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@WRITERS AND JOURNALISTS ACTION 1992

In countries around the world, journalists attempting to expose human rights violations have themselves become victims. Some have been killed outright, others have been silenced by being imprisoned or threatened with imprisonment. Also, writers, novelists and poets whose work is deemed critical of the authorities risk detention, imprisonment, torture and in some cases death. Some of these journalists and writers are prisoners of conscience, jailed because of their professional activities or for exercising their right to freedom of expression.

In many countries journalists sympathetic to prohibited political parties or organisations, or working for publications aligned with them, have also been subjected to human rights violations.

Some countries bring criminal charges against those who publish real or implied criticism of the authorities. Such charges include "showing contempt", "spreading false information" and "sedition".

The rights to freedom of expression, freedom of association and freedom of belief are enshrined in the Universal Declaration of Human Rights and, in legal form, in the International Covenant on Civil and Political Rights (ICCPR). The ICCPR has been ratified in many of the countries in which journalists have been the victims of human rights violations. Governments which deny civil and political rights to journalists flout international law and often flout their own constitutions.

The struggle for human rights depends to a large extent on the free flow of information and often, therefore, on the courage and commitment of journalists and writers. Those who become victims of human rights violations because of their efforts to expose violations by governments deserve the full support of the international human rights movement.

WRITERS AND JOURNALISTS ACTION 1992

KENYA

Edward Oyugi, a writer and Professor of Educational Psychology at Kenyatta University, was sentenced to seven years' imprisonment on 10 July 1991. He and three others who were also imprisoned

were convicted of holding a "seditious" meeting in a Nairobi bar.

Edward Oyugi

Edward Oyugi has been a consultant for the Office of the UN High Commissioner for Refugees and the World Council of Churches. He has written books and articles on philosophy, sociology and psychology and a novel, The Club on the Hill, published by the Kenya Literature Bureau in 1982.

Edward Oyugi and three others, (George Anyona, a former member of parliament and pro-democracy activist, Ngotho Kariuki, a former Dean of Commerce at Nairobi University, and Augustine

Kathangu, a dissident official of the ruling political party), were arrested exactly one year before they were sentenced following public debate on the issue of multi-party democracy in Kenya which led to widespread unrest on 7 July 1990. All four have lodged appeals to the High Court. Their six month trial was Kenya's longest sedition trial.

Amnesty International expressed concern about the fairness of their trial and, in particular, that no steps were taken during the trial to investigate the prisoners' allegations that they were tortured. No evidence was brought by the prosecution that they had discussed or planned violence against the government. Kenya's sedition laws have frequently been used to jail non-violent critics of the government, often after unfair trials. Edward Oyugi, George Anyona and Ngotho Kariuki had all been imprisoned before on account of their political opinions.

Following their conviction Edward Oyugi and the three others were transferred to Naivasha maximum security prison, 150 kilometres northwest of Nairobi, where conditions are harsh. They are reportedly allowed only one visit of three people (including lawyers) every month.

Edward Oyugi was educated at Cologne University in Germany, where he obtained a doctorate. He is aged 42, with two children. His wife, a German citizen, works in Nairobi.

RECOMMENDED ACTIONS

Amnesty International has adopted Edward Oyugi as a prisoner of conscience and is calling for his immediate and unconditional release and for an independent investigation into his allegations of torture and ill-treatment.

