] Journalists are often subject to verbal and physical harassment by security forces and other armed groups.

While foreign journalists were allowed to cover events in war-torn Darfur during the year, domestic journalists are prohibited from reporting independently from the

region. Several journalists, including American photographer Bad Clift, were detained for lacking the proper licenses to work in Darfur; however, all were later released. Access to the Internet is not restricted by the government, but is limited by economic and social constraints.

Suriname

Status: Free

Legal Environment: 4

Political Environment: 12

Economic Environment: 7

Total Score: 23

The government of Suriname generally respects freedom of expression and of the press, as provided for in the country's constitution. However, little investigative journalism takes place, and some journalists practice self-censorship on certain issues, particularly drug trafficking and human rights abuses that took place under the Bouterse dictatorship. In December, a judicial ruling increased concerns about self-censorship. In an unprecedented move, a judge ordered the newspaper *De West* to pay the nation's only other daily newspaper, *De Ware Tijd*, as well as to publish a correction and an apology in other media outlets, after *De West* lost a libel suit brought against it by the Currency Board. In addition, the Currency Board asked *De West's* editor to sign a memorandum of understanding that the paper would not publish further stories about the board without prior approval. As a mark of protest against what was perceived as attempted censorship, *De Ware Tijd* refused to publish the retraction, and *De West's* editor declined to sign the memorandum of understanding. The Association of Surinamese Journalists reports that, although the media is much freer than under the Bouterse dictatorship in the 1980s, poor salaries and lack of training for journalists are undermining the profession. There are seven radio stations and a number of community radio stations. Both television stations and one of the radio stations are state-owned. There are no government restrictions on the Internet.

Swaziland

Status: Not Free

Legal Environment: 25

Political Environment: 27

Economic Environment: 25

Total Score: 77

Freedom of expression is severely restricted, especially regarding political issues or matters concerning the royal family. There are no de facto legal protections for journalists and media workers in Swaziland. While a new constitution—enacted in July 2005—

provides for limited freedom of speech, the king may waive these rights at his discretion. The 1938 Sedition and Subversive Activities Act bans publication of any criticism of the monarchy, and self-censorship is widespread, particularly regarding the king's lavish lifestyle. The Proscribed Publications Act (1968) also empowers the government to ban publications if they are deemed "prejudicial or potentially prejudicial to the interests of defense, public safety, public order, public morality, or public health." The law has been used several times in recent years to punish newspapers that criticized or embarrassed the monarchy. Harsh defamation laws are also used to stifle the press; in July, the *Times of Swaziland* was ordered to pay Deputy Prime Minister Albert Shanbangu a staggering fine of approximately \$116,000 for alleging Shanbangu belonged to banned political party in a 2001 article.

The two major newspapers in circulation are the *Times of Swaziland* and the *Swazi Observer*. The Times, founded in 1897, is the oldest newspaper in the kingdom and the only major news source free of government control. Generally, the government withheld its advertising, a crucial source of revenue, from the Times. Despite being owned by a royal conglomerate, the *Swazi Observer* was shut down temporarily in 2002 because its editorial direction was viewed as too liberal; both newspapers criticized government corruption and inefficiency in 2005, but steered clear of taking on the royal family. The government warned against negative news coverage throughout 2005. Prime Minister Absalom Themba Dlamini on several occasions stressed the importance of "positive" media coverage and threatened to monitor the press if it continued to cover the government in a sensationalist manner. In addition, journalists are subject to harassment and assault by both state and non-state actors. In October, *Times of Swaziland* photojournalist Mkhulisi Magongo was threatened with violence and professional retribution by MP Maqhawe Mavuso for covering Mavuso's fraud trial. That same month, reporter Douglas Dlamini was slapped by a local football player. The Swaziland Television Authority is both the state broadcaster and industry regulatory agency and dominates the airwaves. There is one independent radio station, Voice of the Church, which focuses on religious programming. A member of the royal family owns the country's lone private television station. However, broadcast and print media from South Africa are received in the country, and state broadcasters retransmitted VOA and BBC programs without censorship. The government does not restrict Internet-based media, though few Swazis have access.

Sweden

Status: Free

Legal Environment: 2

Political Environment: 4

Economic Environment: 4

Total Score: 10

Sweden's media are independent. Legal protections for press freedom date back to the 1766 Freedom of the Press Act. Sweden has one of the most robust freedom of information laws in the world. According to the BBC, the country's law aims to ensure

that all actions by public authorities which concern the people are open to scrutiny. In spite of repeated demands from and reprisal against Swedish media in Russia, Sweden has refused down the server which hosts the Chechen separatist Web site KavkazCenter. In August 2005 the Norrköpings Tidningar, a daily newspaper, received a note threatening to bomb the newspaper's offices if it did not cease carrying reports about organized crime. Journalists who investigate extreme right-wing groups are sometimes threatened and even physically attacked by neo-Nazi militants. All print media are privately owned, and the government subsidizes daily newspapers regardless of their political affiliation. Media ownership is highly concentrated, particularly under regional media conglomerates Bonnier and Modern Times Group. The Swedish Broadcasting Corporation and the Swedish Television Company broadcast weekly radio and television programs in several immigrant languages. The ethnic press is entitled to the same subsidies as the Swedish-language press. The Internet is unrestricted.

Switzerland

Status: Free

Legal Environment: 3

Political Environment: 3

Economic Environment: 5

Total Score: 11

Swiss media are free from editorial and government interference but operate mainly along linguistic-regional divisions. Media freedom is guaranteed in the constitution, although the penal code prohibits racist or anti-Semitic speech. Government information is available freely to all persons living in the country, including foreign media. In December 2004, parliament adopted a new transparency law providing for public access to government documents, but the law had not been implemented by year's end. The ten Mohammed cartoons published by a Danish newspaper in September 2005 triggered a discussion about freedom of expression and religious freedom. Swiss newspapers published the cartoons.

Broadcast media are dominated by the Swiss Broadcasting Corporation, which operates seven TV networks and eighteen radio stations and is a public service association subject to private law. The corporation is mandated to provide radio and television programs in all four national languages (in order of population size, German, French, Italian, and Romansch) and to promote mutual understanding and exchange among all Swiss communities. It is dependent on the government for financing, although its news reporting is politically neutral. Revenue from licensing fees is distributed from the dominant German-speaking region to the others in order for all to be able to produce their own programming. Some private broadcasters are beginning to emerge but have not significantly challenged the Swiss Broadcasting Corporation. Owing to market forces and the multilingual nature of the country, most private stations are limited to local and regional broadcasts. Nearly all homes are connected to cable networks, which provide access to international commercial stations. Daily newspapers are owned by large multimedia conglomerates, which have steadily pushed smaller publications out of the

market. Ownership is concentrated, and advertising has been declining. Newspaper readership levels are high, while Internet access is open and unrestricted.

Syria

Status: Not Free

Legal Environment: 29

Political Environment: 33

Economic Environment: 22

Total Score: 84

Syria's regime continued to severely restrict press freedom in 2005. Although the constitution provides for freedom of speech and the press, a constellation of repressive laws restrict Syrians' rights to freedom of expression and information. First among them is the Emergency Law, in place without interruption since December 1962. Among its broad provisions, Syria's Emergency Law provides for the censorship of letters, publications, broadcasts, and other forms of communication. The 2001 Press Law sets out sweeping controls on newspapers, magazines, and other periodicals, as well as virtually anything else printed in Syria. Provisions apply to any writer or anyone with the means to print a document. The decree forbids writings on a wide variety of topics, including reports that touch on what authorities consider to be "national security" or "national unity." Neither term is defined. The publication of "falsehoods" and fabricated reports can be punished with up to three years in prison and fines of between US\$10,000 to \$20,000. Articles 286 and 287 of the penal code criminalize spreading news abroad. Decree No. 6 of 1965 criminalizes "publishing news aimed at shaking the people's confidence in the revolution." Other laws criminalize "opposition to the revolution, its goals, or socialism." At the June 2005 conference of the ruling Ba'ath Party, the Ministry of Information announced that it would issue a new press law. It had not been introduced by the end of the year.

Private and party newspapers sometimes published mild criticism of the government. Syria's first independent media union was created in May by journalists and human rights activists hoping to liberalize the media. The union, called Hurriyat (freedom), has been working to get recognition from the state. That same month, authorities confiscated thousands of copies of the business magazine *Al-Mal* for publishing an interview with a prominent Syrian businessman who criticized the government's economic policies. In June, the Ministry of Information cancelled the license of *Al-Mubki*, a satirical newspaper that criticized the government.

Dozens of people who had spoken out against the government or were suspected of opposition to the government were detained throughout the course of the year. On March 15, the Ministry of Information revoked Al-Hurrah correspondent Ammar Mussareh's accreditation because of his coverage of a March 10 protest in Damascus. In the same month, security forces threatened Assif Ibrahim, a journalist for the mouthpiece of the Ba'ath Party, because of an article he had written alleging corruption in a Damascus building project. On May 29, Military Intelligence officers arrested civil society activist Habib Saleh—who had only been released from prison on September 29

after serving a three-year sentence for participating in civil society forums in the spring of 2001—for detailing his prison experiences in open letters and articles published online and for the Lebanese newspaper *An-Nahar*. On June 15, the Arabic Network for Human Rights in Syria reported the disappearance of journalist Anwar Saat Asfari. No further information about his whereabouts was available by the end of the year.

