Freedom
under Batons

Media Freedoms Status in
the Arab World 2012

Network of Media Freedom Defenders in the Arab World   **First Annual Report**
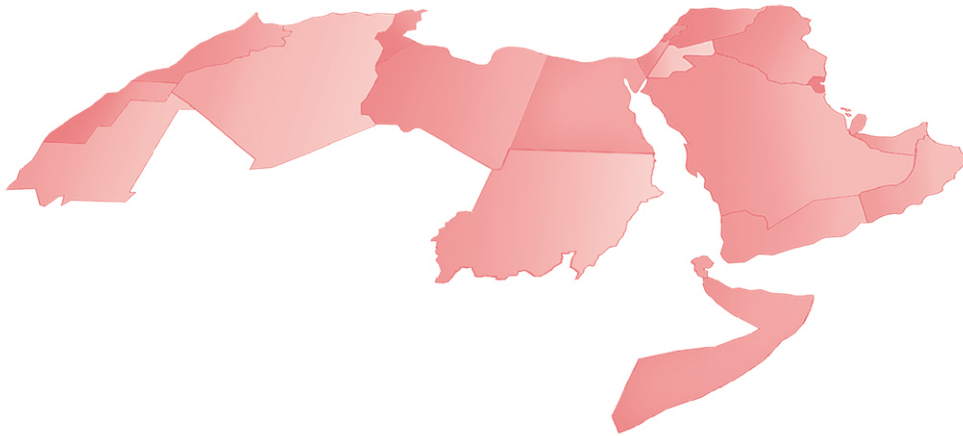
Media Freedoms Status in the Arab World 2012

First Annual Report

Network of Media Freedom Defenders in the Arab World

Coordination and supervision:

Report Team

Network of Media Freedom Defenders in the Arab World "Sanad":
Supervision and revision: **Nidal Mansour**
            Executive Presedent
            Center for Defending Freedom of Journalists
• Prepared by:

            Dr. Mohammed Al Mousaa
            Senior Researcher
            Human Right and legal advisor for Network of
            Media Freedom Defenders in the Arab World "Sanad"
            Fateh Mansour
            Program Manager
            Center for Defending Freedom of Journalists
            Mohammad Ghunaim
            Assistant senior researcher
            research & Media officer at Center for
            Defending Freedom of Journalists
            Kholoud Faraj
            General coordinator of the Network of Media
            Freedom Defenders in the Arab World "Sanad"
   **The team monitoring and documenting violations against media
            freedom in the Arab world, "AIN":**
• In Jordan:

            Eman Abu Qaoud / Monitor
            Heba Johar / Monitor
            Seba Al Mansour / Monitor
• In Egypt:

            Islam Azzam / program coordinator for the "AIN"
            in Egypt / United Journalists Center
            Safaa Rajab / Monitor
            Hisham Shaban / Monitor
            Abeer Al Sayyed / Monitor
            Tareq Mousa / Monitor
            Mohammad Abu Leila / Monitor

• **In Tunisia:**

Karima Al Waslati
Coordinator and monitor "AIN" program in Tunisia
Tayseer Attia
Coordinator and monitor "AIN" program in Tunisia
Amneh Abbouda / Monitor
Olfat Alboghanme / Monitor
Radiya Al Dridi / Monitor
Shiraz Bedjaoui / Monitor

Sanad's secretariat and overall coordination:

مركـــز حماية وحـــرية الصحفيـن
Center for Defending Freedom of Journalists

Partner institutions:

United Journalists Center/ Egypt

Freedom Foundation for Media, Rights and Development/ Yemen

Palestinian Center for Development and Media Freedoms "MADA"/ Palestine

The Iraqi Association for Defending the Rights of Journalists / Iraq

Skeyes Center for Media and Cultural Freedom/ Lebanon

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(1) AIN Program was implemented in 2012 in Egypt, Jordan, Tunisia by national teams that monitored and documented violations through questionnaires that covered all complaints and met with victims of these violations from the media.
(2) AIN Program implemented in other Arab countries in 2012 resorted to monitoring and verifying relevant news stories and publications of national, regional and international organizations.

Freedom under Batons

Nidal Mansour[3]

The media's call for freedom in the region is ever-present and echoes ubiquitously in all capital cities at a time when the Arab Spring is approaching its autumn and the flowers of freedom which bloomed have been painted with blood.

The storm has not yet settled after two years of the Arab Spring and the ship of freedom failed to anchor safely. It is as if we moved one step forward only to take two steps back! The dispute continues and the battle between defenders of media freedom and its opponents is still ongoing.

The status of media freedom in the Arab World is complex and cannot be summarized in simply a few words. We are in a position of limbo between optimism and pessimism and our situation was best described decades ago by what Emile Habib referred to in his novel "The Secret Life of Saeed the Pessopimist" known as "Almutashail". The media has yet to obtain full freedom and still operates within a realm of constant threat and targeting, where violations against them under various pretexts are still the norm.

Simultaneously, it would be unfair to deny that the case of media freedom has advanced. Gone are the days when media was curtailed to benefit and protect the interests of dictatorships. It is no longer possible to stifle the voices of journalists, and moreover, it is impossible for governments- regardless of their identities- to co-opt media, let alone to control it. Far from being subject to control, the spread of the new media and the impact of the social media have made the governments' attempts to control the media scene a futile exercise. Equally important, journalists have crossed the threshold of fear and if anything they refuse to be an instrument designed to beautify the regime.

3- Executive President of Center for Defending Freedom of Journalists (CDFJ)

We live in an exceptional time in which independent media tools have defied the authority of the ruler. That said, mass media is still under the clout of the ruler. In fact, freedom in the Arab World is not a function of a decision to be taken but rather a part of a legal, socio-economic, and political environment. Therefore, when Journalists decide to cease being compliant, they cannot expect to change the reality of the situation overnight. If they manage to overcome the fact that many of the media institutions are not independent and acquiesce to the government, they will face the security apparatuses which still control the media and treat it as a security problem. On top of that, media is conditioned by a constraining, deterring legal system that is based on the philosophy of prevention rather than permitting.

Arab countries share common characteristics of violations committed against media although some countries experience this to a worse extent than others. Even with the advent of the Arab Spring, serious physical violations against journalists have not disappeared. Contrary to what one may imagine, countries that have witnessed revolutions such as Egypt and Tunisia register more violations, physical aggression and torture, and witness insulting, inhuman and brutal treatment of journalists.

Interestingly, attention is almost solely paid to the physical violations against media, but the non-physical violations- such as attempt of soft containment, interference, pressures, advanced censorship, and the blocking of information- are rarely monitored or documentated. Furthermore, some journalists do not consider the blocking of information and denying their right of access to information as a form of violation, and do not see the decision taken by editors-in-chief to practice self-censorship not according to professional criteria and standards as violation, nor they view it as an unacceptable measure.

In the countries that have witnessed revolutions- and by this we mean Egypt and Tunisia- there has been an increase in journalists' complaints and accusations against the role of militias in the ruling party, the Justice and Freedom Party, in Egypt and the committees to protect the revolution controlled by al-Nahdah Party in Tunisia who have committed

violations against journalists.

Serious non-violent violations have exceeded violence, but the killing and assassination of journalists has continued. Syria is currently in an explosive and volatile situation, the murdering and targeting of its journalists lies in the hands of the regime, although some armed groups are also involved in this.

Not only is the killing of journalists in Iraq and Somalia ongoing, but impunity is still a policy where the perpetrators continue to get away with these crimes amid a lack of accountability and justice for journalists, their families and the media institutions. The case of Palestine remains unique as its journalists are subject to violations from many different angles. Chief among these violators is the Israeli occupation authority, followed by the Palestinian Authority, and the government of Hamas that is in full control of Gaza.

The media scene in the Arab World is not close to a state of détente. Surely, violations against journalists will continue even under the new ruling regimes. The forms of violation may vary and this increases the importance of monitoring and documenting these violations in addition to encouraging journalists to file complaints and report them, should they experience such a problem.

The Network of Media Freedom Defenders in the Arab World "SANAD" has issued its first report about the Media Freedom Status in the Arab Countries. After documenting violations against journalists, SANAD realizes the importance of institutionalizing this effort and also believes in the importance of cooperation with national and regional institutions that follow a similar path. Ultimately, it seeks to limit the violations committed against journalists and media institutions in order to reinforce the freedom and independence of media.

In 2012, *SANAD* launched "*AIN" the Program for Monitoring & Documenting Violations against Media in the Arab World*. In addition to training national teams for Monitoring & Documenting Violations, it seeks to base its

approach on the international human rights criteria. In the same context, it seeks to offer legal aid to the victims of violations and to prosecute those who commit violations. If possible, the tools of the United Nations should also be employed to limit these violations.

Both *SANAD* and the *"AIN" program for Monitoring & Documenting Violations* cannot replace the roles played by other institutions but simply exist as a support for all media institutions. The network stretches out its hand to all in order to build an institutional alliance that will reinforce the power of the defenders of media freedom.

Undoubtedly, there were many challenges faced by SANAD in its work in the Arab World, one of which was the reinforcement of the policy of exposing the violations committed. On the other hand, the polarization in both Egypt and Tunisia has cast the shadow of politicization on the position of journalists and this has made it difficult to verify violations and identify those responsible for them.

Gaining access to documented information and dates of violations in all Arab countries is a difficult task. While some Arab countries are under the spotlight of international, regional and national institutions, the situation is different in others, such as the Gulf and North African states, in which there is both no information available and no national institutions for monitoring violations. Therefore, what is documented in the attached report does not reflect the real state of freedom in these countries.

SANAD network focused its efforts in its first year on working and being present on ground in Egypt, Tunisia and Jordan. *The Center for Defending Freedom of Journalists- the institution that runs and coordinates the work of SANAD – is in Jordan. The plan is to extend the work of the "AIN" program for Monitoring & Documenting Violations in the Arab World every year and in a gradual manner. SANAD network* aspires to see trained national teams working institutionally to administer the operation of Monitoring & Documenting Violations against media in various Arab countries.

In a nutshell, the year of 2012 was exceptionally different when it comes

to media freedom in the Arab World. Even amid the tumultuous nature of the media scene, newspapers, TV channels, and electronic journalism have come to the fore to introduce a new era of freedom. It is under the popular protests that spread across the region; even the newly found, if limited, freedom will not tolerate constraints on the freedom of speech. It was under the impact of the bully clubs that the word of freedom was painted, and the word "No" was engraved to signify that it would not accept defeat or submission to autocrats.

Introduction

Between the two extremes .. repression and freedom

Dr. Mohammed Al Mousa[4]

Journalists and human rights activists, as well as free and enlightenment intellectuals were rejoiced after the Jasmine Revolution in Tunisia to see the dawn of a new era characterized with democracy, rule of the law, media freedom and pluralism. It is premature to draw conclusions over the impact of Arab movements and revolutions and how far they will go in the coming decades. But it remains possible to come up with an initial diagnosis of the reality of freedoms in the Arab world now, especially media freedom and the rights of journalists.

Infringement on media freedoms has become a prominent feature of the current stage, with the violations ranging from repressive practices such as beatings and physical and psychological abuse of journalists, to the use of freedom restricting laws. The freedom of the press, as Nietzsche says, is a tight string between two extremes: repression and freedom.

Because the feature mentioned above is not limited to an Arab country apart from the others, the Network of Media Freedom Defenders in the Arab World "Sanad" initiated in 2012 an ambitious program to monitor and document violations against the media, named "AIN". The program was designed to monitor urgent violations to media freedom in the Arab world. The "Sanad" Network sought through the program in 2012 to detect underlying trends of violations of media freedoms in Arab countries. Perhaps the most distinguishing feature of this effort is that the "AIN" adopted special questionnaires for monitoring and documentation, meaning that the process of monitoring and documentation took the form of fact finding in its strict sense.

This present report is concerned with the first job accomplished by "Sanad" at the regional level in the field of monitoring and documenting violations of media freedoms. The Network is working to institutionalize the process

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4- Senior researcher / Human Right and legal advisor to "Sanad"

of issuing a comprehensive annual Arab report providing data, facts and conclusions reached through a systematic and scientific process of monitoring and documentation that is consistent with the methods and techniques of monitoring and documentation adopted in the field of human rights.

The report clearly revealed the fact that the Arab states have common denominators as per violations of media freedoms. The most significant of these fall under the category of grave and pre-meditated abuses. In addition, these countries fail to prosecute the perpetrators and pursue a policy of impunity. Furthermore, all these states perceive the aim of legal regulation as to restrict, rather than guarantee and respect, freedoms. The law is manipulated to muzzle the mouths of journalists and limit, rather than promote, media freedoms.

Generally speaking, the reality of media freedoms in the Arab countries is bitter, and the media is still suffering from repression and prosecution. These violations against the press are no longer confined to official agencies, but they also involve groups and average people amid states' complete silence or failure to put an end to such practices.
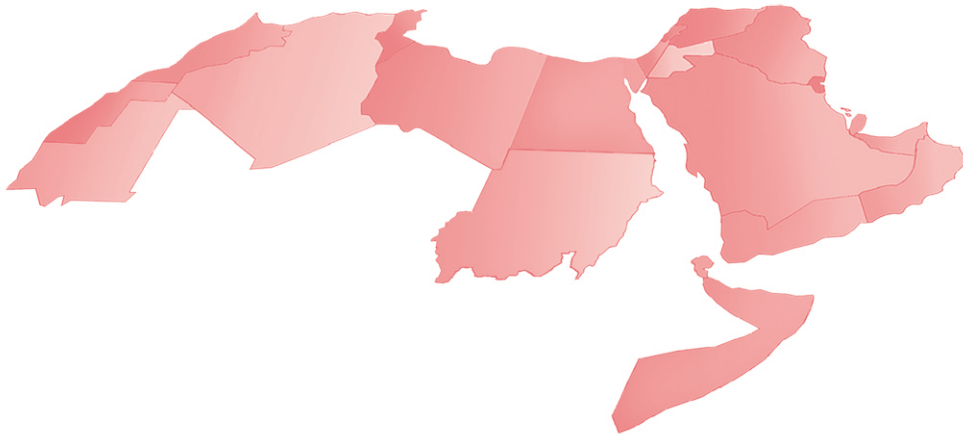
It seems that the media people still have to wait for quite some time to win their full freedoms and rights. Media freedoms are associated with a civil state where the values of modernity, pluralism and tolerance prevail. Perhaps all of us have to wait years and years until such a transition takes place in the Arab countries. The killings, beheadings and labeling people as infidels that we are seeing now represent only clear evidence that modernity, including respect of the values and principles of life, is too far away from us. We, as human rights advocates, have a long and difficult way to go and we should realize that such a journey will involve a lot of suffering, but it will lead us eventually to become like other peoples of the world: free and democratic nations that reject violence and respect the others regardless of their color, origin, opinion or faith.

Executive Summary

Summary of Chapter I

Introduction of the report

The Network of Media Freedom Defenders in the Arab World "Sanad" was formed in 2012 in an initiative launched by the Forum for Media Freedom Defenders in the Arab World, which was organized by the Centre for Defending Freedom of Journalists in Jordan in December 2011. The Network's goals include monitoring and documenting violations of media freedom in the Arab world using a scientific methodology based on the international standards of monitoring, documenting and investigating violations. The Sanad Network has created "AIN" Program to Monitor and Document Violations against the Media in the Arab world.

The reasons behind Sanad's establishment of the program and its mission to detect media violations in the Arab region are the following: examining Arab countries' respect of international standards pertaining to media freedoms and relevant human rights; turning Arab and international public opinion against acts that violate these rights and freedoms; understanding the prevailing patterns of abuse in the Arab world and its reasons; presenting valid evidence to pursue the perpetrators of grave violations against media professionals and prevent them from avoiding punishment; encouraging media professionals to document the abuse and violations they face, and raising their awareness of the importance of human and media rights and freedoms to ensure that they are able to do their job easily; and spreading the practice of monitoring violations of media freedoms and documenting them scientifically across the Arab world.

Sanad has seized the opportunity of the Arab Spring and the democratic transitions sweeping the region to identify the reality of media freedoms and its violations to understand their reasons and where they are headed, especially as calls for freedom and human rights continue. The Network decided to monitor and document the violations in 2012 in three Arab countries - Egypt, Tunisia and Jordan - in a systematic, scientific method based on an accurate mechanism to detect violation cases that will be detailed later in the report. The Network will monitor violations in other Arab

countries via media outlets and international and local reports. Sanad plans to expand in the coming few years in its coverage of Arab countries in terms of scientific monitoring, which is based on complaints and notifications. The Network hopes that its annual report will be based on this accurate, scientific mechanism within five years.