Appeals to:

His Excellency Daniel arap Moi

President of the Republic of Kenya
Office of the President
PO Box 30410
Nairobi, Kenya

Mr Amos Wako
Attorney General
Office of the Attorney General
PO Box 40112
Nairobi, Kenya

Cards may be sent to:

Edward Oyugi
Naivasha Maximum
Security Prison
PO Box 146
Naivasha, Kenya

Byron Barrera Ortiz, a Guatemalan journalist, was shot and wounded on Friday 26 October 1990 in Guatemala City. His wife, Refugio Araceli Villanueva, was killed in the attack. Byron Barrera was driving his car, and his wife and a friend were with him. As their car pulled up at the traffic lights on the corner of 35th Street and Calzada Aguilar Batres in Zone 11 of Guatemala City, two men on a motorcycle shot at them. Refugio Araceli Villanueva was killed instantly; Byron Barrera himself was wounded along with their friend. Both were taken to hospital for treatment. Shortly after the attack, Byron Barrera Ortiz and his two children went into exile. Byron Barrera later stated that his life was saved only because he was wearing a bullet-proof vest at the time of the attack. He also stated that on the day prior to the attack, he had been followed by two men on a motorcycle. He reported the incident to the Secretaria de Relaciones Públicas de la Presidencia de la República de Guatemala (Secretary of Public Relations of the Presidency of the Republic of Guatemala), Claudia Arenas, who promised to investigate.

Byron Barrera

c. Crónica

Byron Barrera had returned to Guatemala in 1985 after several years in exile. He was director of the Agencia Centroamericana de Noticias (ACEN-SIAG), Central American News Agency, and vice-

president of the Guatemalan Journalists Association. Until June 1988, he had been the editor of the weekly newspaper, La Epoca, whose offices were fire bombed by men believed to be members of the security forces. The newspaper never reopened. After the attack on La Epoca, Byron Barrera left the country for several months.

In an open letter from Byron Barrera dated 1 November 1990, he stated that "*Guatemala continues to be a land for no one, a land of impunity, death and desolation.*" He added "*I have had to explain the truth to my children: the people of their country who are conspicuous for their ideas of freedom are assassinated.*"

On 10 August 1991, Byron Barrera returned to Guatemala in order to present evidence to the 5o. Juzgado de Paz Penal (5th Court of Penal Justice) in Amatitlán, department of Guatemala, charged with investigating the case. While there he gave a press conference declaring that he believed members of the armed forces were involved in the attempt on his life. In reaction to publicity on his case in the Guatemalan press, journalists received anonymous telephone calls warning them not to continue publishing information on the case.

Similar threats were also reportedly received by the Prosecutors office at the Public Ministry who were investigating the case. Two lawyers hired by Byron Barrera were also threatened. They have since withdrawn from the case because of the threats.

According to Byron Barrera, there does not appear to be any will on the part of the authorities to proceed with the investigation into the attempt on his life despite evidence pointing to the armed forces as the perpetrators of the crimes. According to Byron Barrera the two people who shot him worked with G-2 (military intelligence) and were attached to the Jefatura del Estado Mayor Presidencial (Presidential Army High Command). Both

were reportedly killed approximately three days after the attempt on his life.

The attempt on the life of Byron Barrera came amid a wave of repression in the month prior to the November 1990 presidential elections. Days before the attack, two other journalists, Humberto González Gamarra, and Miguel Angel Cospín, a founder member of the Guatemalan Journalists Association, were killed in two separate attacks in circumstances suggesting official security force involvement.

Amnesty International has been concerned at renewed reports of journalists, both foreign and national, receiving threatening messages which are believed to come from members of the security forces or from those acting with their connivance. Some of those threatened have fled the country for their safety.

In July 1991, Juan Carlos Ruiz of the weekly magazine Crónica, Hugo García of the daily newspaper El Gráfico and Silvino Velásquez of the daily newspaper Prensa Libre reported the theft of their wallets containing their identification papers. In August 1991 these same journalists received anonymous threatening telephone calls. The callers warned the journalists to stop publishing information about judicial investigations of cases implicating military personnel in human rights violations, including the case of Byron Barrera.

In a separate incident on 19 August 1991, a bomb, which was later deactivated by the National Police, was placed on the 9th Floor of the El Centro building housing several foreign news agencies in Guatemala. The Guatemalan Association of Journalists called the bombing "a direct threat against the international media". Several agencies subsequently closed down their offices after staff were forced to leave the country as a result of the threats.