Except for a handful of radio stations that do not broadcast news and do not report on political issues, radio and television outlets are all state owned. Satellite dishes are common and the government made no attempt to interfere with satellite broadcasts. The government censors the Internet and monitors its use, but Syrians employ a range of technical tricks to circumvent censorship and a handful of blocked domestic Syrian Web sites and email lists openly criticize the government.

Taiwan

Status: Free

Legal Environment: 7

Political Environment: 7

Economic Environment: 6

Total Score: 20

A consolidated democracy, Taiwan is known for having one of the freest media environments in East Asia, because of its firm commitment to judicial independence and economic freedom. President Chen Shui-bian and Vice President Lu Hsiu-lien were themselves victims of political repression in the 1980s and have been eager to champion freedom of speech since taking office in 2000. However, in 2005, President Chen's administration was criticized by Reporters Without Borders and the Committee to Protect Journalists for ordering the abrupt closure of cable television news station ETTV-S due to "irresponsible" reporting. In late October, the Government Information Office (GIO) threatened to close the popular television station TVBS, which the GIO asserted was in violation of a law barring foreign ownership of the media. In April, Chen's cabinet spokesman announced a temporary ban on Chinese media outlets Xinhua News Agency and *People's Daily* from posting journalists in Taiwan, because the two media "continuously published unfriendly, biased and distorted or outrageous reports about Taiwan." The banned media are the official mouthpieces of the Chinese Communist Party in Beijing.

The Taiwanese press is "vigorous and active," according to the 2004 human rights report issued by the U.S. State Department in February 2005. Print media are completely independent, but electronic media and broadcast television stations have been subject to government influence through the Government Information Office (GIO)'s authority to regulate programming and the radio and television licensing process. Taiwan has over 350 privately owned newspapers, 150 radio stations, and widespread availability of cable and satellite television. Given that most Taiwanese can access approximately 100 cable television stations, the state's influence on the media is, on balance, minimal. In October 2005, the parliament passed a law establishing the National Communications

Commission (NCC) to replace the GIO in overseeing the operations of the broadcast media. The NCC is an independent body under the Executive Yuan.

Legislation approved in 2003 bars the Government, political parties, and political party officials from owning or running media organizations and led to the establishment of eight new public television channels. Nationalists and Democratic Progressive Party members have given up considerable television and radio holdings. In December 2005, the Nationalist Party divested from its holdings in China Broadcasting Corporation, Chinese Television Company and the China Motion Picture Corporation.

Tajikistan

Status: Not Free

Legal Environment: 24

Political Environment: 28

Economic Environment: 24

Total Score: 76

Tajikistan's media environment registered a slight but perceptible deterioration in 2005, as mounting government attempts to strengthen control eroded constitutional guarantees of free speech. With parliamentary elections looming on February 27, police closed the Kayhon printing company in January, seizing the print run of the independent newspaper *Nerui Sukhan*. Immediately before the elections, the authorities shut down the non-government TV stations *Somoniyon* and *Guli Bodom*. The government kept up the pressure after the elections. *Nerui Sukhan* was briefly allowed to publish in July before its publication was once again suspended. In August, the independent weekly *Ruzi Nav*, which had been effectively shut down in 2004, managed to print 99 copies of one issue. The same month, independent newspaper *Odamu Olam* reappeared in print after an 11-month hiatus. For all practical purposes, the independent press was sidelined in 2005.

Two high-profile cases of jailed journalists dominated the news in 2005. Jumaboy Tolibov, a government official in Sughd Province and journalist, received a two-year jail term after publishing articles critical of a local prosecutor. Tolibov was only freed in December, even though the country's Supreme Court had ordered his release, an order prosecutors initially overruled on dubious legal grounds. Mukhtor Boqizoda, the editor-in-chief of *Nerui Sukhan*, was sentenced to two years of partial wage garnishment for "stealing" electricity for his printing press from a streetlight.

There are numerous print media outlets, private television stations, and radio stations in the country, as well as six government television stations. The government also maintained a near-freeze on the registration of new media outlets. The Justice Ministry registered only one newspaper, *Millat*, which published materials on political issues in 2005. The MOJ registered two new radio stations. In September a second national governmental TV station, Safina, began broadcasting. International media were allowed to operate freely, including rebroadcasts of Russian television and radio programs. The state maintained a strong presence on the media landscape, through direct and indirect ownership, licensing requirements, control of printing facilities, and subsidies. Coverage on state-controlled broadcast media provided a favorable backdrop

to authorities' actions. President Imomali Rakhmonov signed a decree in March ordering officials to hold regular press conferences, but independent observers charged that officials avoided tough questions and used these as forums primarily for touting their own achievements. Internet services are limited and websites with political content experienced attacks by hackers.

Tanzania

Status: Partly Free

Legal Environment: 16

Political Environment: 19

Economic Environment: 15

Total Score: 50

Although the constitution provides for freedom of speech, several other laws limit the ability of media to function effectively. Authorities are empowered to register and ban newspapers under the Newspaper Registration Act “in the interest of peace and good order,” while the Broadcasting Services Act provides for state regulation of the electronic media and the National Security Act allows the government to control the dissemination of information to the public. Libel is a criminal offense, and the threat of exorbitant, politically motivated fines is used to intimidate the media. In late 2003, the government adopted a new information and broadcasting policy that has yet to be fully implemented. Even though it includes provisions protecting press freedom, it fails to put an end to the registration requirement for newspapers and contains broad content restrictions. Lack of access to government and public information is a major problem for the media.

Independent media outlets as well as the state-owned newspaper regularly criticize official policies, although the government occasionally pressures outlets to suppress unfavorable stories. On September 10, journalists with the *Sunday Citizen* were beaten and injured by a group of prison warders after covering an eviction that had been declared off limits by the government. In the run up to the 2005 elections, the major ruling party, Chama Cha Mapinduzi (CCM), was accused of using state-owned media to campaign for its candidates. In December, two newspapers were suspended violating the 1976 Newspaper Act. The Swahili-language paper owned by a member of the opposition, *Tanzania Daima*, was suspended for three days for a publishing a picture and caption that was “injurious” to President Mkapa. The weekly tabloid *Amani* was suspended for 28 days for alleged ethical violations.

The situation in Zanzibar remained restrictive, particularly in the run-up to the 2005 elections. Journalists in Zanzibar must be licensed and the state tightly controls the broadcast media. Locals can receive broadcasts and reports from the mainland. Zanzibar’s first independent private newspaper, *Dira*, remains banned and there are no private broadcasters on the island. There has been a slight improvement in terms of diversity of media outlets, including the licensing of 13 new publications in 2005. However, according to Assah Mwambene, a reporter for the state-owned *Daily News*, most of the newspapers serve as government mouthpieces. Reporters continue to face harassment at the hands of authorities. In June, a leading newspaper columnist, Jabir

Idrissa was banned from working in Zanzibar. He had written a series of columns criticizing the government for human rights violations and bad governance.

Economic liberalization has brought a wide variety of media outlets, including dozens of FM radio stations, 350 registered newspapers, and a dozen television stations. Only four radio stations have a national reach—Radio Tanzania, the privately owned Radio One and Radio Free Africa, and Radio Uhuru—and all are viewed as sympathetic to the ruling party. With most of the population unable to afford the 25 cents to buy a newspaper, radio remains the most popular means of mass communication. There are also reports that the government withholds advertising from critical newspapers and newspapers that report favorably on the opposition. Private firms that are keen to remain in good terms with the government reportedly follow suit, thus making it difficult for critical media outlets to remain financially sustainable. There are no reports of government restriction to Internet access.

Thailand

Status: Partly Free

Legal Environment: 15

Political Environment: 21

Economic Environment: 14

Total Score: 50

Thaksin Shinawatra and his Thai Rak Thai party's landslide reelection in February 2005 rightfully alarmed press freedom and democracy watchdog groups. The year brought the prime minister's escalating intolerance for criticism in the media to new heights with the use of emergency national security laws and several lawsuits and business ties to limit criticism in and increase state control of the Thai press.

The 1997 constitution includes strong protections for freedom of expression, yet several older laws still in force reserve the government's right to restrict the media to preserve national security, public order, and criticism of the royal family and Buddhism. In July 2005, Thaksin took full advantage of such provisions when, in response to mounting violence in the southern provinces, he issued the Executive Decree on Public Administration in Emergency Situations. The decree, passed without parliamentary approval (despite the party's overwhelming parliamentary majority) allows for the prohibition of media considered a threat to national security or to be "distorting the facts." Justified as an improvement upon martial law, the decree was renewed for three months in October. Access to information, also constitutionally guaranteed, has essentially been reversed under Thaksin with the number of disclosures steadily declining as compared to the first four years after the access to information law was passed in 1997. The 1941 Printing Act reserves the government's right to shut down media outlets, but this legislation has typically been reserved for blocking pornographic or separatist content. Government concern about a surge of community radio stations, however, prompted the abrupt cancellation of the popular "Muang Thai Rai Sapda" television program because the show "promoted misunderstanding among the public" and, in

August, the Public Relations Department and police closed down a popular community radio station notoriously critical of the government.