The Sanad Network focused in 2012 on detecting grave violations, impunity policies and exploiting the law and the justice system to obstruct media freedoms - increasingly common practices in the Arab world that are not very different from reality before the Arab Spring but constitute the major challenge facing media freedoms in the region. The Network has also made note of the changes that took place in the wake of the Arab Spring in terms of the sources of violations to media rights and freedoms in the Arab world. These violations are no longer only committed by the authorities and official departments; the perpetrators also include unofficial groups and individuals from political groupings or movements and their militias.

This report is the first attempt by Sanad to institutionalize the process of monitoring and documenting media freedom violations in the Arab world. It is open to further development over the next years, but the Network hopes that - through its work - it has indeed contributed to supporting the Arab Spring and the transition into democracy and freedom, which is based on media freedom. This report details the following issues after the introduction:

- Work methodology and preparing the report.
- Violations of media freedoms and the rights of media professionals in other Arab countries: a general overview.
- The reality of complaints and violations in Egypt.
- The reality of complaints and violations in Jordan.
- The reality of complaints and violations in Tunisia.
- The reality of complaints and violations in other Arab countries.
- Recommendations.

Executive Summary

Summary of Chapter II

Methodology of work and the preparation of the report

Three monitoring teams were formed in three Arab countries - Jordan, Tunisia and Egypt - after the members underwent an intensive training program over two phases. The Network followed a disciplined scientific methodology to collect information and verify facts. The Network also sought to Document violations in the three targeted countries that covered a wide array of freedoms and rights associated with media and media professionals.

In addition to the methodological monitoring of violations against media in the three countries mentioned above targeted by the Network this year, Sanad has also recorded the violations of media freedoms and media professionals' rights in all Arab countries. In other words, the Network's monitoring process in 2012 was composed of two levels; the first level was a comprehensive, institutional monitoring process that covered violations of media freedoms in three Arab countries. The second level included all Arab countries, but not in a comprehensive, institutionalized manner and

without using monitoring teams; instead, information was collected from reports and various media outlets after being scientifically verified, but without being based on receiving complaint and notification forms and investigating them. What follows is an overview of the work methodology that the Network implemented this year in Documenting Violations against Media and media professionals, with references to the legal and rights framework that govern this process and the difficulties and challenges it faced.

Within the framework of "AIN", the Program to Monitor and Document Violations against the Media in the Arab world affiliated with the Network, Sanad has worked on recording violations in Arab countries in general by collecting information from reports and media material on these violations, and by conducting institutionalized methodological monitoring through teams in three Arab countries: Jordan, Egypt and Tunisia. In the general monitoring process, the Network employed researchers who collected information on violations against the media in all Arab countries.

The methodology followed by these researchers will be outlined later.

The monitoring teams formed by the Network to collect information in Jordan, Tunisia and Egypt, underwent scientific training under an intensive, in-depth program.

The monitoring teams were followed closely on a daily basis by the Network, its incubator and the local partners in Tunisia and Egypt, in order to ensure the quality of the monitoring process and maintain its institutional and methodological nature, in addition to taking note of violations of media professionals' rights and freedoms committed on a daily basis, especially with the increase in grave violations against them in the countries included in the monitoring process this year. It is hoped that the Network forms three local monitoring teams every year to document abuse. For the year 2012, the Network selected Jordan, Tunisia and Egypt.

The Network, through the Program to Monitor and Document violations against the Media in the Arab world "AIN", only monitors and records violations of rights and freedoms - including media freedoms - if these transgressions take place to disrupt media work. In other words, the rights and freedoms targeted by the Network's and "AIN's" monitoring are those violated while media professionals are performing their work. "AIN", the program affiliated with the Network of Media Freedom Defenders in the Arab World, seeks to monitor and record the violations of the following rights and freedoms

It is not easy to monitor the violations committed against media professionals; in fact, it is a complex and difficult process due to several factors, including media professionals' inclination to avoid disclosing the abuse committed against them; the manner through which these violations are committed, such as phone or email threats or website disruptions; prior censorship by the chief editor; or being subject to physical or verbal abuse by unknown perpetrators … etc.

"AIN" Program to Monitor and Document Violations against the Media developed a number of methods to collect and verify

information to prove that the various violations had taken place. The key tools include: the complaint form, the notification form and the self-monitoring form, which are all related to cases of suspected or alleged violations. The program also collects information and evidence from other documents, such as official statements and national and international reports related to media freedoms and human rights, in addition to interviews, witnesses and evidence surrounding specific cases and their contexts.

The process of monitoring and verifying facts comes in many forms. It could for example, include field visits and interviews, or forming work groups and monitoring teams to collect and document evidence or by using statements issued by state agencies and what is published in media outlets. However, all these methods must be followed with the utmost professionalism, since the difference between monitoring and verifying facts on the one hand and conducting media investigations related to human rights on the other is that the latter is not based on a literal understanding of the international human rights standards. In other words, the Network of Media Freedom Defenders in the Arab World, in its monitoring of media freedoms and media professionals' rights, draws from a deep understanding of international human rights standards, but these standards are not strictly observed, because it is necessary to leave room for flexibility to determine the nature of the fact-checking process, its methods and content.

This is as far as the methods and forms of monitoring are concerned. As for sources of information and evidence, they are not the tools used in monitoring but the resources that aid in verifying the alleged violations. For instance, if a media professional submitted a complaint claiming that one of his/her rights had been violated, his/her allegation would be examined and investigated, because a victim's side of the story or a the complaint he/she submits is not enough to prove that a violation had indeed taken place. Therefore, information is collected through the monitoring process, and it is then analyzed and evaluated to reach the truth of had taken place. A flexible method is usually followed in the process of

collecting and verifying evidence, but precautions are taken to ensure its credibility and validity.

The main sources of information and evidence for "AIN" program can be classified as follows:

A. Complaint form

A complaint in this context is an allegation by an individual who works in the media - regardless of his/her union status - that his/her human or media rights were violated in a certain situation irrespective of the source of the violation or the party responsible for it. Complaints may be a request, a plea, a letter, a phone call or a manually filled form prepared by the Network. It is not necessary for the complaints investigated by "AIN" to be in writing; rather, the program receives all types of complaints, be they in writing, verbal or electronic, provided that they are in accordance with the conditions and limitations set by the Network. In fact, "AIN" program receives complaints by phone, fax, email or a manually filled form.

B. Notification form

A notification is submitted in any form by any individual or one media professional or more to the Network of Media Freedom Defenders in the Arab World through "AIN" program detailing how one media professional (or more) was subject to abuse of media freedoms or human rights in the course of his/her work. The notification form includes all the information that should be provided in a complaint form, but it also contains - in addition to the data on the victim - details on the person who submits the notification, such as his/her name, institution, address, connection to the victim and the reasons for filing the notification.

C. Self-monitoring form

In addition to the above mentioned forms, "AIN" program has also designed a similar form in terms of content, but it is used when the program's monitors find out about a violation against a media professional that no one has filed a complaint about. Therefore, the program performs automatic monitoring - through its observers - to find information on the problems a media professional in Tunisia, Egypt or Jordan has encountered that constituted an abuse of his/her human rights and media freedoms.

This process can be performed by

following all visual, audio, written and electronic media outlets. This tool is also unique because "AIN" program acts out of its own accord and not through information it received in a complaint or a notification. After the monitor collects the necessary information about the case in question, he/she fills the monitoring form.

D. Written documents
These are the most important sources of information to resort to when verifying facts and collecting evidence. In the context of monitoring violations against media and professionals in the field, written evidence includes laws, rulings, government and non-government reports, official statements, letters, photos and any other documents, such as confessions and admissions. Documents are important pieces of evidence that greatly support complaints and notifications related to violations, because they provide clear and consistent proof in most cases and are very credible.

E. Witnesses
Witnesses are also key sources in the process of fact checking and evidence collection while monitoring human rights violations, including media freedoms. Witnesses are an important source for verifying incidents of assault against a media professional or his/her detention, inappropriate or demeaning treatment, or prevention from publishing a piece.

F. Interviews and field visits
The fact-checking and information collection process may require conducting a field visit to the scene of the assault or require interviewing the victims to assess the reality of the case and come up with deductions. If a media professional were exposed to torture or harsh treatment for instance, interviewing him/her would be the key procedure to verify the facts and check the case. Visiting the scene of the assault may also be key to confirming witness statements.

G. Evidence and indirect sources
It may not be possible sometimes to acquire direct evidence to confirm an alleged violation, such as in the case of a reporter's detention without witnesses for a short period or torturing him/her and releasing him/her after all injuries are healed, especially if

the torture was based on food and sleep deprivation. It could also be not possible to obtain direct evidence because of witness fears.

H. Government positions

The fact-checking process may sometimes be based on the positions adopted by the state's official authorities. These authorities could acknowledge that the alleged violations had taken place, especially if the complaint was solid, detailed and consistent. For instance, a media professional could submit a complaint on being detained after certain events, with newspapers and websites carrying the news, and he/she is then released a few hours later; in such a case, public authorities cannot deny the incident, so it either acknowledges it in its entirety or partially, or it could do so directly or indirectly.

The party that receives the complaint (Network of Media Freedom Defenders in the Arab World) can also request a meeting with the official parties responsible for the case. The authorities may accept or deny the request, but a denial is not to be surmised as an acknowledgement that the

violation had taken place.

The Network of Media Freedom Defenders in the Arab World sought to examine and scientifically analyze the cases that "AIN" program receives, whether through complaints, notifications or self-monitoring forms. This is the main goal behind "AIN" - to detect violations in their technical and specific meaning and document them duly and according to the human rights recognized in international conventions. Examining the complaints and analyzing them includes several stages, starting with a comprehensive legal and scientific review. Moreover, before looking into the validity of the case and whether a violation had indeed taken place, the Network checks that its formal conditions are met. If the formalities are met, the basics of the case and its subject matter are examined to judge whether it entails a violation of media freedoms and media professionals' rights or not.

International human rights standards are among the main points of reference in the examination process. In fact, relying on national laws is not

enough. Cases should also be examined with a reference to the international commitments of Jordan, Egypt and Tunisia on human rights and media freedoms. The international laws that Arab states are committed to in general, and Jordan, Tunisia and Egypt in particular, are the main point of reference and the minimum limit that cannot be crossed. These laws also override national laws. For example, a case might not involve a violation of national laws in the abovementioned countries, but it might be a violation based on Jordan's commitments to international laws, which are the foundation. Moreover, international government and non-government monitoring bodies working in the field of human rights determine their positions based on a country's international commitments and not its national laws.

A legal and scientific review of a case, whatever it may be, provides a knowledge and methodology framework that makes the case's examination more credible, especially in terms of verifying information, collecting evidence in the field of human rights and determining the nature of

violations in light of the observed human rights conventions and international standards. Special attention has been given to the thorough collection of information, the duly verification of facts and the standard practices in human rights monitoring. The goal was to search for evidence and information with a high level of credibility to reach a firm judgment on whether a violation had taken place. By establishing through evidence that a violation has taken place, the burden moves to the perpetrators to prove otherwise.

If scientific examination proved that the data mentioned in the complaint, notification or self-monitoring form was not enough, or that more information was needed regarding a certain aspect, the form would be returned to the monitors to collect the missing data within a limited, specified timeframe.

If scientific examination proved that the evidence and information in the form was enough, or that there was no discrepancy in the data and all conditions were met, the actual case would be examined with reference to international

human rights conventions and the internationally adopted standards in the field of media freedoms.

A case would be shelved and not pursued further if examination determined that it was baseless or lacking in validity - such as being a pure labor issue - or if it was too late to obtain evidence on it, or the person who filed the complaint had failed to present basic data and the surrounding circumstances.

In cases where the information was sufficient and evidence was reasonable, the examination process looked into the origin of the case and its subject matter. This process was based on Arab countries' international commitments in the field of human rights and media freedoms, because they are the first and foremost point of reference to determine whether a violation had taken place.

The process of examining cases that "AIN" receives is based on a broad, legal framework of reference, taking into account effective national laws in the three countries included under the complaint and notification forms system, in addition to their international commitments within human rights conventions. The three countries in question are Jordan, Egypt and Tunisia. In the remaining Arab countries, where the monitoring process was limited to what is published in national and international reports and media outlets, the analysis and monitoring process was based on the observed international media standards.

As for using national laws as a point of reference when examining and analyzing cases, it can be said that the laws that were taken into account were the laws in effect in Egypt, Tunisia and Jordan that regulate visual, audio, print and electronic media, in addition to the countries' penal codes, national constitutions and access to information laws.

It is worth noting that the first point of reference for any judgment in international commitments related to media freedoms and human rights, because these commitments are the minimum limit of protection that should not be crossed in national laws. Moreover, these take precedence over national legislation,

according to international laws, and states are not allowed to avoid observing them or guaranteeing them because they are not in line with national laws. In addition, signatory states to human rights conventions, including Tunisia, Egypt and Jordan, have committed to taking all the legislative, administrative and judicial procedures to set their national commitments in line with their international ones. United Nations agencies concerned with human rights and non-government organizations working in the field of media freedoms also base their reviews of the reality of rights and freedoms on international standards. The following international conventions are the main basis and point of reference used by the Network of Media Freedom Defenders in the Arab World in monitoring and documenting media freedoms: The International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; the Universal Declaration of Human Rights; and any recommendations issued by the Human Rights Council and the UN Special Rapporteur on freedom of opinion and expression or media freedom in general and in Arab countries in particular. All these form an integrated unit of principles and standards that must be respected and safeguarded to enhance media freedoms.

"AIN" program, which operates within the Network of Media Freedom Defenders in the Arab World, has faced a number of difficulties, the most major of which are:
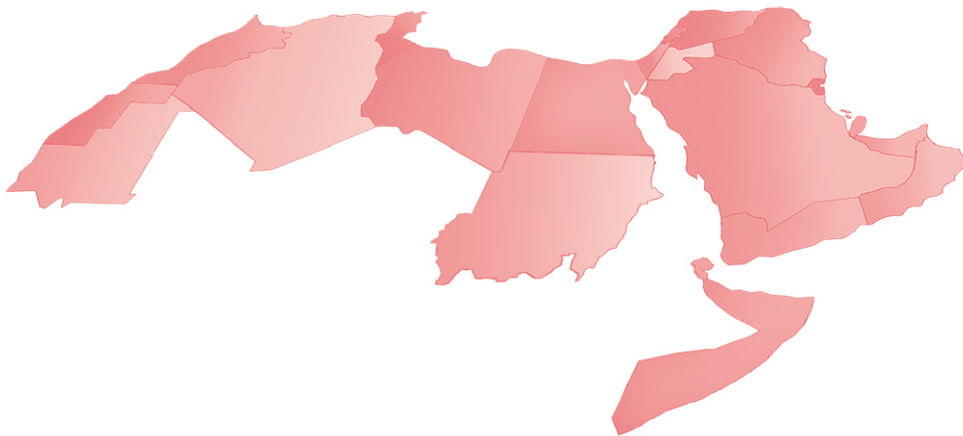
- The method used in committing the violation.
- Journalists' refusal to disclose a violation and their indifference towards filing complaints or notifications.
- Low of awareness of rights.
- Cases when journalistic work overlaps with political activities.
- Monitoring violations against bloggers.
- Violations committed through the implementation of the effective laws.
- The disparity in the political and legislative environments of the countries included in the monitoring and recording process.

Executive Summary

Summary of Chapter III

Violations of media freedoms and Rights of journalist's in the Arab States: Panorama

The release of this report coincides with what Arab countries are experiencing in terms of popular movements and calls for democracy, coupled with the resulting unrest. These are two correlative characteristics of transitional phases and democratic transformations in general.

"AIN" Program to Monitor and Document Violations against the Media in the Arab world, which operates under the umbrella of the Network of Media Freedom Defenders in the Arab World, has monitored the violations that the media and journalists have been subjected to in all Arab countries by following the published information on these abuses in various media outlets and the reports released by government and non- government local and international organizations. Researchers undertook this mission and verified the information they collected by looking up the incidents on more than one source and cross-checking what has been published about them in various outlets, documenting the verified information and evidence. Jordan, Tunisia and Egypt were exempted from this process because the program relied on the forms provided by the monitoring team. This method was followed in these countries, however, to ensure that the monitoring conducted by the teams was thorough and to follow up on the cases that were not monitored, preparing monitoring, complaint or notification forms on them.

It has been noted, through monitoring and documenting violations, that there are shared general characteristics and trends to the violations committed throughout Arab countries. This issue will be examined further, and its reasons will be analyzed. This section of the report will also address the reality of violations in all Arab countries, outlining the main and most important abuses.

