

Monday, April 28, 2008

Praised be brave bloggers. Support their right to voice their views.

Image from Library of Congress's website. Robust protection must be provided to free speech worldwide. That is a message I have been emphasizing and re-emphasizing for decades. Bloggers represent one of the biggest perceived dissident threats to repressive governments -- and all government repress people's rights to one degree or another -- by changing the pre-Internet, pre-computer government censorship model that went beyond jailing dissidents to depriving disfavored publishers of newsprint, printing presses, photocopiers, and publishing licenses; jamming radio broadcasts; and monitoring and jamming dissidents' telephone calls. Even seizing a blogger's computer does not prevent the blogger from blogging at an Internet cafe or a friend's computer, because blogging software ordinarily resides on the Internet and not on one's computer. Thanks to the Committee to Protect Bloggers for keeping readers updated on government harassment, arrests and jailings of bloggers. Following are some recent instances of bloggers being repressed by government authorities; thanks to the Committee to Protect Bloggers for informing me about the following Tibet and Egypt stories:

- In the United States, criminal libel laws continue to be alive in several states. On May 1, 2006, I blogged about Thomas Mink who operates The Howling Pig. The Greeley, Colorado, police seized the computer he used to publish The Howling Pig newsletter, during a criminal libel investigation following a University of North Colorado professor's complaint to the police about his portrayal on the Howling Pig website. To this day, a violation of Colorado's criminal libel law is a felony punishable from twelve to eighteen months. Colorado Revised Statutes 18-1.3-401 and 18-13-105. Colorado's criminal libel statute states: "(1) A person who shall knowingly publish or disseminate, either by written instrument, sign, pictures, or the like, any statement or object tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue, or reputation or expose the natural defects of one who is alive, and thereby to expose him to public hatred, contempt, or ridicule, commits criminal libel. (2) It shall be an affirmative defense that the publication was true, except libels tending to blacken the memory of the dead and libels tending to expose the natural defects of the living. (3) Criminal libel is a class 6 felony." C.R.S. 18-13-105. Mr. Mink filed a successful lawsuit to retrieve his computer, and the prosecutors opted not to pursue a prosecution. However, the federal Tenth Circuit prevented him from challenging Colorado's criminal libel statute itself, based on a conclusion that he lacked standing to seek prospective relief against the statute and that the matter was moot. *Mink v. Suthers*, 482 F.3d 1244 (10th Cir. 2007), cert. denied sub nom *Knox v. Mink*, 128 S. Ct. 1122 (2008). The Colorado ACLU's webpage discusses the Howling Pig case up through the May 2007 filing of a petition for a rehearing by Mr. Mink. Although a Lexis and Shepard's search leads to the conclusion that the petition for a rehearing was denied, the Tenth Circuit's PACER online docketing system was down when I checked it yesterday.

- Good news came from Saudi Arabia when leading Saudi blogger Fouad al-Farhan was released recently from being detained since last December 10 without formal criminal charges. I am not aware of any explanation from the Saudi government for releasing him. Early this year, Underdog blogged on Mr. al-Farhan's plight. Congratulations to Mr. al-Farhan on his release. Hopefully the Saudi government will loosen its censorious grip on dissent, and hopefully Mr. al-Farhan will continue his blog without watering it down from fear of further government repression. More on this story is here.

- In Tibet, in a cynical April Fools Day 2008 move, authorities arrested blogger, television broadcaster, singer and intellectual Jamyang Kyi. Based in part on the absence of any Google news updates beyond April 18, it appears that she remains detained. Further links to this story are here and here. Thanks to the Committee to Protect Bloggers for reporting on this story.

- In Egypt, in early 2007, Abdel Kareem Nabil Suleiman became the first Internet-based journalist to be imprisoned (having received a four-year sentence) for inciting hatred of Islam and insulting Egyptian President Hosni Mubarak. Thanks to the Committee to Protect Bloggers for its ongoing reporting on this story.

- Here are a few examples of repression of bloggers in Singapore, whose government has focused for decades on refining repression and whose repressive activities -- including overall censorship and clampdowns on political opposition -- are highlighted all the more by the government's welcoming Singapore's status as a major Asian hub for economic activity and air travel transfers:

-- Reporters Without Borders reported on November 24, 2006: "An activist with the Singapore Democratic Party (SDP), Yap Keng Ho, was sent to prison for ten days by a court on 23 November 2006 after he refused to pay a fine of 2,000 dollars for speaking publicly and posting film on his blog (<http://uncleyap-news.blogspot.com/>) of an illegal rally of his party. He was taken immediately to jail after refusing to pay the fine and said he would go on hunger strike to protest at his imprisonment and to expose the regime's corruption."

-- In 2005, seventeen-year-old blogger Gan Huai Shi pled guilty to sedition in a Singapore court for posting anti-Muslim comments on his blog. An anonymous writer on the Singapore Angle blog wrote last year that Gan Huai Shi "was given [] probation of 24 months largely because his racist sentiments was perceived to have stemmed from unfortunate childhood experiences (his baby brother's death)."

-- In 2006, Singapore authorities dropped a prosecution against a blogger who posted a cartoon of Jesus as a zombie. He faced up to three years in prison had he been convicted. In any event, the authorities apparently forced the blogger to remove the image from his blog.

-- In 2005, a Singapore judge sentenced two bloggers to jail (one for a month and the other for a day) for posting racist

comments about ethnic Malays. The Singapore government-controlled Straits Times's article on the case is here.Â Jon Katz.Â Â ADDENDUM: A close friend once described public complacency as one of the greatest threats to civil liberties. Or course, less complacency should be expected even in the United States as American soldiers and countless others get slaughtered in Iraq, the price even of such essential food staples as rice increases dramatically, oil prices continue jumping, key financial markets teeter (including the American mortgage market), unemployment worsens, and the economy continues on a negative path. Â Â With so many of the foregoing problems and more facing so many people, there might be an inclination to avoid knowing about problems that seem more removed. However, we all live on this world together, and must be concerned about each other. On the censorship front, in addition to the foregoing links, I recommend reading Index on Censorship. For general worldwide human rights updates, Amnesty International apparently continues to do some of the most rigorous reporting (see the U.S. Amnesty link here).

Posted by Jon Katz in Jon's news & views at 00:00