The number of criminal and civil defamation suits filed by government officials or business affiliates against members of the press increased significantly in 2005. Several politically connected corporations filed legal charges to curb critical reporting on their activities and, in certain cases, suspend critical editors and journalists' careers for many years. This tendency was largely encouraged by the landmark criminal defamation suit in July filed against media activist Supinya Klangnarong and three *Thai Post* senior editors (charged with suggesting a conflict of interest between Thaksin's public office and his family's private businesses) by the Shin Corporation, a Thaksin-founded conglomerate mostly owned by his family. Although later pressured to drop them, Thaksin himself filed a series of charges against Sondhi, a prominent journalist and fierce Thaksin critic, for alleging that he was disloyal to the Thai monarch, and against the daily *Manager* for reporting a Buddhist monk's criticism of the government. According to the Committee to Protect Journalists, monetary damages sought in civil cases alone included some of the largest figures ever requested for libel anywhere in the world.

The country's growing culture of legal intimidation as well as a general fear of economic repercussions has sparked a rise in self-censorship and, in certain cases, caused newspaper managers to take punitive action against critical reporters. The murders of two press members who had critically reported on local police and officials mark an additional decline for press freedom in Thailand, where violence against journalists has typically been rare.

Radio and television remain primarily under the control of the state or state-affiliated private businesses; stations are required to renew licenses annually and to feature government-produced newscasts daily. Media ownership became even more problematic toward the end of the year with the prime minister's use of business cronies to purchase greater shares in or orchestrate financial takeovers of media organizations. Examples include the secretary general of the Thai Rak Thai Party's increased family stakes in the Nation Group (the independent media company) and GMM Grammy's controlling stakes in *Matichon* and the publishing company of the *Bangkok Post*. The National Broadcast Commission, established in October 2005 to redistribute the country's frequencies from the state to the private sector as constitutionally mandated, was nullified just a month later for irregularities in its selection process. The government has censored the Internet since 2003 and has successfully blocked more than four thousand websites; since violence erupted in the south, it has ramped up efforts to block sites considered a threat to national security including those of Muslim separatist groups.

Togo

Status: Not Free

Legal Environment: 23

Political Environment: 34

Economic Environment: 21

Total Score: 78

Freedom of speech is legally guarded in Togo both by the constitution and a Press Code adopted in 2004. However, in February of 2005 President Gnassingbé Eyadéma, Africa's longest ruling dictator, died and the political upheaval that immediately followed made a mockery of these laws. President Eyadéma had himself been listed in 2002 as one of Reporters Without Borders' Predators of the Press leading to a wave of optimism among reporters following his death. This hope was put to rest when Eyadéma's son, Faure Gnassingbé was installed by the military as head of state in an unconstitutional coup. The modest progress that his father had made on free speech was one of the first casualties of the new regime.

By mid February, seven private media outlets including four radio stations and three television channels were censored by security forces working for the HAAC—Togo's media regulation body which has traditionally resided in the breast pocket of the government—for allegedly provoking 'civil disobedience and racial hatred' on the air and for unpaid broadcasting fees. Three of these stations, including *Kanal FM*, were suspended for as long as two weeks. On February 10, broadcasting equipment was stolen from Radio Lumiere by the military, forcing them to close through the year's end.

Bowing to international and regional pressure, Gnassingbé agreed to prepare the country for a Presidential election on April 24. In preparation, the HAAC issued a statement in early April forbidding the coverage of the election campaign by private broadcasters. Under this new decree *Kanal FM* was again forcibly shut due to a program it aired entitled "Autopsy of an Electoral Campaign." All internet access, telephone networks and broadcast transmission were cut on Election Day and remained obstructed in subsequent months. Faure Gnassingbé won the election amidst allegations of fraud and political violence that, according to a UN report, left between 400 and 500 people dead, caused 40,000 people to flee the country, and resulted in mob attacks on both pro-opposition and pro-government media outlets.

The international press did not escape the new government's media suppression tactics. In early February *Radio France Internationale's (RFI)* FM broadcasts were cut in response to programs that the government considered to be "calling for revolution and destabilization" while one of *RFI's* France-based reporters was denied a visa to enter the country. The ban on *RFI* was only lifted in November on the opening day of an international media summit held in Lomé.

By the year's end, tension between the new government and private media outlets had abated but not disappeared. Gnassingbé made promises to continue political reforms begun by his father during negotiations with the EU to lift trade sanctions. As part of these reforms the government has agreed to institute a financial aid program for the private media including tax relief for media suppliers. Many private journalists remain skeptical about the intentions behind this proposed funding and fear that it is simply another way in which the government intends to control content. In September, Philippe Evegno, a publisher for an independent opposition magazine, was appointed as the new head of the HAAC—Togo's first ever press representative in the media regulatory body. Nonetheless, it remains to be seen how much impact Evegno can have with eight of the nine member of the HAAC still loyal to the executive. In October, Jean-Baptiste Dzilan, an editor of a weekly opposition paper, was brutally beaten. In response, over 100 journalists, and rights activists demonstrated in front of the office of the communication minister without government reprisal. Marginal improvements have been registered at

year's end but it has yet to be seen whether Gnassingbé will distinguish himself from his father's 37 year legacy of oppression.

Tonga

Status: Partly Free

Legal Environment: 10

Political Environment: 11

Economic Environment: 11

Total Score: 32

Tonga's media freedom climate improved significantly during the year following a Nuku'alofa Supreme Court ruling late in 2004 that reinstated the press freedom clause of the constitution and invalidated the controversial 2003 media operators and newspaper acts. Two publications, *Taimi 'o Tonga* and *Ko'e Kele'a*, had faced persistent harassment. The political demise of a former Police Minister, Clive Edwards, who had frequent clashes with news media, contributed to a more liberal climate for the news media. A long-standing ban on a New Zealand-based Pacific affairs journalist and author, Michael Field, was lifted in May. Also, an international media conference in November led to a more relaxed atmosphere for media and journalists. The government was reluctant to provoke negative publicity in the months before the conference and there is a growing mood in favor of democracy in this authoritarian but constitutional Pacific monarchy. However, in August there were allegations that a monopoly power company partially owned by the crown prince interfered with a planned broadcast covering a nationwide civil servants strike and made threats to the airing station if they continued broadcasting antigovernment views.

Tonga has a remarkably diverse range of media considering the nation's small population and economy. Besides the *Taimi 'o Tonga*, the largest circulation of the country's private newspapers, which now has editions in Australia, the United States and New Zealand, other publications include the weekly government newspaper *Tonga Chronicle* and the independent monthly magazine and news website *Matangi Tonga*. The state-owned Tongan Broadcasting Commission owns one AM and one FM station and the free-to-air Television Tonga station. There are also two privately owned TV stations and three private radio stations. There are 3,000 reported internet users as of September, 2005 and the internet is open and unrestricted.

Trinidad and Tobago

Status: Free

Legal Environment: 6

Political Environment: 12

Economic Environment: 8

Total Score: 26

Freedom of the press is enshrined in the constitution, and the media are generally free to express independent views, even if they are highly critical of the government. A major issue of contention was the government's release of a draft national broadcasting code, designed to deter talk-radio stations from aggravating simmering ethnic tensions. In addition, the process of licensing and assigning frequencies was a source of friction on several occasions. In February, the CCN TV6 television station publicly complained about the lack of transparency in the Telecommunications Authority's decision to turn down its applications for additional frequencies. In September, the Telecommunications Authority blocked the launch of a new cable television station, CNC3, citing a breach of the licensing process. National newspapers, the Trinidad and Tobago Publishers and Broadcasters Association, and the Association of Caribbean Media Workers, all criticized the draft code, saying it restricted freedom of speech. There were also protests against a series of alleged assaults on journalists by police officers, although the incidents appeared to stem from pressures on the police as they faced an increase in crime, rather than a pre-determined policy against journalists.

There are three daily newspapers and three political weeklies. The three television stations and over 30 radio stations are all privately owned. The state-owned National Broadcasting Network closed down in mid-January after 48 years on the air. A new state-owned company, the Caribbean News Media Network, which will operate a television station and radio frequencies, was expected to launch during 2005, but it was not until October that the government announced to parliament that it had at last allocated money for the purchase of broadcasting equipment. There are no government restrictions on the Internet.

Tunisia

Status: Not Free

Legal Environment: 28

Political Environment: 31

Economic Environment: 24

Total Score: 83

Tunisia's constitutional guarantees and public pronouncements of freedom of the press are a sham, as the state tightly controls all forms of public expression and severely punishes those who do not toe the government line. Ever since President Zine al-Abidine Ben Ali took power in 1987, the few brave journalists and dissidents who have crossed his government have been imprisoned, beaten, harassed, threatened, or removed from their jobs. The press law criminalizes defamation and those who violate it can be imprisoned and fined. Local and foreign publications must be vetted by authorities before distribution, and publications carrying material critical of the authorities can be summarily barred. The Tunisian judiciary is not independent.