1- General trends in media freedom violations in Arab countries

The monitoring and documenting process has revealed that despite the political, social and local differences among Arab countries, there are general shared characteristics in the media

freedom violations committed in all of them. The following is an overview of the most important shared trends.

1/1: Frequent grave violation

One of the main characteristics of a substantial number of violations committed in 2012 in various Arab countries is their nature as gross abuse, i.e. violations that take the form of physical assault or abuse that deprives journalists of their freedom, such as beating, arbitrary or illegal detention, murder or murder threats. This type of violations was widespread in Egypt, Tunisia, Syria, Iraq, Jordan, Somalia and Palestine. In the case of the latter, the occupation authorities were the foremost source of violations.

The increasing frequency of these violations is seemingly connected to the suppression of popular movements and sit-ins that coincided with the Arab Spring and the calls for freedom and democracy. Most of these violations has been committed because victims were covering movements and sit-ins, pushing security agencies to brutally suppress journalists - by physically assaulting them, beating them, detaining them and breaking their cameras - in an attempt to prevent them from covering the security forces' use of violent and ruthless means against these popular protests. Other grave violations against journalists include murder and assassinations.

1/1/1: The main perpetrators of violations are security personnel and thugs

It has come to the attention of the Network of Media Freedom Defenders that the most common perpetrators of violations of media freedoms are security services and thugs who work in coordination with them, with their knowledge or in front of them without any interference by security personnel. It is natural to have security forces as the main perpetrators of violations in 2012 or the main party to be held accountable, especially in light of the prevailing situation in Arab countries - those going through Arab Spring protests by popular movements in particular. In essence, there is a real conflict between Arab peoples and the reigning regimes in Arab Spring countries, where regimes are using all the tools of oppression at their disposal in an attempt to silence popular movements. The groups

targeted by security agencies include media professionals, because they uncover security forces' practices and expose them to the public.

2/1/1: The widened margin of media freedom in light of the Arab Spring phenomenon

If the freedom of expression and publishing for journalists had been limited before the eruption of Arab revolutions and movements demanding freedom and democracy, its margin has now grown wider in the wake of these revolutions. For instance, the fear barrier affecting many media professionals has tumbled down and they are now publishing media material that they did not dare publish before. However, a counter phenomenon has come to the fore for the same reason.

With the advent of new governments with specific ideological leanings, a new practice is now common where the ruling party seeks to muffle the voices journalists who oppose the government's policies and leanings, prevent them from expressing their opinions and even assaulting them physically and verbally if that was deemed necessary.

3/1/1: The frequent assaults committed by regular people and unknown parties

One of the common characteristics of abuse in most Arab countries is the fact that a significant number of them had been committed by regular individuals such as thugs, parliamentarians, businessmen and partisan figures, in addition to phone threats by anonymous persons, or verbal and physical assaults on journalists committed by unknown perpetrators. This is also the case with murder and blocking websites. This phenomenon is tied to the broader policy of impunity, which is practiced by the authorities in various Arab countries and will be mentioned later.

4/1/1: Frequent assaults against foreign journalists

This issue is related to the international media attention that Arab revolutions have attracted. The events related to popular movements have caught the attention of international and foreign media outlets, with journalists from around the world flocking to Arab Spring countries. Due to the fact that the grave

violations of media freedoms in the Arab world are connected to the coverage of popular movements and rallies, foreign journalists have had their share.

5/1/1: The widespread policy of impunity

All Arab countries share the policy of impunity practiced in the favor of those who commit grave violations of media freedoms. The states are obligated to conduct independent investigations into the murder or torture of journalists or their harsh, demeaning or inhuman treatment. The investigations should lead to holding the suspects accountable or trying and punishing them. Grave violations have been committed in all Arab Spring countries, in addition to others such as Somalia and Iraq, and those who had a hand in them or looked the other way were not investigated.

6/1/1: The wide gap between national laws and international standards for media freedoms

One of the main trends detected by the Network in terms of media freedoms is that national laws governing them - along with the practice of media work, the freedom of opinion and

expression, and journalists' rights - are in themselves a key source of violations. Originally, the state must exercise its authority to regulate public freedoms and human rights by creating an efficient system that safeguards these rights and guarantees that they are practiced. This authority must not be used to restrict these rights and deprive people of these freedoms.

This concept is seemingly not among the concerns of Arab governments, judging from the effective laws there. Although these states have made specific legal commitments internationally in the field of media freedoms and human rights, including taking the necessary legislative measures to find a middle ground between international commitments and the status of national laws with the purpose of enabling people to practice their rights freely and efficiently. It is worth noting that a great number of Arab countries did not honor these commitments; conversely, some have drawn up pieces of legislation that are in clear violation of their international commitments to human rights conventions, media freedoms and the freedom of expression.

Arab states have endorsed laws that obstruct media freedoms guaranteed by human rights conventions and by their national constitutions. However, the majority of Arab states are using their penal codes to prosecute media professionals for the ideas, information and reports that they publish under the mantle of free expression and opinion and the freedom to publish, and, thus, should not be subject to criminalization, prosecution and punishment. For example, according to international standards, a journalist cannot be tried for publishing a piece that includes criticism of the policies or leanings of the state's president...

2: The main violations of media freedoms in Arab countries
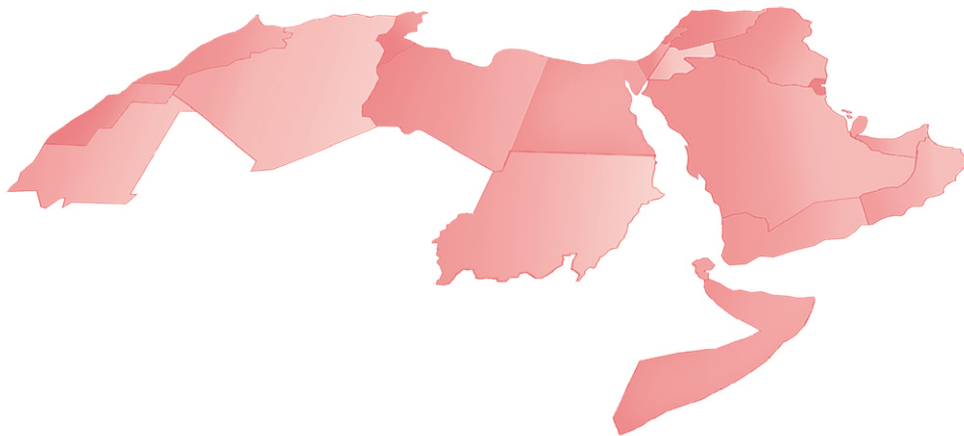
This part of the report focuses on outlining the main violations of media freedoms and journalists' rights committed in Arab countries, with the exception of Egypt, Jordan and Tunisia, each of which is covered under a separate section in the report that takes an in-depth, comprehensive look at the reality of media professionals' complaints and media freedom violations. This is the case because monitoring teams have been designated for each of these countries, receiving specific complaints and notifications and collecting information and accurate evidence on them through the fact-checking process. As for the remaining Arab countries, the process of monitoring violations relied on collecting the information published in reports and media outlets after they verified and checked for discrepancies.

Executive Summary

Summary of Chapter IIII

First
Complaints and violations of media freedom and journalists' rights in selected countries: [1]
- **Egypt**
- **Jordan**
- **Tunisia**

1- **AIN Program was implemented in 2012 in Egypt, Jordan, Tunisia by national teams that monitored and documented violations through questionnaires that covered all complaints and met with victims of these violations from the media.**

Egypt

Egypt is going through a transitional period where different parties are in conflict. This conflict has evolved into a sharp polarization between Islamists and secular and leftist forces in addition to influential people from the former regime. During these circumstances, the Network of Media Freedom Defenders in the Arab World tried to be completely neutral in observing and documenting violations to the freedom of the press in Egypt. The Network was also objective regardless of the claims of each side. In such circumstances Egypt is going through currently, it may not be easy to observe and collect information in a neutral way as there are fears that the collected data may not be accurate because the source providing the information may tend to support a certain party to the conflict. Concerns

of overstatement in describing the problems facing journalists also remain in case the source belongs to certain movement for example or the source may not be willing to unveil problems due to supporting the journalist. For this reason, the process of fact finding and information collection related to infringements against media freedom in Egypt has taken a special character that aims to achieve neutral information and objective conclusion.

Although 2012 was the first year for the Network in the field of observing and documenting violations in Egypt, it noticed that there is an acceptance for thought in Egypt proved by the large number of cases the Network received or monitored through its team of Egyptian observers. Around 310 cases of complaints and tips as well as self-observed cases were received by the Network's "AIN" program to observe and document media freedom violations.

Nature of complaints in Egypt
The Network of Media Freedom Defenders in the Arab World has examined and analyzed the complaints and tips it received, in

addition to the cases it observed. The Network found that the cases involve a number of common trends that will be tackled by the below report, which will also highlight a number of main cases that are related to these trends or address issues and subjects that raise controversy in the field of observing violations against media and journalists.

Common trends related to cases observed by the Network

Through the cases its received or observed whether they were complaints or tips or self-observed, the Network of Media Freedom Defenders in the Arab World has reached a number of conclusions that reveal common trends that could be summarized briefly as the following:

- **Cases related to casual and accidental violations**

The Network notably has observed a number of violations against a number of Egyptian journalists that occurred accidentally and inadvertently.

- **Numerous cases related to financial and labor demands**

Although observing and documenting cases related to labor rights or professional demands is not part of the duties of the Network of Media Freedom Defenders in the Arab World, it has received scores of complaints related to such demands. Noticeably, a large part of the cases the Network received that are related to labour and professional demands were in the form of complaints rather than notifications or self-observed forms, which is contrary to problems that faced journalists in the line of duty. These complaints included a broad spectrum of media outlets such as Al Badeel media website, Al Shaab newspaper, Al Ghad newspaper, Al Ahram newspaper, Akhbar Al Yawm newspaper, Ad-Dustour newspaper and Al Tahrir channel. Complaints focused on arbitrary dismissals, unpaid wages, protesting policies of editorial management, referring journalists to internal investigation at their media organizations, terminating a show or transferring journalists to other sections.

The numerous complaints pertaining to professional and labor demands that were received by the Network show that professional conditions and work circumstances of Egyptian journalists are not stable. They

also indicate there is an obvious absence of an active and strong body to protect journalists' professional and labor rights. The complaints also show that some media organizations are exercising power over journalists and over their professional and labor rights. The Network usually does not observe and document such issues because the Sanad is concerned with violations against media freedom. However it still can refer to such an issue as a common practice related to the work conditions of Egyptian journalists.

- **Impossibility of determining those behind assaults in many cases**

In many cases, the Network observed or received tips or complaints about, it was impossible to identify the people or parties involved in assault for different reasons such as that the assault occurred during an arguments or clashes that made it hard to identify those responsible or involved. Sometimes the source of assault could be a mob.

- **Various cases related to problems between journalists themselves**

The Network of Media Freedom Defenders in the Arab World has received complaints and tips related to assaults and problems occurred between journalists themselves, which means that the source of assault was a journalist. As a general rule, the Network does not document such kind of assaults. But as there are various cases related such attacks, the Network preferred to refer to this issue and to analyze it because it reflects a behavior within the media profession.

- **Journalist's lack of interest in documenting assaults against them**

The Network's experience in the field of observing and documenting violations against media freedom shows that journalists do not pay attention to the issue of documenting the details of violations and assaults they experience. The majority of cases the Network received through questionnaires or self-monitoring rather than complaints or tips. This shows that Egyptian journalists do not pay much attention to the issue of documenting problems

and assaults that can affect their media freedom or human rights.

This issue does not stop here but it goes the fact that journalists are not making efforts in many cases to document key elements related to problems and assaults they are subject to. In some cases, victims did not identify those responsible for the attack, while in other cases, complainants were not able to determine the time of the incident. Many cases showed that assaulted journalists do not communicate tips or file complaints regarding the severe attacks they are subject to. A large number of them justified this stance by saying it would be unimportant and useless as it would ensure them no justice.

Here is an analysis of the main cases:

This section addresses key cases the Network observed whether through complaints or tips or through questionnaires or self-monitoring. Describing these cases as key issues does not necessarily mean they are more important than others but these are related to previously mentioned trends and debated issues that involve a number of important questions in the field of monitoring and

documentation in general, and to the cases related to Egyptian journalists in particular. These cases are:

- ✓ A complaint by journalist Zaki Mohammad Bahloul about verbal argument with people.

- ✓ A special case about preventing a guest, Yusri Fudeh, from appearing on a program on ON TV.

- ✓ A complaint by journalist Ahmad Najeeb from Nile News about being abused by Safwat Hijazi while presenting a news bulletin.

- ✓ The case of writer Ibrahim Abdul Majid related to banning his weekly article in Al Akhbar Newspaper.

- ✓ A complaint by reporter Mustafa Mohammad Hassan from Ad-Dustour newspaper in regards to banning him from covering news.

- ✓ A complaint by journalist Saeed Ali Ahmad from Masrawi news website related to firing him from work without attaching reasons.

- ✓ A complaint by photographer Mohammad Assad Ahmad about being attacked by a gas bomb and stones.
- ✓
- ✓ The case related to preventing journalist Donia Abdul Rahman from entering Al Tahrir channel to present her daily show.

- ✓ The case related to terminating Al Farai'n satellite channel for a month and issuing a warning to withdraw its license.

- ✓ The case of rejecting to publish the article of journalist Sabri Ghuneim from Akhabr Al Yawm newspaper.

The issue of severe violation of media freedom and journalists' rights in Egypt:

The violations against media and media persons in Egypt that were documented and investigated by the Network highlighted a number of issues and important cases and also revealed common trends that should be noticed .They are:

- ▪ **The use of detention and imprisonment measures against journalists**

Noticeably, Egyptian authorities and security agencies as well as the public prosecution departments still very often resort to detention and imprisonment measures against journalists. In various cases, violations included arresting and detaining journalists. Such measures are not acceptable in any way in the media work.

- ▪ **Frequent serious violations against journalists**

The violations documented by the Network in 2012 were branded by the large the large number of serious violations, which included beatings, detention, cruel and degrading treatment and death threats. Some of the violations were collective, which means they were against a group of media personnel.

The Network believes that the increase of serious violations in Egypt is due to frictions between policemen and journalists because of the current conditions in Egypt as journalists try to cover rallies and demonstrations which policemen try to disperse or prevent and they attack participants at times. That

is why policemen target and beat journalists in addition to detaining and threatening them in a bid to prevent them from covering what policemen have done against demonstrators and sometimes to demolish evidence obtained by journalists that documents violations by police against rallies and protests.

- ### Various parties behind assaults

The Network of Media Freedom Defenders in the Arab World has noticed that more than one side were involved in the violations against Egyptian journalists in 2012, as there some violations could be perpetrated by security agencies and the army. Political movements and parties could also be responsible for some infringements. Individuals affiliated with political powers and influential businessmen were also involved in other attacks. Some media outlets were also responsible for violations, but this is not part of the Network's monitoring duty. Outlaws and thugs who work for certain influential parties or individuals were also involved in abuses. This phenomenon is not confined to Egypt but it has spread across Arab countries. Journalists have become the tool to unveil and document the truth, a fact that is not tolerated by everyone in the Arab world.

- ### Different rights and freedoms were violated

Although serious violations such as physical assault, detention and death threats represented the bulk of violations against Egyptian journalists in 2012, this does not mean that there was not considerable room for other violations. Grave violations to the journalists' rights and media freedom touched on a broad segment of human rights recognized by international treaties that Egypt is bound by. These rights are also guaranteed by the Egyptian constitution. Among the key rights that were violated is the right to live and prohibition of torture as well as other forms of cruel inhuman and insulting penalties. Other rights that were violated include personal freedom, prohibition of arbitrary detention, the right to fair trial, freedom of media and publication, freedom of expression, the right to practice journalism and the right to join associations and unions.

Violations caused by failure to provide protection

The violations that were investigated and documented by the Network in 2012 uncovered that some violations against Egyptian journalists occurred because concerned authorities, particularly police, failed to take adequate protection measures to enable journalists do their jobs. Some of the violations and assaults were not committed by official agencies but individuals, and sometimes injuries were caused by gas and fire shots as a result of insufficient precautionary measures by policemen when they broke up clashes. The commitment of official agencies to protecting the rights and freedom of journalists does not mean they only refrain from committing violations. Rather, it is their job to intervene and prevent others from violating journalists' rights and freedoms. The Network has observed some cases of journalists injured by tear gas canisters and bullets fired by policemen without warning journalists covering clashes and demonstrations.