According to the New York-based Committee to Protect Journalists, three journalists went on hunger strikes over the course of the year. Hamadi Jebali, who, until his 1991 imprisonment was the editor of the Islamist Al-Nahda party weekly *Al-Fajr*,

went on a hunger strike twice this year. The journalist was sentenced to 16 years in prison in 1991 for “defamation” and “belonging to an illegal organization plotting to change the nature of the state.” His first hunger strike was in April in response to being held in solitary confinement. After he was moved out of solitary confinement, he began another hunger strike that lasted over a month to protest prison conditions. Abdallah Zouari, another former *Al-Fajr* journalist, went on hunger strikes in February and September to protest the authorities’ control of his movements since his 2002 release from prison. He is currently confined to a city several hundred miles away from his family and is denied access to public Internet cafes. Lotfi Hajji, head of the independent Tunisian Journalists Syndicate (SJT), began a hunger strike in October along with other activists to protest continued denial of political freedoms by authorities. Tunisian police have on more than one occasion this year summoned Hajji for questioning for the SJT’s work, and authorities have not permitted the SJT to continue its activities. Hajji has also been denied accreditation to work as Al-Jazeera’s correspondent in Tunisia.

Ironically, Tunisia, which tightly monitors the Internet and has history of punishing those who have criticized the regime on the web, hosted the United Nations–sponsored World Summit on the Information Society, which was a gathering aimed at establishing international regulations for the Internet. Even though world attention was on Tunisia, authorities did not change their modus operandi. A French journalist working for the daily *Libération*, Christophe Boltanski, said that he was beaten, stabbed, and robbed near his Tunis hotel. The reporter had written a piece about abuses against human rights activists by government agents before he was assaulted. When Ambeyi Ligabo, special rapporteur on the promotion and protection of the right to freedom of opinion and expression for UN Commission on Human Rights criticized Tunisia’s record with regard to press freedom in October, his findings were dismissed by Tunisian authorities, who claimed that Tunisians are not imprisoned for expressing their opinions.

When independent voices are critical of Tunisian authorities on the Internet or in foreign publications, they are likely to be the victims of smear campaigns in the pro-government publications. In 2005, both Sihem Bensedrine, a human rights activist and independent journalist who runs the website Kalima, and M’hamed Krichene, an anchor at Al-Jazeera, were on the receiving end of a campaign of character assassination in the local press because of their public criticisms of the regime.

Tunisia’s print media consists of several private pro-government and government-owned newspapers. Editors of the private media are close associates of Ben Ali’s government and typically heap praise on the leadership and its policies. A few small independent newspapers continue to publish under the difficult conditions but their circulation is small due to financial constraints.

Turkey

Status: Partly Free

Legal Environment: 17

Political Environment: 20

Economic Environment: 11

Total Score: 48

Constitutional provisions for freedom of the press and of expression are only partially upheld. Although many positive reforms have been passed in recent years in preparation for membership in the European Union—most significantly a new press code in 2004, which mandates heavy fines instead of prison sentences for some press crimes, permits noncitizens to own periodicals and serve as editors, protects against disclosure of sources, and prevents authorities from closing publications or hindering distribution—implementation appeared to lag in 2005 in favor of more restrictive measures. The revised penal code passed in September 2004 was scheduled to enter into force on April 1, 2005. However, implementation was delayed in response to protests by journalists in March over provisions that were too broad and that singled out journalists for more severe punishment than others committing the same crime. The code ultimately went into force in June after some revisions. Press groups continued to denounce the new code because provisions remained that could send journalists to prison, in contradiction of the 2004 press code, for crimes such as stating that genocide was committed against the Armenians in 1915, instigating hatred in one part of the population against another (used against journalists who write about the Kurdish population), or calling for the removal of Turkish troops from Cyprus. Media also can face large fines. Today, prosecutions and, in particular, convictions are less common than previously, but still can drag on for months. Rights groups estimated sixty Turkish writers, publishers, and journalists were facing prosecution or incarceration in 2005. In 2005, an Austrian journalist who has covered the cases of political prisoners was temporarily jailed for belonging to a terrorist organization that she had often reported on; she was ultimately acquitted for lack of evidence. Prime Minister Erdogan launched defamation suits against several members of the media in 2005, including cartoonists who depicted him. Most prominently, Orhan Pamuk, an internationally renowned Turkish author, went before a court in December 2005 for comments he made to a Swiss newspaper earlier in the year; the judge postponed the trial until 2006. Pamuk's views on the mass killings of Armenians by Turks in 1915 have resulted in death threats and protests against him.

The Supreme Council of Radio and Television (RTUK), whose members are elected by the parliament, has the authority to sanction broadcasters if they are not in compliance with the law or its expansive broadcasting principles. It is frequently subject to political pressure. Censorship is not explicit, but self-censorship occurs among editors and journalists, who are concerned about violating the many legal restrictions. Nevertheless, independent domestic and foreign print media provide diverse views, including criticism of the government and its policies. Turkey's broadcast media are well developed, with hundreds of private television channels, including cable and satellite, as well as commercial radio stations. State television and radio provide limited broadcasting in minority languages, including Kurdish. This is a major step forward for freedom of expression, although critics say that the broadcasts are too restricted and quality is poor. Media are highly concentrated in a few private conglomerates, which subtly pressure their editors and journalists to refrain from reporting that will harm their business interests. This could include avoiding criticism of the government or potential advertisers, both of whom could have contracts with other arms of the companies. The

quality of the Turkish media is low. The government does not restrict the Internet beyond the same censorship policies that apply to other media.

Turkmenistan

Status: Not Free

Legal Environment: 30

Political Environment: 37

Economic Environment: 29

Total Score: 96

Turkmenistan experienced no significant changes in 2005, maintaining one of the most repressive media environments in the world. The keynote of Turkmenistan's media environment in 2005 remained the same as in previous years—an exercise in near-total control in order to glorify a single individual and isolate an entire nation. The state continued to control all domestic media, using them to paint an idealized picture of life in Turkmenistan and further the personality cult of President Saparmurat Niyazov. Any news that might mar this idyll went unreported. The only exceptions to this rule came with the personal approval of the head of state, as was the case when the president ordered journalists to report on lagging progress on harvesting the cotton crop. Similarly, the president himself was virtually the sole source of critical information in state-controlled newspapers and television, which he used to explain and justify frequent personnel shakeups. State-controlled media provided extremely limited reporting on important international and regional events 2005, such as the ouster of Kyrgyz President Askar Akayev and violent unrest in Uzbekistan.

Viktor Panov, a correspondent for Russia's RIA-Novosti, was detained and deported on allegations of spying in March. Russia's *Radio Mayak*, which was taken off the air in 2004, remained off the air in 2005. In April, Niyazov reportedly ordered the closure of libraries and forbid the import and dissemination of foreign publications, further limiting access to information. A Turkmen exile site reported in June, however, that subscriptions to Russian periodicals theoretically remained possible, although they could only be purchased with difficult-to-obtain hard currency and at arbitrarily announced times. Satellite dishes remained available to citizens who could afford them. State television rebroadcast some Russian entertainment programming.

Turkmen opposition groups in exile maintain a number of web sites that are harshly critical of Niyazov's regime and provide original and translated materials in Turkmen and Russian. It is unclear whether these are at all accessible from within Turkmenistan, where the government controls and monitors the Internet, although some reports indicate that individual access can be arranged for payment.

Tuvalu

Status: Free

Legal Environment: 3
Political Environment: 11
Economic Environment: 12
Total Score: 26

While freedom of the press is guaranteed in the constitution, government regulation of print and broadcast content, and a monopoly on the small media market occasionally limit these rights in practice. The Tuvalu Media Corporation (TMC), established in 1999, is a public corporation that receives a majority of its funding from the government and is chaired by the secretary to government. There is no independent media and the TMC controls the country's only newspaper and radio station, censoring content considered to be in opposition to the government. Local broadcast news is limited, but BBC programs are rebroadcast and international television broadcasts are available by satellite. The Tuvaluan government continues to profit from selling its Internet suffix ".tv" to a California company, which in turn, has allowed the government to invest in building roads and schools and funded its United Nations membership.

Uganda

Status: Partly Free
Legal Environment: 19
Political Environment: 20
Economic Environment: 13
Total Score: 52

Although the constitution provides for freedom of expression, laws enacted in the name of national security, along with the harassment of journalists who cover "sensitive" issues such as the country's civil war, and the arrest of opposition leader Kizza Besigye, have negated the constitutional provisions in practice. Several statutes require journalists to be licensed and meet certain standards, and a sedition law remains in force and has been used to prosecute journalists.

While the Ugandan press is widely reputed to be independent, the atmosphere for journalists has worsened considerably in the run up to the February 2006 elections, leading to concerns of a chilling effect among independent media. At least three journalists are currently facing serious criminal charges for their reporting. In addition, the president has on several occasions instructed the media not to comment on matters of public interest. After the controversial arrest of opposition leader and presidential candidate Kizza Besigye on November 14, President Museveni banned privately owned radio stations from commenting on or debating Besigye's upcoming trials for treason and rape charges. In August, talk show host Andrew Mwenda was arrested and charged with several criminal violations including sedition and "promoting sectarianism" in connection with a call-in show on privately owned KFM radio that discussed the helicopter crash that killed southern Sudanese leader John Garang. The arrest occurred days after President Museveni ordered the media not to speculate on the cause of the crash. KFM station was also shut down for a week as a result of Mwenda's remarks. The government defended its

actions by stating that Mwenda's actions "compromised national and regional security" and could have "sparked a genocide." Mwenda's case is currently awaiting a decision by the Constitutional Court, after he challenged the constitutionality of the sedition law on the grounds that it violates freedom of expression.

In November, the privately owned newspaper *Daily Monitor* had its premises raided after publishing an advertisement appealing for donations for the legal defense of Besigye. The paper, a frequent target of harassment by the government, had earlier been threatened with closure after publishing a report on the president's first choice for the head of the armed forces. On December 13, editor James Tumusiime and reporter Semujju Ibrahim Nganda of the privately owned *Weekly Observer* were arrested and charged with "promoting sectarianism" after Nganda wrote a report stating that the opposition Forum for Democratic Change (FDC) had accused President Museveni and three top military officials of persecuting Besigye on ethnic grounds. No trial date has been set, but the two face up to five years in prison. In January, Mohammed Abdullah Ould Memmine, a special envoy for the Arabic-language Iranian television news station Al-Alam, was arrested and detained when he tried enter Uganda to cover then Iranian President Khatami's visit. Media organizations believe that prejudice against Arabs may be the motivation for his arrest.

Independent media outlets, including more than two dozen daily and weekly newspapers as well as about 100 private radio and television stations, have mushroomed since the government loosened control in 1993, and they are often highly critical of the government and offer a range of opposition views. High annual licensing fees for radio and television stations place some financial restraints on the broadcast media. The state broadcasters including Radio Uganda, the only national radio station, wield considerable clout and are generally viewed as sympathetic to the government. There is no restriction to Internet access.

Ukraine

Status: Partly Free

Legal Environment: 13

Political Environment: 19

Economic Environment: 21

Total Score: 53

Immediately following the Orange Revolution late in 2004, newly elected Ukrainian president Viktor Yushchenko promised to cease state manipulation of the media and to promote freedom of the press. At the beginning of 2005, optimism about greater media freedom was high and, throughout the year, Ukraine's media environment was lauded as a bright spot for the government and more independent and balanced in its coverage than under previous administrations. An overall decrease in political interference with the press and several important advancements occurred in 2005. Nonetheless, progress was incremental and various violations of media rights in Ukraine must still be ceased.

Ukraine's legal framework, considered satisfactory and moving towards international standards, includes a constitution that provides for freedom of speech and

the press, and other laws that guarantee citizens' access to information and protect the professional activities of journalists. A new decree governing website registration was put forward by Ukraine's Ministry of Transport and Communication and effected in May 2005, however, which both required an administrator to regulate the registration of websites and prohibited Internet posts that call for a violent change of government, damage an individual's honor or reputation, or include foul language and pornography. The decree, criticized by international media watchdog organizations vague and restrictive of freedom of speech, was then rescinded by the Ministry of Transport and Communication a few months later, in October. At the end of 2005 groups such as the International Federation of Journalists and the Independent Media Trade Union of Ukraine protested against the current Ukrainian law governing the March 2006 parliamentary elections, which they said could stifle and threaten the media because it contained articles requiring journalists to report on political candidates equally and without commentary, as well as permitting the closure of media outlets without court order in some circumstances (e.g., if false information about a party is knowingly disseminated).

The harassment and abuse of journalists for reporting on stories sensitive to government officials has not completely ended, as evidenced by the attack on *Oberih* editor Mykhailo Kucherak in Pereyaslav-Khmelnyski in May for publishing articles about the mayor's alleged embezzlement of funds and an opposition party members links with organized crime, or the beating of Kanal 34 journalist Natalia Vlassova in Dnipropetrovsk in October for investigating corruption within the regional branch of the Batkivschina Party. The reporting of the celebrity magazine *Paparazzi* on President Yushchenko's teenage son's extravagant spending habits also caused a stir when President Yushchenko himself admonished the reporter during a press conference.

President Yushchenko promised to make the high-profile case of murdered journalist Heorhiy Gongadze a priority of his administration, and quickly announced three months into his presidency, on March 1, that Gongadze's killers had been identified and the murder had been solved. Three policemen—Valery Kostenko, Mikola Protsov, and Oleksandr Popovych—were eventually accused by the prosecutor general's office and arrested for kidnapping Gongadze outside his home and murdering him by strangulation, while an international arrest warrant was put out for a fourth suspect who fled the country, senior police official General Olexi Pukach. Meanwhile, an unidentified assailant threw a hand grenade at one key witness in the case, Yuri Nesterov, while another key witness, former minister of internal affairs Yuri Kravchenko, was found dead next to a suicide note. The death is considered suspicious because of the two bullets in Kravchenko's temple. In September, an inquiry by a Ukrainian parliamentary commission accused former President Leonid Kuchma and other high-level officials of ordering Gongadze's murder, but, besides the questioning of the former president, no action has been taken based on the findings of the commission, which has no judicial authority. Myroslava Gongadze, the victim's wife, also filed a complaint with the European Court of Human Rights in Strasbourg (despite a settlement of 100,000 euros offered by President Yushchenko in exchange for withdrawing the claim) and, in November, the court condemned the Ukrainian authorities for having "failed to protect the life of the applicant's husband," treating Ms. Gongadze in a degrading manner and denying her right to an effective remedy, and ordered the Ukrainian government to pay

her 100,000 euros in damage. The court proceedings of the three arrested police officers were set to begin at the end of 2005.

With hundreds of both state and private television and radio stations, as well as numerous print and electronic news outlets, Ukraine's media remains diverse. Radio Free Europe has resumed its broadcasting after being shut down in the Ukraine by President Kuchma in 2004. However, because many major media outlets are owned by oligarchs and individuals with close ties to the government, coverage can often be slanted or pursue specific economic or political interests. Additionally, Ukraine's distribution system remains problematic and dependent on the national postal service. After the Orange Revolution, more printing facilities are available as more publishers are establishing their own presses. The government did not restrict access to the Internet, but it had the ability to monitor all Internet publications and email.

United Arab Emirates

Status: Not Free

Legal Environment: 23

Political Environment: 22

Economic Environment: 20

Total Score: 65

The constitution provides for freedom of the press, but the government restricts this right in practice. Though there are laws that prohibit criticism of the government, ruling families, and friendly governments, as well as other statements considered a threat to social or economic stability, and violators are subject to imprisonment, they are rarely enforced. The Ministry of Information licenses all publications and must approve the appointment of editors.

On June 15, Bassma al-Jandali, a reporter for Gulf News, was briefly at the Dubai airport in connection with an article she had written in February that police in the neighboring Sharjah emirate charged might have interfered with their investigation into an assault. After interceding to have her released, Minister of the Interior Sheikh Seif Zayed al-Nahyan ordered police to draft special guidelines for dealing with complaints against the press. In January 2005, Minister of Information Sheikh Abd-Allah bin Zayed al-Nayhan called for a law guaranteeing free access to information.

Though the leading private print media outlets frequently publish government statements without criticism or comment, they have also become bolder in criticizing government performance and even the system of government. While the main pan-Arab dailies are available and uncensored, other foreign newspapers, magazines, and periodicals are vetted by censors at the Ministry of Information. Within Dubai's free media zone, established in 2001 to draw foreign investment, few restrictions are imposed on print and broadcast media meant primarily for foreign audiences. Though domestic broadcast media are almost entirely state owned and offer only official viewpoints, satellite dishes are common, and international broadcasts are not explicitly censored. Internet access is widespread, although access is provided via a state-owned monopoly

that censors sites pertaining to pornography, gambling, religious conversion, dating, gays and lesbians, and illegal drugs.

United Kingdom

Status: Free

Legal Environment: 5

Political Environment: 7

Economic Environment: 7

Total Score: 19

The law provides for freedom of the press, and the government generally respects this right in practice. Nonetheless, in the aftermath of the July London bombings the government proposed a new Terrorism Bill, which, among other things, includes provisions for the criminalization of forms of free speech considered by the government to be ‘encouragements of terrorism’ even without proof of a direct link to a terrorist act. In addition, stringent libel laws remain in effect in the UK under which the burden of proof remains with the defending publisher—in other words guilty until proven innocent. Coupled with a judiciary that has traditionally taken a sympathetic stance towards libel claimants, this poses a threat to press freedom in the UK due to its encouragement of self-censorship. In 2005, the European Court of Human Rights ruled in favor of the plaintiff in a libel suit originally brought by McDonalds against two British campaigners who had criticized McDonalds’ social and environmental practices. The Court’s decision that the libel suit had violated the campaigners’ right to freedom of expression came after more than nine years spent in court proceedings in Britain and a British High Court ruling in favor of McDonalds.

In Northern Ireland journalists routinely face intimidation especially while investigating sensitive political issues. In 2005, *The Sunday World* was subject to paramilitary violence for reports that it published on the lavish lifestyle of certain Protestant armed groups. Investigations into the 2001 politically motivated murder of investigative journalist Martin O’Hagan have produced few results with eight separate suspects having been arrested and released due to a lack of evidence. It is believed that O’Hagan was killed for his investigations into the cooperation between Northern Irish police, military intelligence, armed groups and drug gangs.