- **The manipulation of law and taking legal action to restrict media freedom**

Violations against Egyptian journalists showed that Egyptian laws and legislations still include large restrictions to the freedom of media, publications and expression. The report will address this issue later. However, its was noticeable that the penal code is still used against Egyptian journalists for acts considered part of the media freedom. However, journalists could end in court for such charges and could face a life sentence in certain cases. The 1937 Egyptian penal code and its amendments still include articles that violate rights and the freedom guaranteed by the constitution and the International Covenant on Civil and Political Rights, particularly Article 19. Article 80 of the law stipulates a life sentence with hard labor for offering news to a foreign country, considered as an enemy to Egypt. So a journalist could be punished for publishing information criticizing the government or human rights violation or news related to corruption and poor living conditions if such information reaches an enemy state.

Article 86 stipulates imprisonment for calls or incitement to suspend the constitution or laws, while Article 98/B punishes anyone

who calls for changing the basic principles of the constitution or the political regime. Article 102 stipulates punishment for publishing news, statistics or rumors that could lead to disruption or harming public interests. Under Article 176, journalists can be punished by imprisonment up to three years if they incite a group of people to show hate or degrade other groups if the incitement is considered as a threat to social security. Under Article 179, journalists accused of insulting the president of the country can sentenced to three years in prison. There are other provisions that allow the imprisonment of journalists and fine them between EP10,000 to 30,000 for insulting a president of a foreign country.

In regards to the law of the press association number 76 for the year 1970, Article 65 does not allow anyone to practice journalism unless registered at the syndicate. Article 103, which is concerned with the role of press organizations and media agencies, bans hiring people who are not members of the association. Article 115 of the law criminalize those who breach articles 65 and 103 as the article says "Notwithstanding any stiffer penalty, those who breach articles 65 and 103 are sentenced to a maximum of one year in prison and a fine of 300 Egyptian pounds or either penalty. Anyone who is not registered in the records of the association and impersonates as a journalist should be subject to the same penalty".

The press law number 96 for the year 1996 requires a license to issue a newspaper. Article 22 of the law punishes those who violate the privacy of people, or questions others' faith or criticize the behaviors of lawmakers with one year in prison and fine.

Penalties, under article 28, for journalists who reject to publish corrections for false statements or accidents that were published in their newspapers include a prison sentence of minimum three months and a fine that ranges between 1,000 and 4,000 Egyptian pounds.

The previously mentioned articles and provisions represent unreasonable and unjustified restrictions on the media and publication freedom as they hinder the freedom of the media profession and include penalties

of prison and heavy fines. The articles and provisions also mandate that journalists register at the association as those who are not members would be jailed. The restrictions clearly violate Article 19 of the International Covenant on Civil and Political Rights, which is concerned with the freedoms of expression, opinion, publication and media. The articles are loose enough to be manipulated. The Network has noticed a widespread misuse of prison and fine penalties against journalists in Egypt, a matter which represents a breach to the International Covenant on Civil and Political Rights. The Constitutional Court in Egypt has stressed that Article 2 of the International Covenant on Civil and Political Rights commits countries through their executive, legislative and judicial powers to protect rights and freedoms included in the covenant. The court has also stressed that "Egypt is one of the countries that ratified the covenant. According to Article 2, therefore, countries cannot protest that their internal laws do not allow the implementation of the covenant and cannot claim that the constitution and laws can set the country free of its international commitments, as it chose join the

international covenant voluntarily. The court can refrain from implementing the international law in case it was against international commitments and the Constitutional Court in Egypt has chosen the level of commitment adhered to by democratic countries in their legal systems, in addition to respect of human rights and freedoms as a criterion as it works to protect the constitution".

The Network believes that the ruling of the constitutional court should be the guideline for other authorities, including legislative and judicial agencies, as they handle media freedom and governing regulations.

Major grave violations against media freedoms and journalists' rights in Egypt:

This section of the report provides a briefing on major violations observed and documented by the Network in Egypt in 2012. It does not include all violations documented by "AIN" program. However, they remain the most serious violations. In addition, they reflect common trends in violations of media freedoms, while other violations are still considered as

significant. They include violations against the rights of journalists and media freedom because of certain behaviors and acts. They can be summarized as follow:

- ▪ **Violations of the right to life**

The Network's "AIN" program was able to observe a number of violations in Egypt and they were related to threats to the right to life or death threats. Following is a list of key cases involving such violations:

- ✓ The death of journalist Al Husseini Abu Dayef from Al Fajr Newspaper as a result of a bullet wound while covering events of Al Ittihadieh Palace.

- ✓ Death threats against journalist Abdullah Al Dali from Al Watan newspaper while covering with his colleagues the election process in one of Al Fayoum districts.

- ✓ Death threats against journalists and workers at the Media Production City by members of a religious group.

- ✓ Violations related to torture and other abuses involving

harsh treatment or inhumane or unprofessional.

This kind of violations is considered as the most common the Network has observed and documented in Egypt ,which is the case in other Arab countries including Tunisia and Jordan .Following are major violations:

- ✓ Physical assault on journalist and managing editor at Al Noor Ayman AbdulWahed Mohammad during the events near the interior ministry.

- ✓ Torturing journalist Abdul Rahman Mohammad Abdul Rahman Musharraf by policemen while covering Al Abbasiyeh events

- ✓ Physical assault on journalist Karam Al Sayed Mohammad Atallah by policemen.

- ✓ Physical assault on photographer Abdul Rahman Youssef and cutting off part of his ear.

- ✓ Harsh physical attack on journalist Mohammad Ra'fat Abdullah.

- ✓ Harsh physical attack on

journalist Khaled Abdul Khaliq Al Dweik by army personnel.

✓ Physical assault on journalist Mohammad Ibrahim Toeimah.

✓ Physical assault on journalist Ahmad Ghuneim and the photographer accompanying him.

✓ Beating of photographer of Al Shorouq newspaper Rafi Shaker by policemen.

Violations related to Personal Freedom and unlawful detention:

This is considered one of the common and recurrent violations of freedom of media and rights of media personnel in Egypt. The Network of Media Freedom Defenders in the Arab World noticed that violations of personal freedom of journalists in Egypt is a result of laws governing crimes of publication and opinion, which could lead to a prison sentence, in addition to practices by security forces against media personnel.

These are major violations:

✓ Detention of journalist Amer Khamis by military police.

✓ Detendtion of Al Jazeera's team which included Howayda Taha and Mina Fawzi, and Kareem Buhairi in the area of Shubra Al Khaimeh.

✓ Detention of Mustapha Abdul Hamid Bedeer in illegally inside a police station in Kafer Al marabeen.

✓ Detention of Egypt 25 Channel's Hassan Al sayyed Khodari by the military police.

✓ Detention of Khaled Salhoub by security and army men.

Violations related to freedom of media and publishing:

The Network observed several violations of freedom of media and publication without touching personal freedoms. This is a list of these violations:

✓ Referring Tawfiq Okasha to court for statements made by him as he practiced his journalistic work.

✓ Referring of chief editor of Egyptian Addustour newspaper to court for

publication journalistic material without legal basis.

✓ Confiscating copies of Addustour newspaper by Egyptian General Attorney.

✓ Censorship by minister of media over the content of Nile Tv.

✓ Prohibiting essay writer Youssef Al Qa'eed from publication at Al Akhabr newspaper.

✓ Prohibiting Abla Al Reweni from writing at Al Akhabr newspaper.

✓ Accusing Jihan Mansour from Dream Channel by Issam Al Aryan that she earned money to criticize the Muslim Brotherhood.

✓ Prohibiting Jihad Shebeni and Aya Ramzi of Masrawi news site from covering parliamentary elections in the governorate of Qailoubeh.

✓ Prohibiting BBC crew from leaving presidential candidate Ahmad Shafiq's house and confiscating tapes from them by force.

JORDAN

The size of complaints and reports received by the Network and cases monitored by the CDFJ, in the year 2012 was higher than those in 2011. The Network has listed 78 cases of complaints, whereas in the year 2012, the Network received 96 cases through "AIN" program. By studying and examining cases Sanad Network reached some conclusions about general trends and questions. This includes cases the Network has investigated and documented.

Situation of complaints in Jordan:
The Network studied and examined the complaints received, as well as they cased observed by the Network itself. These are the major trends/conclusions that the Network came to:

- **Decline in the phenomena of refusing to disclose about attacks by journalists**
In the past Jordanian journalists seemed reluctant to unravel problems and attacks they faced while doing their job. However, cases received by "AIN" this year revealed clearly that Jordanian journalists has become more willing to disclose and speak about violations of their rights and they no longer fear any consequences afterwards. The Network attributes this change to the impact of the Arab Spring and changes happening in the region.

On the other hand, the Network has noticed that journalists do not report attacks automatically and directly. The majority of cases and reports received by "AIN", were obtained by mentors at the Network itself who called journalists and inquired about the attacks. This indicated that journalists are still not aware of the role of documenting attacks although they got over fears of repercussions of complaints. It shows the journalists lack of knowledge of the significance of this mechanism in deterring attacks.

- **Variety of complaints received**
Complaints received by "AIN" this year were not restricted to one

type of violations or specific type of problems. Most cases reported verbal, physical attacks, as well as preventing them covering the event.

The Network was not able to examine why, but believes it could be due to the increasing frictions between journalists and security officers, and the police, and so-called thugs while covering protests.

It is worth mention that this year, several complaints received by the Network indicate an increasing use of law and referral to court in an arbitrary manner and/or against international standards in order to detain journalists or punish them for material they published.

- **Weak knowledge of rights and legal frameworks governing media work**

The Network has noticed this issue in all Arab countries and Jordan is one. Journalists still hold poor understanding of human rights, international standards for media freedom and legal frameworks organizing media and journalistic work.:

- **Not paying attention to the significance of documenting the problem neutrally and accurately:**

Cases received by "AIN" indicate that Jordanian journalists still do not realize the significance of documenting attacks to deter the government from attacking them and obstructing their work. This observation applies to Jordanian as well as Tunisian and Egyptian journalists.

The Jordanian authorities' policy of impunity when it comes to attacks on journalists could be the main reason why journalists do not trust that documenting abuse could make any difference.

One other reason why journalists are discouraged to document attacks and cases of abuse against is because some of the violators manage to hide their identity and any traces that could help identify them. In several cases, it was very difficult for the journalist to identify the person who attacked them, obtained their names or even their description. If the violators were security men or gendarmerie forces, their names and employee numbers will not be released.

- **Cases in which a journalist is a political activist at the same time**

One of the essential issues that is worth mentioning is the fact that in some cases a journalist was a political activists at the same times. In some cases, the journalist was participating and demonstration as an activist but also covering the story as a journalist. Sometimes journalists were attacked during demonstrations in which they were participating as activists not as journalists.

"AIN" has used the extent to which the attack against a journalist is related to the fact that he is a journalist was a criterion to deal with such cases. If the attack was against an activist while doing some media work, then it is a violation of freedom of media. If the attack was against a journalist who was taking part in a political activity as an activist and not as a journalist, but the attack was targeted against him because he is a journalist, then it is a violation of media freedom. If the attack was against a journalist, who was taking part in an event as an activist, but the attack was not against him as a media staff, then it will not be considered as a violation of media freedom.

Examples of complaints:
The Network has considered including examples of complaints received from Jordan, Tunisia, and Egypt. The fact that we cite examples does not mean that one complaint is more important than another, but we looked at different standards: information available which is sufficient to examine the case and analyze it; its significance in revealing challenges and obstacles which make it difficult to follow the complaint; and most importantly if it contains important information showing the reality of cases received by the Network.

These are some examples the Network decided to include in the report:

- ✓ Complaint by Jamal Al Muhtassib, chief editor of Gerasa news, that he was banned from attending Parliament session discussing Publications law.

- ✓ Complaint by Ahmad Hiyari, chief editor of Watan news, that he was threatened by minister of Islamic affairs over the phone.

- Complaint by Muhammad Aubaydat, Madena news, that his camera was broken.

- Complaint by Ibrahim Abuzainah, Addustour newspaper, that his cares's windows were broken.

- Complaint by Nour Ezzeldien, a blogger and a student, that she was threatened and harassed because she posted a video on Youtube.

- Complaint by journalist Islam Sawalha from Garasa News climing he was subject to a cyber attack.

- Complaint by Ibrahim Qaisi, Addustour newspaper, that one of his articles were "messed" by a sponsor.

- Complaint by Zakarya Al Sheikh, Al Haqeeqa TV Channel, that Muslim Brotherhood kicked out his reporter from a demonstration organized on 5/9/2012.

- Complaint by Tareq Mansour Al hayek that he was threatened to be killed, verbally assaulted, while he was on a demonstration.

- Complaint by journalist Khaled Fkheida, publisher of Ahkilak website that his office was subject to burglary and the server was stolen.

The situation of complaints pertaining freedom rights in 2012:

"AIN" program managed to investigate and document violations of freedom rights reported in Jordan in 2012. These complaints were investigated, checked scientifically and legally.

Following the investigation, 61 violations out of 96 cases received in 2012, were involving at least one violation of freedom of media.

Violations committed by official or non official bodies were treated equally by the Ain, given that international agreements, which are the main sources to protect rights, require states to respect the law and protect freedoms of all people in both public and private life.

Cases received by the "AIN" entailed various violations of human rights, especially that human rights, including rights pertaining media, are similar and interlinked. Some of these rights violated (against journalist's in Jordan) were: inhumane and ill treatment, freedom of expression, unlawful detention, violations of personal freedoms. It is also worth mentioning that prior sponsorship and obstructing information is an on-going violation of rights of journalists including bodies monitoring such violations. The monitors paid most of its efforts to document the most sever and most common violations. In addition to this, attacks are no longer committed by security men directly but rather by some of their helpers such as so-called thugs who aid them in committing such attacks and violation.

Here is a list of the trends the Network has concluded from documenting the situation of media rights violations in Jordan:
One eye-catching fact was that most sever attacks against media staff were those committed by general authorities in Jordan, and that impunity, and that violations are committed by several parties,

and that general authorities participate in these violations. It was also noticed that law was used to silence journalists by sending them to state-security courts sometimes.

The process of monitoring and documenting violations of journalists rights revealed that some of facts were not new and they match what had been documented already in previous years. Sever violations, especially physical attacks by policemen and gendarmerie forces.

The summary will address the abovementioned issues as follows:
Continued Commitment of grave violations and systematic attack:
One can say that these attacks which proved systematic and severe attacks by gendarmerie forces, security personnel, and parliament members, can physical and verbal. In some cases, parliament members have hit journalists and insulted them verbally in the past.

The Network believes that deliberate attacks against journalists, which has become common against any journalist

reporting on Hirak in Jordan, is dangerous and it is a result of the policy of "impunity". These systematic and intended attacks prove that journalists were targeted with the intention to hide the truth.

▪ Impunity

It seemed clear to the Network through the "AIN" program that the policy of impunity regarding the violations committed against the media is still common in Jordan. As it seems, the authorities did not take any real or serious steps to put an end to this policy which has been pursued for years, or any steps towards implementing the necessary measures to do justice to the victims and hold the perpetrators accountable for the gross violations committed by officials against media personnel; they have either turned a blind "AIN" or consented to what was happening.

The Network, in this context, is very concerned that the prosecution did not investigate these serious violations or try to uncover the perpetrators behind them and the persons responsible then bring them before the competent courts for trial and punishment,

especially since the Jordanian penal code requires, in cases involving a crime, the prosecution to put to use its privileges and powers entrusted to it.

The Network believes that the policy of impunity - adopted by the security agencies and other relevant bodies in Jordan towards the grave violations suffered by journalists - contributes to the expansion of the size and number of said violations, and jeopardizes media freedoms in Jordan. The Network notes, in this regard, that Jordan's rating for media freedoms has declined significantly due to these violations.

▪ The Violations were deliberate

The Network believes, due to the violations which have been monitored and documented, and in light of the facts and trends referred to above, that there is a deliberate pattern in the targeting of the media and journalists, and in the attacks against media freedoms and the fundamental rights of journalists in Jordan. The method used in a number of these violations revealed a pattern. The perpetrators, mostly security forces and gendarmerie personnel,

deliberately attacked journalists, beat them, and confiscated their materials and their cameras to prevent them from covering the attacks practiced during the protests and on various occasions. It appears from some of the violations that directives were given in advance to the gendarmerie and the security to attack the journalists and prevent them from coverage.

- **Authorities, especially the security agencies, are involved**

The abuses against journalists and media freedoms during the year 2012 was issued by the authority or the one hand, it has been committed from the bodies and authorities and the various bodies, as implicated by other public authorities, there are violations by the security services Kaldrick and public security, and there are violations committed by the so-called thugs. The glare of the security authorities mentioned, also signed violations by governors, ministers and deputies in Parliament, which means that the men of the legislative and executive authority and men belonging to the views of various security participants to those violations,

a phenomenon that deserves to stand then it suggests that men belonging to the authorities the public have come to throng fed up with the media, journalists and censorship imposed by the media on their institutions and on the behavior and performance of their functions.

If the other public authorities involved in the violations, which affected the media and journalists in Jordan, but the share of the dam was the security services, the involvement of public security and gendarmerie and intelligence of committing the largest share of these violations.

Other issues that characterize violations, located on the media and journalists in this context that a number of violations committed in the year 2012 came from the figures parliamentary and against the backdrop of post media to cover the sit-ins, marches and other events popular movement or because they spread the news about their positions about public issues expressed them under the dome of the parliament.

▪ Attacks by parliamentarians persist

The Network defenders of media freedom in the Arab world noticed that there is a phenomenon taking the outbreak and increase in Jordan; an attack on media freedoms and the media by the deputies in the Jordanian Parliament.

One of the major violations the Network documented in this context the one committed against journalist Mohammad Al Khalidi from Ro'ya satellite channel by a deputy with a record of using violence against media personnel. Khalidi indicated that on June 17, 2012, he received a phone call from the said MP on his cellular phone. The deputy threatened that he would attack the headquarters and studios of the channel in case it hosted another lawmaker, who had been assailed by the first deputy, who stressed during the phone call with Khalidi that if the latter mentioned his name on air, the former would not remain silent and would storm into the channel's headquarters and implement his threat.

There have been a Network of the attack mentioned as the two journalists of the victim's journalists and two Sharaf al-Din Abu Rumman and Abu Friday witnessed located. Furthermore that Khalidi journalist has informed the Director-General of the vision of the incident channel. The MP aggressor known for the same conduct in many times before this incident, which is typical behavior and familiar with him.

▪ Violations of Media Freedoms and ill-treatment of Journalists

The Network also noted that the violations it has monitored and documented this year focused on freedom of the media, publishing and other ill-treatment practices, whether degrading treatment, inhuman or cruel. The Network's "Eye" programme uncovered (22) violation of the right to freedom of media and publishing and (17) violation of the right not to be subjected to cruel, inhuman or degrading treatment. Note that most of the cases the existence of violations was verified, it was coupled with ill-treatment.

We have varied forms of ill-treatment in the abuses that have been made of their occurrence Network has documented, have

taken the form of accusations and insults, beatings and threats, kicking and arbitrary deprivation of liberty (liberty). It is being categorized all practices within the ill-treatment prohibited under human rights conventions and Jordanian law.

- **Violence by law**

The Network of Media Freedom Defenders in the Arab World is disturbed and worried over the phenomenon of using the law and special courts in Jordan as a tool to inflict violence against the media. It has become a familiar and commonplace practice to refer journalists to the State Security Court on the grounds that the materials they publish constitute a crime of libel against the King, or incitement against the regime.

The Network emphasizes that journalists should not be tried by military or special courts on grounds of materials they publish as part of practicing their profession. More importantly, it is not acceptable to deprive journalists of their freedom on the basis on the materials they publish. Measures and penalties that involve deprivation of freedom should never be used

against media people for what they publish, write or broadcast.

- **Violations from outside Jordan**

The Network has been able to monitor and document (3) cases originating from outside Jordan. All of which involve clear violations of media freedoms and the rights of the media .. It is interesting to consider that the violations that occurred from outside Jordan was in reaction to the publication of material relating to the affairs of Jordanian news.

The Network believes that the increasing violations issued by entities located outside Jordan is a source of concern, and calls into question the benefits or goals that requests these actors reached behind these violations. The Center hopes to have this kind of abuse is limited exclusively on these entities should not be any domestic destinations have used this foreign sources as tools for violation (although that did not prove to the center so far) in the belief that this behavior may avert responsibility for the perpetrated or desiring hide their identity.

Most significant violations of

media freedoms and the rights of journalists:

This section of the report includes a summary of the most significant violations monitored and documented by the Network. Not all violations that have been documented by the "AIN" program are listed, but rather the ones of the most serious nature and the ones that clearly reflect the general trends of the violations. However, this does not mean that other violations monitored and documented by the Network in Jordan are of no importance.

These abuses include those that have affected and undermined media freedoms and the rights of journalists as a result of certain behaviors and acts (violations resulting from practices) and because of the laws in force, which were approved in 2012. It is necessary to emphasize that a large part of these violations have touched on more than one of the recognized human rights and media freedoms, but it was decided to classify them as among the most prominent abuses. In other words, the classification of these violations was based on the most obvious and striking aspect of the violation, although

it might involve violation of other rights or freedoms. These can be summarized as follows:

- Violations related to threats to the right to life

"AIN" program managed to monitor one violation committed in Jordan that is related to a threat to the right to life. It notes that this kind of abuse is not common in Jordan and is rarely committed:

✓ A death threat targeting journalist Raeda Al Shalalfa from Akhbar Al Balad by the so-called "Free Jordanians Movement."

- **The right not to be subjected to torture or other cruel, inhuman or degrading treatment**

One of the striking phenomena in 2012 is the multiple assaults and violations relating to abuse of the media in all its forms and manifestations, including deprivation of freedom arbitrarily or illegally, verbal abuse, physical violence, threats, and summoning for interrogation by security agencies for reasons related to journalistic work. The Network managed to verify the occurrence of violations of this type in (17) of the cases that have been monitored. Following are some:

- ✓ Beating journalist Kheireddine Abdul Hadi by a group of gendarmerie personnel.

- ✓ Beating journalist Ibrahim Khalifa while covering a rally.

- ✓ Attacking journalist Raed Awartani physically and verbally.

- ✓ Assault on journalist Nidal Salameh by beating and verbal abuse.

- ✓ Verbal assault on journalist Iman Jaradat by one of the members of the Lower House.

- ✓ Physical assault on journalist Hamzah Almzra'awi.

- ✓ Physically assault on journalist Moussa Barhoumeh.

- ✓ Assault by the Gendarmerie and public security forces physically and verbally against journalist Ghaith Al Tal, and damaging the contents of his camera.

- ✓ Insulting journalist Mustafa Tawalbeh by the Awqaf director in Bani Kenana.

- ✓ Verbally abusing and attempting to physically attack journalist Ra'ed Salahat by members of the traffic police.

- ▪ **Violations of the right to a fair trial**

Most notably:
- ✓ Summoning journalist Nidal Salameh to the office of the prosecutor at the State Security Court and threatening him.

- ✓ Referring Alaa Mahmoud Deeb, owner of Deeb News website, to the State Security Court and detaining him arbitrarily.

- ✓ Referring journalist Jamal Al Muhtassib to the State Security Court and detaining him arbitrarily.

- ▪ **Violations to the right of personal liberty**
- ✓ Illegally detaining journalist Adnan Nayef Buhamad from Al-Balad Radio by security agents.

- ✓ Illegally detaining journalist Khalil Qandil from Assabeel newspaper.

- ✓ Brief detention of journalist Mohammad Shihab from the Madina News website at Ain Al-Basha police station on no legal grounds.

- ✓ Detention of journalist Ahmed Al-Tamimi and the confiscation of his camera while covering a protest against the prime minister's visit to the city of Irbid.

- ✓ Detention of journalist Ziad Nuseirat arbitrarily and confiscating his camera by police.

- ✓ Assaulting and illegally detaining journalist Mohammed Saqallah.

- ▪ **Violations of the freedoms of expression, press and publication:**

Most notably,
- ✓ Confiscating the camera of journalist Saleh Qishta by the Gendarmerie.

- ✓ Threatening journalist Sami Abu Kharma and trying to force him to reveal his sources.

- ✓ Banning JOSAT channel from broadcasting.

- ✓ Confiscating the camera of journalist Yasser Abu Hilalah by security personnel during filming a camp where Palestinian refugees coming from Syria were hosted.

- ✓ Confiscating the camera of journalist Ihsan Al Tamimi of Al-Ghad newspaper and deleting the photos he took by the managing director of Zarqa Public Hospital and the hospital's security personnel.

- ✓ Journalist Ghassan Abu Luz ,a cameraman from Al-Arabiya satellite channel, was subject to harassment and interference in his work and by a media advisers working in the Zaatari camp.

- ✓ Articles critical of the government performance by columnist Ahmed Hassan Al Zu'bi were banned

publication by the chief editor of Al Rai daily.

✓ **Essam Bzour ,a cartoonist at Al Rai newspaper was suspended for to his criticism of remarks by the media minister ,who is government spokesperson, through satirical cartoons.**

✓ **Restricting the freedom of the electronic media through amendments introduced to the Press and Publications Law.**

Tunisia

The Network of Media Freedom Defenders in the Arab World "Sanad" sought in 2012 to establish a foothold in Tunisia as one of three countries to be covered by the Network as part of "AIN" program for monitoring and documenting violations of media freedoms in the Arab world. The selection of Tunisia was made for several reasons, foremost of which is the January 14 Revolution that overthrew the dictatorial regime in Tunisia. This revolution created a new reality that is quite different in terms of the possibility to do a job related to violations of media freedoms. Tunisia has become the most suitable environment for such a mission.

Other reasons driving the Network to have a presence there is its desire to enroot the idea of monitoring and documenting violations of media freedoms in Tunisia as one of the countries experiencing transition towards democracy. Civil society organizations operating in Tunisia in the field of human rights or media freedoms need support by parties that have the experience in the field of monitoring and documentation. For this reason, the Network has trained a team of monitors to be the nucleus of sustained institutionalized work in Tunisia to monitor violations of media freedoms in a scientific and systematic manner and document them in line with international standards.

The reality of complaints in Tunisia:

The Network has studied and analyzed all complaints and tips it received on the problems and attacks against journalists, in addition, of course, to the cases monitored by the Network itself in Tunisia. The Network found out that these cases involve a number of issues that constitute general trends and common denominators. These trends can be summarized as follows:

- **Tunisian journalists' lack of interest in documenting attacks they are subject to**

Among the issues that has drawn the attention of the Network is that Tunisian journalists generally do not care much about documenting attacks they are subject to and the elements of these attacks. The "AIN" program's team noticed that many of the cases and complaints they received lacked the basic elements and fundamental data such as the time of the assault, the people involved, their descriptions and the actions taken by the victims to report the assault to the competent authorities.

In many of the complaints and reports received by the monitors, complainants and informers were not aware of the essential elements that make it possible to follow up on complaint. The team received numerous complaints that did not provide the identity of the people who perpetrated the assault. When monitors contacted the persons who filed the complaints to inquire about the names of the attackers, descriptions or any data that would help identify them or the parties behind them, they only said that Salafists, or members of militias affiliated with Ennahda Party were involved, without providing descriptions or the identity of the perpetrators, or any specifics that would prove that the Salafist movement or Ennahda were behind the assault. The fact that bearded men attacked the journalist does not provide sufficient evidence that the perpetrators were Salafists or members of Ennahda.

- **Tunisian journalists' no-disclosure tendency**

The Network's experience in monitoring violations of freedoms in Tunisia indicates that Tunisian journalists tend not to disclose the problems and violations perpetrated against them. In fact, the bulk of the complaints and information that flowed into the

Network was not the result of the journalists themselves disclosing the violations they had suffered or due to complaints they filed. In fact, credit goes to the persistence of monitors who followed up on the cases, contacted the victims and encouraged them to file complaints.

The Network believes that the reluctance of the Tunisian media workers to disclose the problems to which they are exposed is attributed to the weakness of non-governmental organizations operating in Tunisia in the field of monitoring and documentation, and perhaps the weakness of the existing bodies concerned with ensuring justice for victims in general. What supports this conclusion is that most of those who filed complaints or reports to the Network had not notified the competent agencies or security apparatus of the attacks, a matter which indicates that the issue of following up on the problems, abuses and violations they are subject to is not a priority for them for several reasons, most importantly, as shown by the complaints, is the lack of journalists' confidence in the justice system and the agencies concerned with

these issues in Tunisia.

- **Non-governmental organizations' failure in monitoring and documenting violations of media freedom**

Because of the repressive climate that prevailed before the revolution of January 14, due to restrictions on NGOs in general, and because many NGOs have confused political activism with advocacy, these agencies failed to live up to their obligations to civil society. They compromised the legal role at the expense of the political one leading to their failure to monitor and document violations of human rights and, by extension, the freedom of the press.

- **The implications of the conflict between the secular and the Islamic movements in Tunisia**

The Network noticed that the current conflict in Tunisia between the secular and Islamic movements has left obvious impact on the nature of complaints registered by the Network. The nature of the complaints suggests that the majority of Tunisians media personnel support secularism and

defend media freedoms, including the freedoms of thought, opinion and expression. They are keen to stand in the face of any attempt by the Islamic movements to hinder the exercise of media freedoms. For this reason, the Network registered complaints claiming that the Ennahda and the Salafist movements are behind the violations. It became clear that the violators of media freedoms after the revolution of 14 January are no longer the traditional figures of from powerful agencies and security forces, but rather political parties and movements and militias such as those affiliated of the Ennahda and the Salafist movement. Furthermore, there has been the use of thugs by security forces to target media personnel.

- **Large numbers of cases involving serious physical assaults**

The majority of complaints recorded by the "AIN" program had to do with physical assaults on journalists. This does not mean that the nature of these complaints is not linked to other issues. These assaults range from beatings to aggravated assault.

The Network is of the view that the reasons behind the large number of cases involving physical attacks is the increasing conflicts and frictions between governing institutions and the media in times of democratic transition such as the one witnessed by Tunisia, as well as the secular-Islamic conflict. In these conflicts some parties justify the use violence as means to manage conflicts.

Complaints and analysis:

The Network of Media Freedom Defenders in the Arab World has sought to analyze and publish a number of complaints and tips it has received with regard to problems and abuses suffered by Tunisian journalists, in order to identify the most important obstacles and challenges facing the process of monitoring and documenting violations in countries emerging from dictatorial rules to democracy, modernity, and justice. The Network was keen on choosing cases clearly reflecting the general trends, in addition to some of the problematic issues worthy of analysis. Following is a reference to the most prominent of these complaints and communications:

- ✓ A complaint by Buthaina Qwia'a, for arbitrarily suspending from work in

the Tunisian radio.

- ✓ A complaint by Qais bin Miftah, photojournalist, for being subjected to physical abuse by the Salafist figure, Shukri Fathallah.

- ✓ A complaint by journalist Ghazi Benailah of the Tunisian Al Hiwar Channel for preventing him from coverage by some Salafists.

- ✓ A complaint by the Tunisian television's Walid Al Hamrawi, for physical assault.

- ✓ Al Hewar Channel's journalist Samira Souri's complaint regarding an assault she was subject to while doing her job.

- ✓ A complaint by Monia Arfaoui on the grounds of being summoned by the investigators of the Economic and Financial Research Team.

- ✓ Referring the owner of the Tunisian Channel, Sami Fahri, to court and issuing an arrest warrant against him.

- ✓ Threatening Al-Shaab Newspaper's journalist Inas bin Othman and confiscating her camera.

- ✓ Hana'a Madfaai, who works for a provincial radio station, filed a complaint demanding an end to verbal abuse against her, and cases against her be dropped.

The nature of violations:

The Network of Media freedom Defenders in the Arab World managed to monitor a variety of different violations of media freedoms in Tunisia. Conclusions have been drawn after analyzing a number of common trends. The following are the most important of these trends and the most prominent violations that have been verified.

General trends relating to violations of media freedoms:
Violations that have been monitored and documented reveal the existence of general trends characterizing these violations in 2012. The Network has noticed that a large portion of these trends are similar to those drawn by the Network in both Jordan and Egypt, and possibly in the entire

Arab world. The reason for these similarities is quite clear. Although there are differences between these countries, there are common denominators among them in terms of media freedoms and the rights of the media, especially since the orientations of the ruling systems are similar. These counties are passing through democratic transition as a result of the Arab Spring but did not rid themselves fully of the sediments of the former regime.

The most important trends can be summarized as follows:

- **The emergence of new and non-traditional sources of violations**

Although the primary source of violations of media rights in Tunisia had been the former regime and its police system, the number of abuses has increased in their absence after the Arab Spring. New sources emerged such as the militia of some political parties, religious groups, influential politicians and economic figures, along with the remnants of the former regime; in addition, of course, to thugs affiliated with the security forces.