The British media are free and largely independent from government interference. The United Kingdom has a strong tradition of public broadcasting, and the British Broadcasting Corporation (BBC), although funded by the government, is editorially independent. Ownership of independent media outlets is concentrated in the hands of a few large companies, including those headed by Rupert Murdoch, and many of the private national papers remain aligned with political parties. Authorities may monitor Internet messages and e-mail without judicial permission in the name of national security and “well being.”

United States

Status: Free

Legal Environment: 6

Political Environment: 6

Economic Environment: 4

Total Score: 16

The United States continued to grapple with the question of the right of legal authorities to compel journalists to reveal confidential sources or provide access to research material in the course of criminal investigations. At the same time, the administration of President George W. Bush was criticized for having violated federal law by providing grants to journalists in return for favorable coverage of domestic policy initiatives.

Freedom of the press has long been a core value of America's democratic system. Both the U.S. Constitution and laws adopted by individual states protect journalistic freedom. Through the years, a series of decisions by the Supreme Court have reinforced press freedom and expanded the reach of free expression. Of particular importance are judicial decisions that have made it difficult for public officials to bring libel suits against journalists. In addition, the standard for bringing prosecution against a publication or website for hate speech is much higher in the United States than in Europe or other societies. Reporters who have sought information from government officials have usually won the support of the courts, especially at the federal level. After September 11, 2001, the legal environment shifted somewhat when the administration increased the volume of classified information. Nonetheless, the press and civil liberties organizations have obtained access to a number of government documents in covering stories about the abuse of detained terrorism suspects, counterterrorism policy, and Iraq war strategy. In 2005, the *New York Times* obtained a number of sensitive internal government memos in preparing a series of exposes about the administration's program of eavesdropping without warrants on telephone and Internet messages between terrorist suspects in the United States and their contacts abroad. Likewise, the *Washington Post* published articles claiming that the United States government operated a series of secret prisons in foreign countries where terrorism suspects were detained. The charges created a furor in Europe, since several of the secret prisons were said to be located in European countries.

During 2005, the controversy over demands by prosecutors that reporters turn over their notes or audio tapes in the course of criminal cases came to a boil with the jailing of Judith Miller, a *New York Times* reporter. Miller had refused to testify before a federal grand jury in a case involving the possibly illegal leaking of the identity of a Central Intelligence Agency employee, Valerie Plame Wilson (usually referred to as Valerie Plame). Plame's identity as a CIA analyst was allegedly leaked to the press by administration officials after her husband, diplomat Joseph Wilson, wrote an article critical of the Bush administration's policy toward Iraq's weapons program. Under U.S. law, it is illegal to reveal the name of a covert intelligence agent, and the special prosecutor appointed to investigate the case demanded that several reporters, who were at best tangentially involved in the story, testify as to their sources. Miller, who was not covering the story about Ms. Plame, served eighty-five days in jail before agreeing to testify after being released from a confidentiality agreement by her source, Lewis

“Scooter” Libby, chief of staff to Vice President Dick Cheney. In the same case, a *Time* magazine correspondent, Matthew Cooper, was threatened with jail time for initially refusing to testify about his source. He eventually testified after his source, Libby, granted him a waiver. Libby was subsequently indicted by the grand jury, although not on the charge of leaking Plame’s CIA connection but rather for lying before a grand jury.

The Miller case provoked members of Congress to propose legislation that would shield reporters from being compelled to reveal confidential sources. Although there was considerable bipartisan support for the legislation, little progress towards adoption was made. Thirty-two states have enacted “shield laws” that grant journalists the right to withhold information in some instances in cases at the state level. The debate over the need for protection of journalists from prosecution intensified after a federal judge held Walter Pincus, a reporter for the *Washington Post*, in contempt for refusing to reveal his sources in a lawsuit brought against the government by Wen Ho Lee. Lee is a former nuclear scientist who was charged with espionage, a case that was later dropped. Lee accused government officials of leaking his personnel files to the press. Four other reporters were also cited for contempt in the Lee case.

Media coverage of political affairs is aggressive and often polarized. The press itself is often a source of controversy, with conservatives and supporters of the Bush administration accusing the media of anti-administration bias and liberals accusing the press of timidity in coverage of administration misdeeds. One such episode involved coverage of Hurricane Katrina, a storm that devastated the city of New Orleans and sections of several southern states. Initial press accounts were sharply critical of the administration’s response, and spoke of widespread crime, looting, and mayhem in New Orleans. It later turned out that many of the more lurid stories were exaggerated or based on false information.

The Bush administration drew sharp criticism for having paid several political commentators who supported certain domestic policy initiatives through grants from agencies of the federal government. A report by federal auditors said the administration had disseminated “covert propaganda” by paying columnist Armstrong Williams through grants from the Department of Education for columns that praised Bush’s education policies. It was also revealed that the Department of Defense had hired a public relations firm to place stories with media outlets in Iraq that were written by U.S. military officers and depicted conditions in the country in a favorable light.

In another ideologically tinged controversy, the chairman of the Corporation for Public Broadcasting (CPB) stepped down amid charges that he had attempted to politicize the agency. A report by the CPB’s inspector general charged that the former chairman, Kenneth Tomlinson, had violated the agency’s code of nonpartisanship through personnel and program decisions. Specifically, the inspector general’s report charged that Tomlinson had steered a conservative-oriented talk show on to the CPB’s schedule and had used a political test in the hiring of a former Republican Party official as the agency’s president. Tomlinson, in response, claimed that he was simply attempting to restore political balance to the agency’s programming decisions. Under U.S. law, radio and television airwaves are considered public property and are leased to private stations, which determine content. The Federal Communications Commission (FCC) is charged with administering licenses and reviewing content to ensure that it complies with federal

limits on indecent or offensive materials. On several occasions, the FCC has issued fines against radio and television outlets for what the agency deemed acts of indecency.

Media concentration is an ongoing concern in the United States. This controversy has intensified in recent years following the purchase of media entities, especially television networks, by large corporations with no previous experience in journalism. At the same time, diversity of the U.S. media has substantially expanded with the mushrooming of cable television and, especially, the Internet. The number and influence of Internet sites and blogs has greatly expanded in recent years, and blogs have proved an important source of information in certain political controversies. Blogs devoted to public policy questions often lean to the highly partisan, and while their proliferation adds to the richness of press diversity, it also contributes to ideological polarization.

Uruguay

Status: Free

Legal Environment: 8

Political Environment: 9

Economic Environment: 11

Total Score: 28

The Uruguayan Constitution guarantees free expression and freedom of the press and these principles are generally enforced. The new government of President Tabaré Vázquez has respected these guarantees, although members of his administration have verbally harassed some journalists and media outlets. Press freedom continues to be hampered by laws that define defamation, contempt, and libel as offenses punishable by up to three years' imprisonment. In 2005, several reporters and media outlets were criminally prosecuted by lower court judges, but higher courts have overturned most of these rulings, establishing stronger legal grounds for a free press.

Journalists are able to cover the news freely, although several of them were subjected to intimidation and violence. On October 17, reporter Marcelo Borrat was abducted, beaten, and threatened with death by unidentified assailants. The journalist had been investigating irregularities in the public health system. Uruguayans have access to a wide range of political views, but some media outlets have imposed restrictions on journalists' independence. On May 13, the private TV station Channel 12 took off the air the weekly program hosted by Argentinean journalist Jorge Lanata. Although the station claims that the decision was exclusively economic, the Uruguayan Press Association denounced the case as political censorship. Advertising is often used by the government to either reward or punish media outlets. There are no government restrictions on the Internet.

Uzbekistan

Status: Not Free

Legal Environment: 28

Political Environment: 37
Economic Environment: 25
Total Score: 90

Although the law provides for freedom of speech and the press, the government generally did not respect these rights in practice. The law limits criticism of the president, and public insult to the president is a crime punishable by up to five years in prison. Citizens did not criticize the president or the government on television or in the press. The law also specifically prohibits articles that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order.

In 2005, after a bout of domestic unrest, Uzbekistan began an unprecedented attack on Western-funded media. The unrest began on the night of May 12, when armed men seized a prison in Andijon, freed inmates, and took over a government building in the city center. On May 13, several thousand residents gathered in the city center for a demonstration to protest social and economic problems. The government used massive force to quell the protest and retake the city. Eyewitness accounts of independent journalists and international organizations indicated the indiscriminate use of force killed hundreds. The government claimed a death toll of 187 in a clash with religious extremists and took harsh action against any media outlet that contradicted the official version of events. President Islam Karimov set the tone in the wake of Andijon, alleging that Uzbekistan was under “information attack” by hostile foreign powers. Uzbek authorities imposed a news blackout on Andijon during the unrest, detaining and expelling local and foreign correspondents from the city, cutting off broadcasts by foreign media within Uzbekistan, and blocking Internet sites. With virtually all local media controlled either directly or indirectly by the state, the government used them to promote its version of events and smear independent outlets.

Physical attacks took place as well. On May 28, an Andijon resident led Radio Free Europe/Radio Liberty (RFE/RL) correspondent Gofurjon Yoldoshev to a mass grave in Andijon; the next day, Yoldoshev's guide was found stabbed to death. In June, Tolqin Qorayev, a correspondent for the London-based Institute for War and Peace Reporting (IWPR) was attacked and detained; he fled Uzbekistan in July. His colleague, Galima Bukharbayeva, was also forced to flee the country, and IWPR shut down its offices in Uzbekistan. Lobar Qaynarova, an RFE/RL correspondent in the third trimester of her pregnancy, was brutally beaten in July. In August, Igor Rotar, a Russian correspondent for the Norway-based religious-freedom organization Forum 18, was detained upon arrival at the airport in Tashkent and expelled from Uzbekistan. The same month, a court convicted two Uzbek employees of Internews, a U.S.-based media training organization, and in September another court decision closed Internews altogether. Nosir Zokir, an RFE/RL correspondent in Namangan, received a six-month prison sentence in August for allegedly insulting a member of the security services. In October, the BBC closed its Tashkent bureau, citing government harassment, and evacuated six of its local employees. In December, the Justice Ministry stripped RFE/RL of its accreditation, effectively closing its Tashkent bureau.

There are no private publishing houses or printing presses and the establishment of a new newspaper is subject to political approval. The government continued to control national dailies and television stations, which carried a constant stream of materials

denouncing Western-funded media as aggressors in an “information war” against Uzbekistan. In the September trial of 15 men accused of active involvement in the Andijon unrest, prosecutors charged that the BBC, IWPR, and RFE/RL had advance knowledge that violence would break out in the city. State-controlled media gave prominent coverage to these unsubstantiated charges. With foreign-funded media under attack in Uzbekistan, the Internet became a critical source of information. The total number of Internet users is still below one million (in a country of over 26 million), however, and consistent reports indicate that the authorities try to block news sites with critical information as well as opposition sites, although some of these are available through proxy sites.

Vanuatu

Status: Free

Legal Environment: 5

Political Environment: 10

Economic Environment: 10

Total Score: 25

Freedom of expression is protected under Article 5(1)(g) of the constitution and this right is generally respected in practice. The media is relatively lively and provides a diversity of opinions; however, it is the country’s weak infrastructure that continues to prevent full access to information. Prime Minister Ham Lini criticized the government-controlled Vanuatu Broadcasting and Television Corporation in February for failing to provide radio services to 80 percent of the rural population as a result of an inoperative short wave transmitter. While officials do not actively interfere with media critical of the government, journalists have been intimidated and threatened in the past by politicians and their supporters. The country was still in the process of adopting a media ethics and accountability system at year’s end. The government owns the country’s two radio stations and a limited-service television station. Print media is more diverse. Vanuatu’s first indigenously owned newspaper the *ni-Vanuatu* was launched in 2004, joining the private *Vanuatu Daily Post* and the *Independent*.

Venezuela

Status: Not Free

Legal Environment: 25

Political Environment: 30

Economic Environment: 17

Total Score: 72

A hostile political atmosphere under the government of President Hugo Chavez has continued to affect the largely pro-opposition private media . One result has been a steady

decline in press freedom over the past several years—a trend that continued in 2005—reflected in the government’s enactment of legislation prohibiting the broadcast of certain material, its intimidation of and denial of access to private media, and the continued harassment of journalists, directed primarily at those employed by private media outlets. While physical attacks against the press have declined, legal intimidations have increased due to new restrictive “gag laws” that have expanded the severity of *desacato* laws. The most worrying development occurred on March 16, when the so-called “partial reform” of the penal code took effect. Article 148 of the penal code makes insulting the president punishable by six to 30 months in prison. Article 444 on defamation says that any individual making comments that could “expose another person to contempt or public hatred” is subject to a sentence of one to three years in prison and a fine. In July, the attorney general's office invoked *desacato* provisions to investigate the Caracas City–based daily *El Universal*. Attorney General Isaías Rodríguez Díaz ordered a criminal investigation of the paper after it published an editorial on July 25 criticizing his office and the judiciary. Freedom of expression is also restricted by a law requiring journalists to have a journalism degree; violations are punishable by a jail term of three to six months.

Direct assaults against media declined compared with 2004, but journalists still decried authorities’ efforts to prevent free reporting, including the forced closure of media outlets. Several press freedom advocacy groups protested after a police raid on the home of Venezuelan journalist Patricia Poleo. Poleo’s house was raided on January 28 in a search for information that could reveal the identity of her news sources for a story on alleged corruption involving public prosecutor Danilo Anderson, who was murdered in an explosion last on November 2004.

Journalists complained that a lack of access impeded their reporting, including the denial of entry to the presidential palace and other official events. In 2005, journalists were barred from reporting on the military, hospitals and stadiums, and the judiciary. On November 1, David Ludovic, writer of the *El Nacional* newspaper column “A las puertas de Palacio” (“At the palace's door”), was pressured by the president's security personnel into handing over a tape of interviews done adjacent to the Palacio Blanco, a building in front of the Miraflores presidential palace in downtown Caracas. On 24 October, officials of the national customs and taxation office (SENIAT) temporarily shut down the operations of the daily *El Impulso* in the city of Barquisimeto, evicting the administrative and editorial staff. SENIAT also imposed a US\$13,900 fine on *El Impulso*, reportedly in connection with “flaws in the paper's 2002 tax return.”

The government controls two national television stations, a national radio network, and a wire service. The president has a weekly radio show and exercises his power to preempt programming to ensure extensive broadcasting of government announcements in private media. In July, the government of President Chavez launched Telesur, an international TV network, in an attempt to “promote Latin American stories.” But when President Chavez appointed his minister of communication and information, Andres Izarra, as the network’s president, the TV network was perceived as another tool for government propaganda. Izarra later resigned from the ministry to work full time for the network. There are no government restrictions on the Internet.

Vietnam

Status: Not Free

Legal Environment: 27

Political Environment: 29

Economic Environment: 23

Total Score: 79

Although the 1992 constitution recognizes freedom of opinion, expression, and association for all citizens, the ruling Communist Party of Vietnam (CPV)'s propaganda and training departments control all media and sets press guidelines. In addition, a 1999 law requires journalists to pay damages to individuals or groups found to have been harmed by press articles, even if they are true. Reporting considered to be against the national interest can be charged under the criminal code and anti-defamation provisions. In January, a staff reporter of *Tuoi Tre* was indicted on the charge of "appropriating state secrets." Lan Anh was investigating into leaked allegations of manipulations of the drug market by the multinational pharmaceutical company Zuellig Pharma, which has a contract with the Health Ministry. However, after Lan received unprecedented support from major media outlets, the charges against her were dropped in April.

Progress of press freedom in 2005 was not easy to chart, given the mixed signals on the part of the government. For instance, the party's secretary general, Nong Duc Manh, called on the media to help fight corruption and facilitate economic reforms during the party's 9th Congress in January. However, on January 10, the government closed down the *Tintucvietnam.com* (*Vietnam News*) website for publishing readers' letters that alleged corruption among high officials. Instances of harassment or assaults against reporters attempting to cover the news by police or other assailants have increased in recent years, according to the Committee to Protect Journalists, who noted several attacks during 2005. Foreign journalists based in Vietnam are closely monitored and their movements within the country are restricted. Internet dissidents such as Pham Hong Son, Nguyen Vu Binh and Nguyen Khac Toan continue to remain in jail. Although authorities did release prominent writer Nguyen Dan Que in February, he remained under strict surveillance and was subject to some harassment.

All print and broadcast media outlets are owned by or are under the effective control of the CPV, government organs, or the army. While journalists cannot cover sensitive political or economic matters or openly question the CPV's single-party rule without fear of reprisal, they are allowed to report on crime and official corruption, and such reports have become increasingly common. As in other Communist systems, the party and the government fund most of the publications in Vietnam, although several newspapers, including *Thanh Nien*, *Lao Dong* (Labour) and *Tuoi Tre* (owned by Youth Union under the VCP), have attempted to become financially sustainable and to stop relying on state subsidies. Foreign periodicals, although widely available, are sometimes censored, and the broadcasts of stations such as Radio Free Asia are periodically jammed. Access to satellite TV broadcasts is growing, however.

With the government's focus on *doi moi* market reforms and entry into the WTO, local journalists are generally optimistic that private ownership of the media will come sooner than later, particularly on the Internet. To date, there are more than 200 digital

news sites in the country, and more than 500 newspapers competing for limited advertising income. The first online news site, *Vietnamnet*, publishes in Vietnamese and English, while a blogsite *vietnamjournalism.com* run by a local journalist discusses professional and ethical issues. Use of the Internet had grown sharply in recent years. Website operators continue to go through ISPs that are either public or part public-owned. The biggest ISP is Vietnam Data Communications (VDC), controlled by the Ministry of Post and Telecommunication, which caters to nearly a third of all Internet users. It is required by law that Internet service providers block access to designated foreign websites that the government considers politically unacceptable. This includes foreign news sites and human rights organizations set up by Vietnamese abroad. Radio Free Asia reported in December that the *Tieng Noi Dan Chu (Democratic Voices)* website was hacked into 19 days after it launched. The site, which lobbies for democratic reforms in Vietnam, was founded by dissident writer Tran Khue and U.S.-based Nguyen Xuan Ngai.