- **The serious nature of violations and the large number of violations related to abuse and assaults**

The vast majority of abuses monitored and documented in Tunisia by the Network are of the physical type and in serious violation of the international covenants prohibiting torture and cruel treatment. The main reason behind them is probably the inability of official agencies to prevent such abuses. This increase in the occurrences monitored in Tunisia has become a challenge for journalistic work in the country; besides, monitoring this type of abuse is easier than others. The media reveals this kind of abuse out of a sense of indignation and as a way to defend their dignity.

- **Impunity**

As in all other Arab countries, public authorities and the state apparatuses, particularly the security agencies, follow a policy of impunity regarding those who commit assaults and serious violations against media professionals. It became evident to the Network, based on the violations it monitored and documented, that there is a

policy of impunity followed by the official authorities. It is manifested in a number of cases of violation revealing a deliberate policy of concealing the identity of the perpetrators, which makes it practically impossible to identify and sue them. These practices reveal a wide policy of impunity that has many causes. It is not a new policy but is part of the former regime's legacy. Whatever the reason for its continuation, it provides cover to serious violations and attacks against journalists.

- **The security forces' failure to provide the necessary protection to the media**

It is quite clear that the security forces in Tunisia are neither able nor willing to provide the necessary protection to the media. The daily, frequent and grave assaults on the media personnel are coupled with these forces' futile measures to stop such attacks or decrease their frequency. It has been proved that there is a policy of concealing the names of perpetrators. Such practices are related to a wider impunity policy, which is adopted for many reasons; moreover, it is a

leftover of the former regime.

- **The weakness of the legislative framework governing media work**

As a result of the Jasmine Revolution and the deposition of the former dictatorial regime, the importance of constitutional reforms related to media and freedom of the press was highlighted. A special sub-committee emerged from the higher commission for achieving the goals of the revolution and democratic transition, whose job is to make suggestions concerning the reforming media laws.

The former regime strongly stood against the reforms in the media sector. Yet a group of laws were passed as a package constituting a legislative framework for media freedoms. They included the adoption of a number of important laws in 2011. These laws were Decree No. (41) amended by Decree No. (54), governing access to information, Decree No. (115), concerned with the Press Law, and Decree No. (116) on audiovisual media. However, the new Tunisian government did not respect these laws and continued practices against journalists, although Decree (115) stipulates

that it replaces the older law, and they kept on taking action against journalists based on penal code provisions, which are inconsistent with the provisions of Decree (115). The new laws were not implemented independently from the penal code which criminalizes acts that that fall under the freedom of expression, and thus they have weakened Decree No.(116), which constitutes the new press law.

It is noteworthy that the laws that were in force in the era of the former regime, which hindered and restricted the freedom to use the Internet, are still in effect. Decree No. (501) of 1997, which regulates the services of telecommunications and the provision of telecommunications services and wireless internet (Regulation of the Internet) for the year 1997 is still in force. This piece of legislation holds Internet service providers accountable for the content posted by third parties, without any exception, and obliges these providers to monitor and delete content that violates public order and morality. It also mandates the submission a monthly list of subscribers, and allows authorities to block websites without prior notification.

Violations of media freedoms and the rights of journalists in Tunisia
This section contains a brief summary of the most important violations monitored by the Network and documented in Tunisia in the year 2012. They do not include all the violations that have been documented by "AIN" but the most serious of them. They are summarized as follows:

- **Violations related to threatening the right to life**

The Network's "AIN" program was able to monitor a number of violations committed in Tunisia, and they are related to threats on the right to life. The following summary lists the most prominent cases of violations of this kind:

- ✓ Threatening the life of Al Hakika Newspaper's journalist Reem Boughurra for publishing a report.

- ✓ Threatening the life of journalist Ramzi bin Mohammed Al Jibari, who works for Tunisia's Al-Safeer newspaper for an article he wrote.

- ✓ Prohibition of torture and other cruel, inhuman or degrading treatment.

These types of violations are the most common as documented by that the Network in Tunisia. The Network has verified the occurrence of many of these violations and the following are the most prominent incidents:

- ✓ Physical assault on journalist Zuhair Zwaidi, while covering a demonstration.

- ✓ Threats of physical assault against journalists Al Moiz Suleiman and Zuhour Al Marzouqi.

- ✓ Physical assault on cameraman Abdul Hamid Omari and smashing his equipment.

- ✓ Physical and verbal abuse against Al Jazeera satellite channel's team members in the town of Sidi Bouzid.

- ✓ Physical and verbal abuse against journalist Abdul Halim Masoudi during the trial of journalist Nabil Karawi.

- ✓ Physical assault by security agents on reporter Sanaa Farhat from the French-speaking Al Waqt newspaper.

- ✓ Physical and verbal abuse against photojournalist Ali Alqarbousi by one of the security agents.

- ✓ Physically assaulting journalist Onsi Buzmitah and his team from Nessma TV by supporters of Al Nahda movement.

- ✓ Beating of journalist Fahim Bin Zayed from the Nessma channel.

- ✓ Beating the team of the Tunisian Al Hiwar channel, which consists of Noureddine Saidi and Sabir Siba'i in the city of Sidi Bouzid.

- ✓ Physical and verbal assault against journalist Hossam bin Ahmed, from the Al Tunisia newspaper, to prevent him from covering the events of April 9.

- ✓ Assault on journalist Ziad Al Hani by militias of government supporters.

- ✓ Beating and insulting journalist Ayman Al Rezqi

from Al Hiwar channel.

- **Violations of freedom of media and press**

The Network has spotted a number of serious violations, mainly targeting media and press freedom. Following are the most prominent incidents:

- ✓ Sending a subpoena to journalist Ghazi Al Mabrouk for interrogation following a complaint filed against him for an article he published.

- ✓ Preventing journalist Ghazi bin Aliyya and photojournalist Anis Ben Salem from covering a protest.
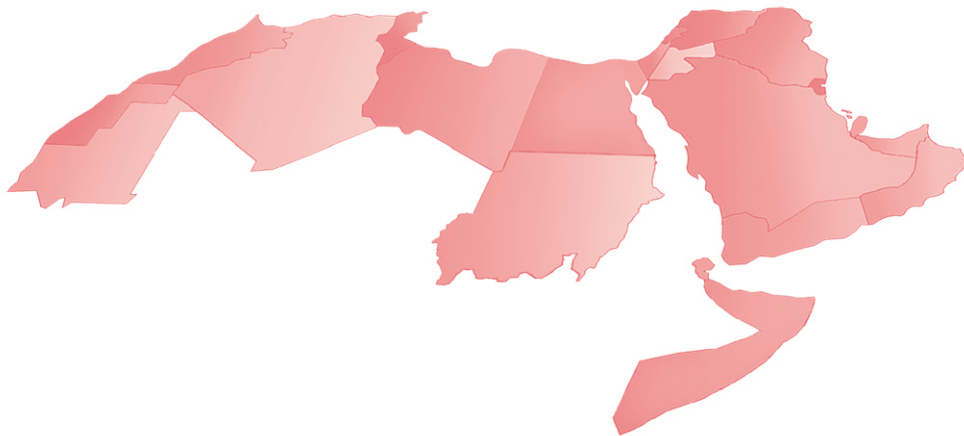
- ✓ Preventing a team from the Tunisian Al Hiwar Channel from covering the funeral of Mohammed Bakhti.

- ✓ Withholding information from journalist Naima Chermaiti, and others by the prime minister of Tunisia.

- ✓ Storming the headquarters of Radio Sfax by people who are related to the Association for the Protection of the Revolution.

Executive Summary

Summary of Chapter IIII

Second
Violations of media freedom and media rights in other Arab countries[5]:
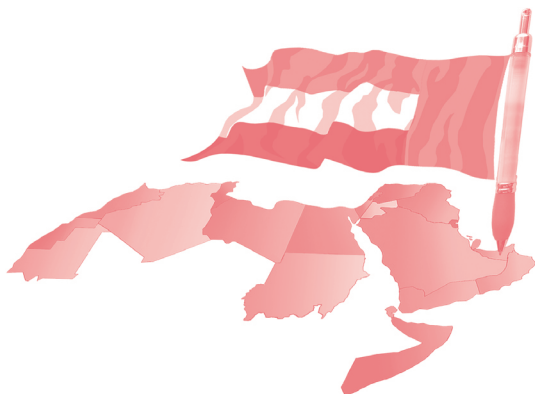**UAE - Bahrain - Algeria - Saudi Arabia - Sudan - Syria**
Somalia - Iraq - Oman - Palestine - Qatar
Kuwait - Lebanon - Libya - Morocco - Mauritania - Yemen

5- **AIN Program implemented in other Arab countries in 2012 resorted to monitoring and verifying relevant news stories and publications of national, regional and international organizations.**
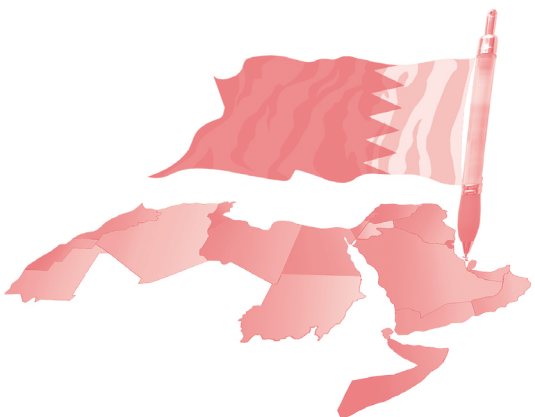
United Arab Emirates

Following is a list of the major violations monitored by the Network in UAE:

- ✓ The security forces' arrest of journalist Ahmad Jaafar.
- ✓ Blocking Watan news websites.
- ✓ Arresting journalist Said Al Shahi.
- ✓ The UAE's new federal decree on cyber crimes.

Bahrain

Monitoring the pro-reform protests witnessed in Bahrain since February, 2011, the Network has registered a number of violations committed by the Bahraini authorities that varied from denying journalists entry and the systematic and premeditated harassment of journalists and cameramen to prevent them from covering the security's crackdown on popular movements. Repressing journalists continued in Bahrain, taking the forms of detention, jail, torture and mistreatment.

Here is a list of the major violations registered by the Network:

- ✓ Threatening the French journalist and documentary filmmaker, Stephanie Lamorre.

- ✓ Summoning journalist Wahid Al Bloushi for interrogation before the prosecutor general.

- ✓ Denying several reporters of foreign news agencies entry by Bahraini authorities.

- ✓ Arresting a number of foreign journalists.

- ✓ Detention of journalist and cameraman Mazen Mahdi,

Hassan Jammali and Hamad Mohammad by the security agencies.

✓ Arrest of journalist Ahmed Radhi by security forces.

✓ Beating photojournalist Mazen Mahdi.

✓ Holding journalist Reem Khalifah accountable without a fair trial.

Algeria

Violations registered in Algeria by the Network were of "serious" nature, manifested largely in physical assaults against journalists to the point in which freedom of journalism can be said to be under various types of repression by the Algerian authorities.

Following are the major violations committed in Algeria:

✓ Physical assault on journalist Hanan Idris in the Algerian capital.

✓ Fining journalist Fatima Omarah for practicing journalism.

✓ Beating journalist Mohammad Qaderi by members of Algerian police.

✓ Convicting journalist Mansour Si Sayyed and sentencing him to prison for publishing an article.

✓ Death threat against journalist Elyas Abdulsalam.

✓ Security forces' frequent acts of harassment of journalist Zuhair Mawhoub from Watan Newspaper.

Saudi Arabia

KSA is classified as one of the world's top ten countries in terms of restricting freedom of journalism. Saudi authorities appoint and dismiss managers and chief editors of mainstream media outlets. Under the Saudi laws (regulations as referred to in KSA), appointments of editors at media outlets and the practice of electronic press require prior approval and licensing from the government.

Here is a list of the major violations registered by the Network in KSA:

- ✓ Arresting Habib Al Maatiq, Hussein Al Salem and Jalal Al Jammal for covering events in the kingdom's eastern province.

- ✓ Banning the airing of "Al Bayan Al Tali" (the following statement) show and preventing journalist Zuhair Katabi from writing.

- ✓ Blocking Tanmeyah (development) news website.

- ✓ Detention of journalist Raef Badawi under the cyber crimes law.

- ✓ Blocking Al Saha Al Arabiya website.

- ✓ The killing of journalist Mohammad bin Hashan Al Ftaih from Yadamah Governorate by a citizen.

Sudan

The kind of violations registered by the Network in Sudan revealed a very poor status of freedoms coupled with laws and regulations that curb the freedom of the press.

Journalists there are still exposed to a number of harassments, including security and tribal censorship, the national security agency's and the intelligence's daily confiscation and closing off of newspapers, preventing journalists from writing and frequently summoning them for interrogation and beating them up by the police and military intelligence personnel in addition to the unfair and legally unjustified trials of journalists and the fines imposed on them.

Here is a list of the major violations registered by the Network in Sudan:

- ✓ The raid by the National Security Agency and the intelligence on Alwan newspaper and confiscating one of its edition and later closing it down.

- ✓ The security agencies' ban on the publication of Al Tayyar newspaper.

- ✓ Confiscating an issue of Al Jareeda newspaper by the National Security after storming the paper's headquarters.

- ✓ Publication ban on Al Meedan newspaper.

- ✓ Arresting journalist Faisal Mohammad Saleh by the security and intelligence personnel.

- ✓ Arresting Agence France-Presse (AFP) reporter Simon Martini.

- ✓ Arresting journalists Salma Al Wardani and Maha Al Sanousi.

- ✓ A ban imposed on the distribution of one of Alintibaha newspaper's publication.

- ✓ Arresting journalist Talal Saad by the security and intelligence personnel.

- ✓ Confiscating an issue of Al Ahram Al Arabi Magazine.

- ✓ The ban on the publication of Al Mashhad and Akhir Lahza newspapers.

- ✓ Arresting Eritrean journalists Abdullah Mahmoud and Haroun Adam.

Syria

Violation of press freedom is a daily routine in Syria. Since the outbreak of armed revolution in 2012, too many serious violations were witnessed in all the Syrian regions, committed by all parties involved in the struggle - both the government forces and the armed militias. Subject to these violations were Syrian and foreign journalists, freelance reporters and others known as "citizen journalists". The Network has monitored all those violations but is only concerned with disclosing those committed against those working in the press whether Syrians or foreigners as mentioned above, the violations of press freedoms committed during 2012 in Syria were very serious, varying between assassination, torture, mistreatment, arbitrary and illegal deprivation of freedoms and disappearance.
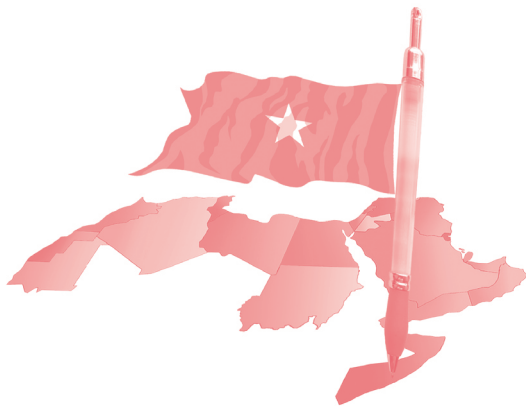
Following is a list of the major violations the Network registered in Syria:

✓ The disappearance of Turkish journalists Adem Özköse and Hamit Coşkun in the city of Idlib.

✓ Torture and arrest of journalist Rody Othman.

✓ Murdering British journalists, Waseem Li'azaziya and Walid Boudinya, both of Algerian origin in the Syrian city of Idlib.

✓ Killing the Lebanese Al Jadeed TV cameraman Ali Shaaban by gunshots fired by the Syrian army.

✓ Killing cameraman Sameer Shalab Al Sham in Syria's Homs.

✓ Detention and brutal torture of journalist Klester Cavalcanti of Brazilian origin.

✓ Kidnapping Syrian TV presenter Mohammad Al Saeed.

- ✓ Murdering photojournalist Ihsan Al Buni in Reef Dimashq province.

- ✓ Kidnapping journalist Ali Abbas, head of the news disk at Syrian News Agency.

- ✓ Kidnapping the Syrian Al Ikhbariya TV's team in Damascus

- ✓ The bombing of Al Ikhbariya news channel, which left seven of its staff dead.

- ✓ Murder of Syrian journalist Shukri Abul-Burghul in Damascus's Darya region.

- ✓ Murder of French journalist Gilles Jacquier while covering violence in Homs.

- ✓ Arresting journalist Mohammad Kannas in Damascus's Kufer Suseh neighborhood.