Yemen

Status: Not Free

Legal Environment: 28

Political Environment: 33

Economic Environment: 20

Total Score: 81

Freedom of the press continued to backslide in Yemen, with an alarming series of attacks on journalists in 2005. Yemen's constitution provides for freedom of the press, but the overall legal framework regulating the press is weak. Article 103 of the Press and Publications Law outlaws direct personal criticism of the head of state, and the penal code provides for fines and imprisonment for publishing "false information" that "threatens public order or the public interest." The weakness of Yemen's judiciary and the lack of clarity about who has the power to interpret the meaning of vague laws affecting the press create an environment in which journalists do not feel secure in their freedom to criticize the government and freely debate issues, resulting in self-censorship. By the end of the year, the Ministry of Information presented a draft press law to the Majlis al-Shura. The Yemeni Journalist Syndicate objected to the draft law, saying that it aimed to further restrict press freedom in Yemen. President Ali Abdullah Saleh pardoned Abdel Kareem al-Khawaini, editor of an opposition paper who had been jailed last year for publishing articles criticizing the government's handling of rebellion in northern Saada.

Journalists continued to face threats of violence and death, as well as arbitrary arrest by police and security forces. In the spring of 2005, several journalists in Taiz and Al-Dale' governorates were beaten by government security forces, including Mohammad Abdu Sufian, editor of *Taiz* newspaper, Mohammad Mohsen al-Hadad, general manager of Taiz Radio and Television, Abu Bakr Al-Arabi, general manager of Taiz Media Center, and Abdulqader Abdullah Sa'ad of *al-Wahdah* weekly newspaper.

In August, Jamal Amer, editor of *Al-Wasat* newspaper, was abducted and beaten by armed men who said they were acting on behalf of military officers. Government security forces ransacked the office of Associated Press journalist Ahmed Alhaj, taking files and a computer. In October, Yemeni police beat a television crew from the Arab satellite channel Al-Arabiya covering a strike by textile workers in Sanaa. *Al-Thawra*, the government-run daily newspaper, ran several editorials in 2005 claiming accusing reporters critical of the government of being foreign intelligence agents.

The Ministry of Information controls most of the printing presses in the country and provides subsidies to many newspapers. The state enjoys a monopoly on domestic broadcast media, which has a wider impact than the print media because of the high rates of illiteracy in Yemen, and generally prevents reporting critical of the government. Satellite television, with access to regional satellite channels that face far fewer restrictions, is becoming increasingly accessible to the population. Access to the Internet is not widespread, and the government reportedly blocks websites it deems offensive.

Zambia

Status: Not Free

Legal Environment: 19

Political Environment: 24

Economic Environment: 21

Total Score: 64

Freedom of speech is constitutionally guaranteed, but the government often restricts this right in practice. The Public Order Act, among other statutes, has at times been used to harass journalists. Other tools of harassment have included criminal libel suits and defamation suits brought by ruling party leaders; under section 69 of the Penal Code, it is a criminal offense to defame the President by any media. In November, police arrested (and later released) Fred M'membe--editor-in-chief of *The Post*, Zambia's only private daily--after accusing him of criminally defaming Mwanawasa in a series of vitriolic editorials; M'membe had been formally warned in July. In June, Anthony Mukwita was summoned by police and warned of potential sedition charges after he read a fax critical of the government during his talk-show on the independent Radio Phoenix. In October, the government rejected a proposed clause in Zambia's new constitution guaranteeing access to information because of concerns about state security. It also rejected provisions protecting media from state interference and the confidentiality of journalists' sources.

The government controls two widely circulated newspapers and the state-owned, pro-government Zambia National Broadcasting Corporation dominates the broadcast media; as a result of prepublication review at government-controlled newspapers, journalists commonly practice self-censorship. Opposition political parties and nongovernmental organizations complained of inadequate access to mass media resources. However, a group of independent newspapers widely criticize the government, and an independent radio station, Radio Phoenix, presented nongovernmental views. The government continued to prevent Breeze FM from relaying BBC broadcasts in 2005. In addition, journalists and media workers faced threats and physical assaults at the hands of

officials and ruling party supporters. In April, Zambia Information Service reporter Jonathan Mukuka was beat by police and forced to flee to Tanzania for one week because of his reporting on the release of murder and witchcraft suspects in Nakonde district. In June, newspaper vendors selling copies of Zambia's foremost independent daily, *The Post*, were attacked by supporters of the ruling MMD party; the newspaper had accused high-ranking government officials, including President Mwanawasa, of shielding a colleague from prosecution on corruption charges. The government does not restrict Internet access, though access is hindered by socio-economic conditions.

Zimbabwe

Status: Not Free

Legal Environment: 30

Political Environment: 35

Economic Environment: 25

Total Score: 90

The situation for Zimbabwean media remained extremely poor in 2005, as Robert Mugabe's government made attempts to further restrict the already severely limited amount of unfiltered news and information that is able to circulate inside the country. Despite constitutional provisions for freedom of expression, an otherwise draconian legislative framework continues to inhibit the free operation of journalists and media outlets. Legal restrictions were tightened in January with the enactment of an amendment to the 2002 Access to Information and Protection of Privacy Act (AIPPA) and in June by a new Criminal Law (Codification and Reform) Bill. Whereas the original AIPPA required all journalists and media companies to register with the government-controlled Media and Information Commission (MIC) and gave the information minister sweeping powers to decide who can work as a journalist, the amended version introduced prison sentences of up to two years for journalists working without accreditation. The *Daily News*—the country's only independent daily, shuttered in 2003 for not adhering to the AIPPA—continued to be denied a license by the MIC in 2005. Constitutional challenges to the AIPPA by the affiliates of the *Daily News* have proven unsuccessful; the Supreme Court upheld the law for the second time in March. A Harare magistrate acquitted former *Daily News* journalist Kelvin Jakachira of working without accreditation; at least eight of his colleagues continue to face similar charges, although somewhat encouragingly, none of those charged thus far under AIPPA have been convicted. The MIC ordered the closure of the independent *Weekly Times* in March 2005 for violating the AIPPA after only eight weeks of publication, and denied Africa Tribune Newspapers—publishers of the previously shuttered weekly *Tribune*—a license to resume publication in July. Authorities continue to use a range of restrictive legislation—including the Official Secrets Act, the AIPPA, the Public Order and Security Act (POSA), and criminal defamation laws—to harass journalists. Section 15 of POSA and Section 80 of AIPPA criminalize the publication of “inaccurate” information, and both laws have been used to intimidate, arrest, and prosecute journalists. The new Criminal Law (Codification and Reform) Bill increases prison sentences for similar violations to a maximum of 20 years.

Journalists are routinely subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure at the hands of the police, authorities, and supporters of the ruling party. Instances of arbitrary arrest and detention occur primarily when reporters are trying to cover political stories such as the controversial housing demolitions that began in May. Cornelius Nduna was forced into hiding in February and hunted by the Central Intelligence Organization (CIO) for possessing video footage of paramilitary activities at youth training camps. During the past several years, dozens of Zimbabwean journalists have fled the country, and according to a report by the Committee to Protect Journalists, over ninety currently live in exile, predominantly in South Africa and the United Kingdom.

Foreign journalists are regularly denied visas to file stories from Zimbabwe, and local correspondents for foreign publications, particularly those whose reporting has portrayed the regime in an unfavorable light, have been refused accreditation or threatened with lawsuits and deportation. In February, three such correspondents—Angus Shaw, Brian Latham, and Jan Raath—fled the country after extensive harassment by authorities, although Raath and Shaw eventually returned. The passport of publisher Trevor Ncube was temporarily seized by Zimbabwean airport authorities in December on his return from South Africa. Two reporters for the London-based *Sunday Telegraph* were arrested for reporting on the March parliamentary elections without proper accreditation and spent two weeks in prison before being deported.

The government, through the Mass Media Trust holding company, controls several major daily newspapers, including the *Chronicle* and the *Herald*; coverage in these news outlets consists of favorable portrayals of Mugabe and the ruling ZANU-PF party, and attacks on perceived critics of the regime such as opposition parties, other anti-government groups, and foreign governments. Several independent weeklies such as *The Standard* and the *Zimbabwe Independent* continue to publish, although many journalists practice extensive self-censorship. During the year, there were reports that the CIO was attempting to increase its influence over media outlets such as the *Daily Mirror* through buying ownership shares and placing spies within the newsroom. The state-controlled Zimbabwe Broadcasting Corporation (ZBC) runs all broadcast media, which are seen as mouthpieces of the regime. While the MDC was granted relatively greater access to these media in the run-up to the March 2005 elections, that month the government—using Chinese technology—began jamming the shortwave signal of the London-based oppositionist radio station SW Radio Africa, forcing it to switch frequencies. A similar fate befell the independent radio station Voice of the People in September. Broadcasting licenses have been denied to independently owned radio stations, and although satellite TV services that provide international news programming remain largely uncensored, their prohibitive cost places them out of reach for most Zimbabweans. Access to the Internet is unrestricted, although the law allows the government to monitor email content.