- ✓ Murdering American Sunday Times veteran reporter Marie Colvin and French photographer Rémi Ochlik in Baba Amr neighborhood of the city of Homs.

- ✓ Firing at Le Figaro journalist Edith Bouvier and causing her serious injuries in Baba Amr neighborhood of the city of Homs.

- ✓ Causing injury to French journalist William Daniels in Homs.

- ✓ Murdering journalist Baraa Al Boushi in Reef Dimashq province.

- ✓ Murdering journalist Mazhar Omar in Hom's Khaldeyyah neighborhood.

- ✓ Killing of Iraqi reporter Falah Taha in Damascus.

- ✓ Killing of Iraqi reporter Ali Al Kaabi in Damascu.

- ✓ Causing injury to Aljazeera channel's reporter in Aleppo's Salah Eldein neighborhood while covering the events there.

- ✓ Arresting journalist Mazen Darweesh.

Somalia

Somalia is considered to be one of the most notorious Arab states in terms of violations of press freedoms and journalists 'human rights ,The biggest number of murders of journalists and attempts on their lives were recorded in Somalia ,which ranked the second for the third consecutive year in terms of journalism-related crimes with 19 crimes of murder at least committed during.2012 Crimes are usually attributed to fighters belonging to Somalia's Al Shabab Islamist group ,but they are sometimes the result of settling accounts among the various factions fighting in the African country .The Network believes that the large number of journalists who have been killed in Somalia without identification of criminals reflect the Somali authorities 'inability and failure to protect journalists and hold perpetrators accountable which leads to the increase of murders that go unpunished.

Following is a list of the major violations monitored by the Network:

- ✓ The assassination of journalist of Radio Shabelle, Hassan Osman Fantastic.

- ✓ The assassination of the director of Somali OneTV Abu Baker Hassan Kadf.

- ✓ Arresting journalist Ahmad Ali Farah by the Somali police.

- ✓ The murder of journalist Mehad Sald Aden.

- ✓ The murder of journalist Ahmad Ador Anshour.

- ✓ Seriously injuring of journalist Abdulqader Omar Abdullah.

- ✓ Assassination of journalist Abed Jilani Malaq Mershali.

- ✓ Assassination of journalist Mahmoud Ali Bneisti.

- ✓ Assassination of journalist Hassan Yousef Absough.

- ✓ Killing of photojournalist Zakariya Mohammad Mahmoud Muallem.

- ✓ Assassination of journalist Ahmad Farah Elyas.

- ✓ Murdering journalist Wersam Shir Awali.

Iraq

Iraq is a typical example of crimes that go unpunished and the rise in the number of serious violations committed against journalists, including mainly violence, murder and disappearance with the Iraqi authorities failure to shoulder their responsibility to prevent them. The Network has noticed that the Iraqi government has not t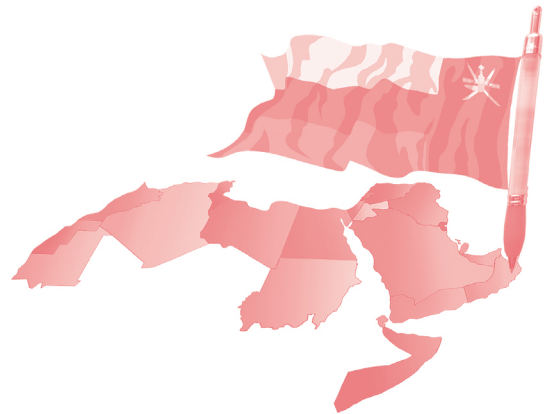aken preventive measures against such violations nor has it launched investigations into these crimes to unveil perpetrators and refer them to the judiciary. Iraq has ranked the first during the four past years in the Networks' 2012 index. The Iraqi government, which has previously defended its failure to curb violations of press freedom to the conditions of war, is still unable to bring an persons involved in assaults to justice despite the relative improvement in the security situation.

Following is a list of the majors violations monitored and documented by the Network in Iraq:

- ✓ The detention of journalist Ali Al Fayyadh by police guarding government estabslihments.

- ✓ The detention of journalist Ayman Al Shabibi by the Iraqi intelligence.

- ✓ The Iraqi Army's Third Regiment's mistreatment of a number of journalists.

- ✓ Attempted assassination of Al Anbar TV reporter Mohammad Sa'ad Farhat.

- ✓ Arrest of journalist Salim Al

Khalfawi arbitrarily after being subject to a physical assault.

- ✓ The Iraqi security forces use of taser guns against Nehad Abd Al Hussein.

- ✓ Detention of journalist Zakeyeh Al Mazouri by the security agency.

- ✓ Beating up journalist Milad Sami and his companions by the Kurdish security forces.

- ✓ Assassination of journalist Ghazwan Anas and injuring one of his family members.

- ✓ Threatening and beating up reporters from Alhurriyeh TV by security personnel.

- ✓ Attempted assassination of journalist Karim Hassan.

- ✓ Attempted assassination of Salah Eldein TV presenter Kamran Salah Eldein.

- ✓ Assassination of Samir Al Sheikh, editor-in-chief of Al Jamaheer newspaper.

- ✓ Laws that violate press freedoms.

Oman

It is worth noting that media outlets in Oman are not independent. The ministry of media in the Sultanate enjoys massive jurisdiction to monitor all media outlets. Moreover, the state owns most of the TV and radio stations except for recently established stations that broadcast mostly songs. The very limited number of private newspapers that receive government funds impose self-censorship on their conduct. The effective laws in Oman, mainly the 1984 Press Law, stipulate huge fines and criminal penalties that can reach imprisonment for years. The Sultanate ranked 141 in the classification of countries in terms of press freedoms.

Following are the major violations monitored by the Network in Oman:

- ✓ Arresting journalist Saeed Al Hashemi.

- ✓ Sentencing to a prison term and fining journalist Mukhtar Al Hannai.

Palestine

Palestine is considered one of the countries witnessing the largest numbers of violations against journalists. The majority of these violations are committed by the Israeli occupation authorities that crackdown on press freedoms and journalists' rights on a daily basis in Palestine. What is worth noting is that the Israeli authorities commit serious violations following certain mechanisms that ensure them impunity. The Network has not only monitored and documented violations committed by the Israeli occupation authorities but also those committed by the Palestinian Authority and Hamas government, in addition to other private and public entities. The year 2012 witnessed the most serious and severe violations against the Palestinian journalists – most of which took the form of physical assaults whose perpetrators went unpunished.

Following are the major violations monitored by the Network in Palestine:

- ✓ Summoning journalist Rassem Obeidat for interrogation by the Israeli intelligence and denying him free movement in the West Bank.

- ✓ Extending the detention of journalist Raed Al Sharif , denying him his freedom and sentencing him to a prison term.

- ✓ Attacking Palestine TV reporter Haroun Amaireh with rubber bullets and tear gas.

- ✓ Summoning journalist Khaled Amaireh for interrogation by the Palestinian police.

- ✓ Arresting and mistreating of

Palestine TV staff members in Nabi Salih village.

✓ Renewal of administrative detention of journalist Amer Abu Arafeh and illegally depriving him of his personal freedom.

✓ The Israeli occupation army raid on Al Quds Educational TV.

✓ Detention of journalist Mohammad Shteiwi by the Palestinian police.

✓ Arresting and torturing journalist Saher Al Aqraa by the Hamas government's security agency.

✓ Arresting and mistreating journalist Ma'ali Abu Samrah by the Hamas government's security agency.

✓ The Israeli occupation army's breaking into the headquarters of the Ramallah-based Watan TV.

✓ Detention of Swedish freelance reporter Alexandra Sandal and her accompanying team in

Gaza Strip by Izz Eddine Al Qassam Brigades.

✓ Causing injury to journalist Diala Jweihan by the Israeli occupation forces in Jerusalem.

✓ Beating up journalist Musa Al Sha'ir by the occupation soldiers in Bethlehem.

✓ Preventing journalist Wessal Walid from practicing journalism by the Palestinian Authority's security agencies.

✓ The occupation forces' breaking into the office of Huna Al Quds satellite channel.

✓ Arresting journalist Tareq Khamis by a security agency of the Palestinian Authority in Al Bireh.

✓ An assault by one of the security agencies affiliated with Hamas government on Al Quds satellite channel staff at the Rafah Crossing.

✓ Preventing photojournalist Osaid Amarneh from

covering events in the old town of Hebron.

- ✓ Arresting journalist Mohammad Qunaitah by Hamas security personnel.

- ✓ Torturing journalist Mohamad Jaradat by the security forces of the Palestinian Authority.

- ✓ A Palestinian Authority's security body's assault on journalist Ahmad Odeh.

- ✓ The occupation forces' attack on Al Quds Newspaper's photojournalist Mohammad Eliyyan in Sh'ufat refugee camp.

- ✓ The occupation forces' assault on Al Sennara newspaper's reporter Said Al Qaaq near Bab Al Amoud in Jerusalem.

- ✓ Arresting journalist Mohammad Al Tamimi by the Israeli occupation forces in Al Nabi Saleh village near Ramallah.

The Israeli violations of press freedoms and journalists' rights during Israel's assault on Gaza: The occupation forces waged an aggressive war against the Gaza Strip on November 14, 2012 that lasted for eight days until November 21. Several reports have talked about serious violations of press freedoms and journalists' rights committed during the eight-day war. A total of 47 violations were monitored in the Gaza Strip. They led to the death of three journalists and the injury of 17 others as well as severe damage to 30 press offices.

Among the major violations monitored by the Network are the following:
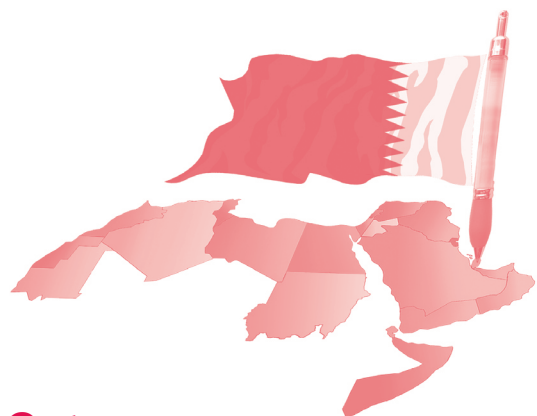
- ✓ Targeting the house of the BBC journalist Zeyad Al Masharawi and killing his 11-month old boy on 14/11/2012.

- ✓ Journalist Samir Khalifah, a reporter for the Sudanese TV and Palestine TV, sustained injuries on 14/12/2012 as a result of an Israeli jet fighters' raid on a house near the TV headquarters.

- ✓ Injuring of Al Quds Radio reporter Muthanna Al Najjar in Gaza on 16/12/2012 while

he was in Khan Younis to cover the Israeli air strikes on one of the houses in the coastal enclave which caused his car to collide with another car.

✓ The Israeli aircrafts' strikes of Free Media Foundation in Sheikh Radwan region in Gaza on 16/12/2012 that caused a complete destruction to the building.

✓ Israeli air strikes on Al Quds Satellite Channel's studios in Burj Al Shawwa and Hasri areas on 18/11/2012 which caused injuries to all the staff injured and huge damage to the offices and equipment. Among the journalists injured in the air strikes were Mohammad Al Akhras, Khader Al Zahar and Ashraf Abu Amrah.

✓ The Israeli aircraft's strikes on Burj Al Shorouq complex which had many offices for local and foreign media outlets for two days on 18 and 19 November, 2012. The Israeli strikes also targeted the offices of Al Arabiya Satellite Channel, Abu Dhabi TV, Egypt Satellite Channel and Al Mayadeen Channel.

✓ The assassination of Al Aqsa photojournalists Hussam Salameh and Mahmoud Al Kumi by Israeli jet fighters near Burj Al Shefaa in downtown Gaza on 20/11/2012.

Qatar

Monitoring press freedom violations was not an easy task for the Network in Qatar for many reasons, mainly the fact that the freedom of the press is guaranteed in Qatar unless it is related to Qatar itself and its rulers. There is obvious self-censorship when it comes to such a sensitive issue. But when it comes to a non-Qatari issue, the freedom of the press is guaranteed to some extent. Last year, Qatar ranked third among Arab states in terms of respecting

press freedoms.

Among the major violations the Network registered in Qatar are:

- ✓ Dubbing porn movies for female presenters of Al Jazeera News Channel.

- ✓ Hacking Al Jazeera Mobile news service.

- ✓ The draft media activities law.

Kuwait

Kuwait excelled every country in the region including Arab Spring countries on the Press Freedom Index in 2012. It achieved an increase by one point on the Index compared to the previous year, to be ranked 77th among 179 countries. This placed Kuwait in the lead of the Gulf countries, Arab world, and the entire region. Here is a review of violations surveyed by the Netowork:

- ✓ The injury of journalist Yousef Al Mtairi and photographer Mohammad Al Sharhan during a mob attack on the Al-Watan TV.

- ✓ Suspension of Al-Dar newspaper.

- ✓ Breaking into Scoop Channel.

- ✓ hacking Al-Watan website.

- ✓ Referring journalist Abedelhadi Al Jmayyel to the attorney general for an article he published.

- ✓ Banning coverage an event organised by the Human Will group.

- ✓ Preventing journalist Badrieh Al Bisher from entering Kuwait.

- ✓ Interrogating the staff of Al Yawm Channel's Messyan Show.

- ✓ Prosecuting media personality Yussra Mohammad for an episode of her show Fi Al Sameem.

- ✓ **Assaulting journalist Mohammad Al Sharhan by anonymous persons.**

Lebanon

Lebanon's media environment is classified as better than many Arab counties but it has declined since the beginning of the civil war in Syria .A Lebanese journalist who was covering the conflict on the borders of the two countries was shot and killed .Journalists have faced great challenges and difficulties while covering pro- or anti -regime demonstrations. Lebanon was represented by a rally of international media personnel covering the conflict. Violations increased in .2012 The most salient violations surveyed by the Network are:

- ✓ **Threatening media personality Salim Zahran.**

- ✓ **Preventing journalist Saeed Bitmouni from covering events.**

- ✓ **Preventing an MTV's cameraman from covering events.**

- ✓ **Threatening journalist Ali Atawi.**

- ✓ **Assaulting photographer Elli Asaker.**

- ✓ **Physical assault on photographers Khalid Ayyad and Hussein Baydoun by Lebanese security force.**

- ✓ **Detaining Al-Arabia cameraman Alan Khouri.**

- ✓ **Assaulting the Al-Jadeed Channel staff members Rawana Al Halabi ,Omar Khaddaj and Elli Abu A'ss.**

- ✓ **Assaulting journalist Suhaib Ayoub.**

- ✓ **Assaulting journalist Ghadi Franciss.**

- ✓ **Raiding Al-Yassariyah channel's headquarters and kidnapping three of its employees.**

- ✓ Injuring Hussein Nakhleh from Sky News and Canadian journalist Maria Moor by gun fire.

- ✓ Detaining journalist Rami Aysheh without charges.

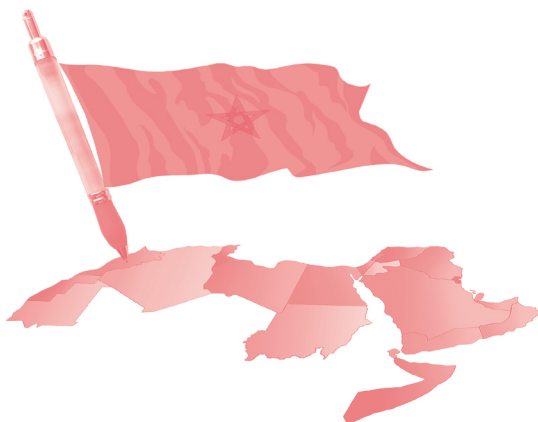- ✓ Assaulting Al-Mayadeen journalist Omar Kayed.

Libya

Without a doubt, the armed conflict that erupted in Libya to oust the Qadhafi regime has left adverse effects on Libya in general, which is only natural in a democratic transition period. However, the freedom of the media is still subject to major violations. These violations are committed by both official authorities and militant groups. Apparently, as the Network of the Media Freedom Defenders in the Arab World has noticed,

the freedom of the press in Libya is being violated repeatedly and on a daily basis. These violations are tolerated either because the government is not willing to arrest the perpetrators or due to its inability to do so. The most prominent of these violations are:

- ✓ Detaining journalists Nicholas Davies-Jones and Gareth Montgomery in Tripoli.

- ✓ Detaining media personality Suleiman Doughah in Tripoli.

- ✓ Kidnapping journalists Abedelqader Fssouk and Yousf Badi.

- ✓ Raiding Free Libya Channel by protesters.

- ✓ The death of journalist Haitham Zarbee by gunfire.

- ✓ Excluding a TV presenter from acting as a master of ceremony at an event to hand over authorities because she was not wearing a hijab.

Morocco

The forum has surveyed some violations of the freedom of the press for the year 2012, but the general feature of these violations is that they are not so grave. The most prominent of these violations are:

- ✓ Revoking the accreditation of Omar Broksi, a correspondent for Agence France-Presse.

- ✓ Threatening journalist Hameed Naaimi by the Moroccan intelligence.

- ✓ Moroccan interior ministry's request from 19 journalists to leave the Western Sahara.

- ✓ Sanctioning the murder of journalist Almukhtar Leghzawi by the Sheik Abdullah Al Nahari.

- ✓ Assaulting journalist Wahid Mubarak both physically and verbally at the Hamam Square in Casablanca.

- ✓ Banning the distribution of an issue of the Spanish newspaper El Pais.

- ✓ Threatening journalist Ali Lemrabit and raiding his house by the Moroccan intelligence.

- ✓ Revoking the accreditation of Agence France-Presse's reporter.

- ✓ Intense beating of journalists covering the February 20th demonstration.

- ✓ Legislation-related violations of the freedom of the press.

Mauritania

In 2012, Mauritania ranked the highest in freedom of press among Arab countries, according to the Press Freedom Index published by Reporters Without Borders, and ranked 67th place out of 179 country. Mauritanian authorities had taken a number of procedures in order to give more a independency for the Press and Broadcasting High Authority (HAPA) mainly in the field of regulation and control. This move aimed to encourage journalists to respect the "responsibility principle" while their freedom preserved. According to Arab Journalists Union, Mauritania also ranked first in freedom of press in 2012. Despite of the outstanding score Mauritania has produced regionally, Sanad monitored a number of violations on freedom of media and journalist.

The following are the most important violations:

- ✓ Tawari'e news website had been hacked.
- ✓ Journalist Abeed Weld Emaigen was arrested.
- ✓ Journalists Ahmad Weld Al Nada and Ahmad Wel Seidi were attacked by the presidential guards.
- ✓ Detention of journalists Seidi Weld Abeed.
- ✓ Journalist Seidi Weld Abeed was beaten by one of Parliament guards
- ✓ Detention of "Coast News Network" team; journalists Mohammed Weld Bedidi and Khalid Weld Abdullah.

Yemen

The nature of violations surveyed by the Network in Yemen indicates that press freedom is in a poor shape there. The surrounding environment of media work is

fragile. A fact attested by the grossness of the systematic violation committed against journalists. The violations include attempted murder, torture, abuse in public, repeated assaults on their person and houses, and prosecution on no legal grounds. The situation in Yemen is not safe, abundant with threats initiated by governmental and non-governmental bodies. The most prominent violations committed in Yemen were:

- ✓ A death threat against journalist Nassir Al Massaadi a former branch manager of Agricultural Bank.

- ✓ Assaulting journalist Faisal Al Sufi in the city center of Sanaa.

- ✓ Threatening journalist Abdullah Ghurab with abduction and elimination.

- ✓ A smearing campaign that targeted employees of Hadith Al-Medina Newspaper and Fikri Qassem, its editor in chief.

- ✓ Assaulting journalist Ahmad Asadi, and vandalizing his car.

- ✓ Blockading Al-Jumhourya Newspaper building in Taaz.

- ✓ Assaulting photographer Wa'el Abssi in Taaz governorate.

- ✓ A smearing campaign that targeted the Ahali Weekly and Akhbar Alyoum newspapers.

- ✓ The Confiscation copies of Akhbar Alyoum and burning them in Aden.

- ✓ An assassination attempt targeting journalist Hussam Ashour in Seiyun in Hadramout governorate.

- ✓ Physically assaulting media personality Mohammad Al Arafi.

- ✓ Detaining journalist Bushrah Al Ameri by security personnel.

- ✓ Physically assaulting journalists Fa'ed Dahhan and Mohammad Ghazwan.

- ✓ Shooting at the headquarters of Al Oula and Al-Shari' newspapers.

- ✓ Barring Reuters from covering Al-Gahdeer Festival in Rada.

Recommendations

In the light of the facts and conclusions regarding the freedom of the press violations in 2012 as drawn by the Network of Media Freedom Defenders in the Arab World, and the common features between the violations in the Arab world, the Network deemed it appropriate to conclude this report with a number of recommendations, urging all Arab governments, including the Jordanian, Egyptian, and Tunisian, to adopt them with a view to protect the freedom of the press in the coming years.

The Network did not make any specific recommendations for Jordan, Tunisia, or Egypt, due to the similarities between them as per the violations and in order to avoid redundancy. Following are the key recommendations made by the Network:

1. Ending the impunity policies followed by all Arab countries regarding grave violations of the freedom of the press, including murder, torture, and abuse regardless of their perpetrators. They should launch immediate independent investigations into the violations listed in this report that lead to the apprehension and prosecution of the perpetrators.

2. Considering the establishment of an Arab criminal court specialised with jurisdiction to try those involved in serious violations against media personnel.

3. Revisiting all pieces of legislation either those governing the media, or criminal legislation that restrict the press freedom, with a view to render these laws compatible with international standards.

4. Activating international human rights agreements, particularly the International Covenant on Civil and Political Rights, by the Arab states signatories to the covenant. Non-signatory Arab countries should join the covenant with a view to safeguard the rights and freedoms recognized internationally in the field of media.

5. Ceasing control or monopoly of media outlets and ensuring an atmosphere of freedom and in within the media circles. Interference in the media and imposing policies or governmental directions on the press must stop.

6. Arab governments and concerned agencies, especially the security forces, should provide media personnel with the necessary protection especially during critical and dangerous times such as protests, demonstrations, and internal and international conflicts.

7. Calling on the Arab League to draft a pan-Arab convention to protect journalists during dangerous times and endorse unified safety rules to be followed by all members of the League.

8. In line with international standards, the condition that journalists should register with press associations to be officially recognized as journalists should be cancelled. This requirement constitutes a violation of the right not to be compelled to join an organisation.

9. Training police and gendarmerie personnel on the rules and standards regarding press freedom and rights, and how to enforce the law without obstructing the work of the press.

10. All Arab governments should refrain from using the law and prosecution as a means to muzzle silence personnel, prevent them from doing their work freely or hold them accountable for materials they publish while observing professional standards and rules.

11. Arab governments must immediately stop applying custodial measure (arrests and detention) and freedom-depriving penalties (imprisonment) when handling press and publication crimes. They also should withhold from imposing unreasonably huge fines that restrict the freedom of the press due to the heavy financial consequences thereof.

12. Media headquarters are inviolable places, be they visual, audio, print or electronic outlets. Hence, security forces cannot raid them without sufficient evidence of an on-going criminal activity, and such entry must be sanctioned only by a judicial order.

13. Political organizations and affiliated militias should cease assaulting media personnel or preventing them from doing their work. They should not threaten or assault them physically on account of what they publish, especially

when these organisations and movements are at the helm of power.

14. Media establishments working in the Arab world must agree on a code of professional conduct and stop prior censorship in favour of more freedom for the media.

15. Human rights organizations and NGOs should defend media and media personnel in the Arab world by resorting to specialized international mechanisms to monitor the respect of human rights. Towards that goal, they should also coordinate on a regional level to exchange information and expertise.

16. Compiling a regional black list that enumerates the major offenders of press freedom whether they be certain figures, institutions or any other entity.

Sanad
Network for Media Freedom Defenders in the Arab World

Network for Media Freedom Defenders in the Arab World "Sanad" is a coalition of civil society institutions advocating the freedom of the press.

Sanad was established in implementation of recommendation by the First Forum for Media Freedom Defenders in the Arab World, organized by the center for Defending the Freedom of Journalists (CDFJ) in Amman, in December 2012, immediately after the birth of the Arab Spring.

The first achievement of Sanad was the "AIN" (eye) Program for Monitoring and Documentation of Violations against the Media. Work was kicked off by training national teams to monitor and document such violations in Egypt and Tunisia, while work was still underway in Jordan to achieve that goal.

Under "AIN" Program, a plan was designed to expand in the Arab world through setting up national teams for monitoring and documentation, within a realistic and workable timeframe.

The national teams will be working on detecting and documenting violations against the media in the countries where they function, applying a scientific rights-based approach consistent with international media and human rights criteria. Side by side with that, professional researchers will be monitoring violations in the countries where "Ain" monitors do no exist, relying on data collected from the media, communication with rights group and monitoring their reports on violations against the press, along with field visits and direct contacts with journalists who are victims of these violations.

Sanad seeks to institutionalize efforts exerted to defend the media freedom in the Arab world. Towards that end, it has launched its web-based observatory to shed light on the violations against journalists, providing an electronic platform that works effectively to expose violators, mobilize support for journalists and offer a venue for networking between advocates of media freedoms.

Sanad will continue embracing the Forum for of Media Freedom Defenders in the Arab World, and working to expand the base of media supporters, eying a wider margin of freedom, enhancement of achievements and attracting international experts to back Arab journalists who are struggling with huge challenges to win their freedom and independence.

AIN
Unit for Monitoring and Documenting violations against the media

Vision:
To end violations committed against journalists and media institutions to strengthen the freedom and independence of the media

Mission:
To monitor and document the problems, transgressions, and violations committed against journalists and media institutions during the exercise of their profession, and to peruse their perpetrators.

Objectives:
- To build a qualified team of lawyers, journalists, and researchers to monitor and document the violations against journalists and media institutions according to internationally agreed upon principles and standards.
- To encourage journalists to disclose the problems, transgressions, and violations they encounter during the exercise of their work and to use relevant reporting mechanism.
- To develop and institutionalize the mechanisms for monitoring the problems and violations that journalists encounter
- To raise the journalists' awareness of their rights and their knowledge of the international standards for media freedom, as well as the definition of the violations they encounter.
- To urge the government to adopt the necessary measures to end the violations against the media and to hold their perpetrators accountable.
- To urge the Parliament to formulate legislation and laws that guarantee media freedom in order to end the violations against the media and hold their perpetrators accountable.
- To provide support and legal assistance to media practitioners who encounter problems and violations, inclusive of helping them receive fair compensation for violations they encountered and suffered from.
- To use UN mechanisms to limit violations committed against journalists.

مركـــز حماية وحـــرية الصحفيين

Center for Defending Freedom of Journalists

Center for Defending Freedom of Journalists [CDFJ] was established in 1998 as a civil society organization that works on defending media freedom in Jordan; the center was established after a series of major setbacks on a local level, starting with issuing the temporary press and publication law in 1997, which added more restrictions on media and caused many newspapers to shut down.

CDFJ works on protecting freedoms and democracy in Jordan and the Arab world, in addition to respect of human rights, justice, equal rights, and development in the society encouraging non-violence and open dialogue.

CDFJ always maintain an independent role like any other civil society organizations, and is not part of the political work, but in terms of defending media and journalists freedoms CDFJ stands against all policies and legislations that may impose restrictions on media freedom.

CDFJ is active on regional level to develop media freedom and strengthen the skills and professionalism of journalists in the Arab countries , through specialized and customized programs and activities, in addition CDFJ works with media and the civil society on protecting the democracy and promoting respect of human rights principles.

CDFJ Vision:

Creating a democratic environment in the Arab Countries that protects media freedom and freedom of expression and enhances the society's right in knowledge through building professional Journalists committed to the international standards of independent and free media.

CDFJ Mission:

CDFJ is a non-government organization, committed to defending the freedom and security of journalists through addressing the violations to which they are exposed, and building sustainable professional capacities as well as enabling them to have free access to information, along with developing and changing restrictive media related legislations, and building a supportive political, social, and cultural environment for free and independent media.

CDFJ main Goals are:

• Supporting the freedom and independence of media organizations and journalists.
• Defending journalists, protecting their safety, and stand against the violations committed against them.
• Strengthening the professionalism of media and its role in defending democracy, freedoms and reform.
• Developing the legislative, political, social, and cultural environments that embrace media and journalists.

CDFJ Pillars:

• FIRST: Protection of Journalists
• SECOND: Developing Professionalism of Media
• THIRD: Developing the Environment Surrounding Media

Amman – University Street – Saeed Tamimi St. - Near Ministry of Agrculture
P.O Box 961167 Amman 11196 Jordan Tel. (962 - 6) 5160820/5 Fax. (962 - 6) 5602785
E-mail: info@cdfj.org Web: http: www.cdfj.org

The 2nd Forum for Media Freedom Defenders in the Arab World

The forum:

In December 2011, Center for Defending Freedom of Journalists (CDFJ) has organized the 1st Forum for Media Freedom Defenders in the Arab World which was a leading initiative to gather Media Freedom Defenders to discuss the impact of the so called "Arab Spring" on media, the controversial relation between revolutions, protests and media, in addition to the achievements and future challenges facing Media.

Based on discussions and sessions held in the first forum, it was obvious that violations committed against media freedoms did not stop. Media is still a target…however; violations are taking different shapes and forms, especially violations against independent media institutions.

Participants at the 1st forum also agreed that regardless of the power that Media has, it does not create revolutions. Media is only a tool that highlights and reports what is happening on the ground. However, it might also play a role in raising debate and act as a platform for the public opinion.

The "Arab Spring" is not over yet. The conflict is still there and the Arab media is viewed as defendant and victim at the same time. The moment its war ended with the ousted regimes, media entered a new battle, though a different war, but it leads to the same result.

There is no doubt that the revolutions and protests across the Arab region contributed to the opening of new gates for media and made it closer to the public, especially after it managed to set itself free from the power and domination of security agencies and political authorities.

Although Arab citizens started to feel that they are partners producing media content through social media tools, but so far no tangible moves were adopted by public to create sustainable system to defend media freedoms as part of society right to know. Even human rights organizations, did not exert efforts to consider defending media freedoms and independency and protecting journalists' safety as a priority.

Supporting media to face governments' repressions at the time of the Arab Spring has become an urgent need, to avoid any setback in the reform process through the containment of media.

Controlling media starts with the legislations that an executive authority designs to restrict freedoms, ignoring international standards of freedom of speech and media freedom; they impose licensing, prison sentences for journalists, high fines penalties, they also arrest and detain journalists, in addition to restricting access to information, while claiming that it safeguards media freedoms.

Furthermore, journalists might be at risk of being targets of assaults and threatens committed by governments and members of security agencies and even by civilians who are connected to the authorities and who try to terrorizing media and journalists, sometimes with governments' engorgement, without being held accountable for such actions.

Other risks might also include discredit journalists' reputation, imposing restrictions on a journalist at work place, which lead to the absence of a healthy environment supporting media freedom and independency.

Thus, establishing a network for defenders of media freedoms in the Arab World is a step towards building broader civil coalitions to support the freedom and independency of Arab media and limit violations against it.

Launching this network, is essential towards the institutionalization of the efforts of defending media freedoms, in addition, the continuation of this forum and the launch of the Arab report on violations committed against media freedoms are the first steps in a long journey that seeks defending

media freedoms, reducing and limiting violations against media, and therefore enhancing safety social environment surrounding media.

Therefore CDFJ is organizing the second forum in 2013 to continue its effort in building this network. The forum will be held in parallel with IPI World Congress 2013, since CDFJ will be the IPI partner to host the Congress in Amman. The conjunction of both events and the cooperation & partnership with IPI will have an added value for media freedom in the region, and will certainly contribute to CDFJ efforts to achieve its goals.

The 2nd forum seeks to achieve the following objectives:

- Review Status of Media since the start of the Arab Spring, and discuss Progress and failure.
- Understand Media Scene in the Countries of Revolutions and the Changes occurred in Tunis, Egypt, Libya, and Yemen.
- Examine media Scene in the Countries that are still witnessing revaluations or social protests.
- Preview efforts exerted by Network of media freedom defenders in the Arab world "Sanad".
- Announce of the Network's first Report- documenting and monitoring violations committed against media in Arab Countries in 2012.

Participants in the Forum include:

- Journalists who are active in defending media freedoms.
- Legal experts and lawyers interested in defending media freedoms.
- Human rights activists in the field of freedom of speech and media freedoms.
- Bloggers interested in defending media freedoms.
- Artists active in defending freedom of speech and media freedoms.
- Parliamentarians interested in issues related to freedom of speech and media freedoms.
- Judges interested in issues related to freedom of speech and media freedoms.
- Researchers specialized in issues related to freedom of speech and media freedoms.
- Local, regional and international civil society organizations specialized in freedom of speech, media freedoms and human rights.