RECOMMENDED ACTIONS

Please write to the authorities listed below,

- expressing concern at the murder of Refugio Araceli Villanueva, and the attempt on the life of Byron Barrera, allegedly carried out by members of the security forces;
- asking that the investigations already in progress continue unimpeded;
- asking that the results of the investigations be made public and that those responsible be brought to justice.
- expressing concern at the threats made against Byron Barrera and others associated with the case, including journalists, lawyers, and prosecutors;
- asking for an investigation into the threats and that those responsible be brought to justice;
- asking for guarantees for the safety of all those associated with the case.

Appeals to:

S.E. Jorge Serrano Elías
Presidente de la República de Guatemala
Palacio Nacional
Guatemala, Guatemala

Gral. Luis Francisco Mendoza García
Ministro de Defensa
Ministerio de Defensa
Palacio Nacional
Guatemala, Guatemala

Lic. Carlos Enrique Samayoa Cifuentes
Director General de la Policía Nacional
6 Avenida 13-71 Zona 1
Guatemala, Guatemala

On 10 June 1991, workers of Radio Wari in Huamanga, Ayacucho department, were forced by a paramilitary group to transmit a message threatening journalists Magno Sosa Rojas and Necías (Necho) Taquiri with death. The message was made in the name of a group calling itself the "Comando de Liberación Antiterrorista", the Antiterrorist Liberation Command. The death threat included the following sentence:

"...we tell this rat, delinquent, terrorist, disguised as a journalist,...this bloody dog, Magno Sosa Rojas, that he will die like a beheaded dog..., we are following his steps very closely, his days are numbered, and just as the terrorist did, we will hang his black head from one of the posts in our heroic town.."

On 13 July 1991 journalist Luis Antonio Morales Ortega was shot dead in Huamanga city. On 8 July 1991 he had announced via Radio Wari that he had received death threats from the Comando de Liberación Antiterrorista. He also reported having his home broken into by three young men a few days before his death.

Luis Morales was the Secretario de Asuntos Profesionales del Colegio Departamental de Periodistas de Ayacucho, Secretary of Professional Issues of the Ayacucho Department Order of Journalists. He was well known for his work in the human rights field, including his participation in the investigations into the killing of eight journalists in Uchuraccay, Ayacucho in 1983. He had held the position of Decano del Colegio de Periodistas de Ayacucho, Dean of the Order of Journalists of Ayacucho.

Since December 1982, when the department of Ayacucho was first placed under a state of emergency under the control of a political-military command, journalists who have helped bring details of human rights abuses to local and international attention have been among the targets of death threats and harassment from the armed forces, or groups working with their acquiescence.

La República, 7 July 1991

On 9 August 1991 a journalist working for La República, a Lima daily newspaper, became the first journalist in Lima to be threatened by the Comando de Liberación Antiterrorista. Jorge Morales Chávez had investigated and published information regarding the killing of Luis Morales Ortega, and La República has been particularly active in writing on human rights issues and the situation of violence in the country.

Melissa Alfaro, the editor of the weekly newspaper Cambio in Lima, was killed instantly on 10 October 1991 when a letter bomb exploded in her face. The letter was addressed to Carlos Arroyo, the Director of Cambio and was delivered by a young man to the newspaper's offices in the Lince district of Lima. Cambio, sold widely in

Lima, has often denounced alleged human rights abuses by the security forces.

Threats, attacks and selective assassinations have been attributed to para-military groups operating under a variety of names. Human rights organizations in Peru have expressed concern that the Comando de Liberación Antiterrorista may be acting with the direct support or the acquiescence of the armed forces.

Amnesty International is calling for a full and public investigation into the killings of Luis Antonio Morales Ortega and Melissa Alfaro and into the death threats received by other journalists and urging that the perpetrators are brought to justice. Those under threat will only be protected when killings and death threats are fully investigated and those responsible brought to justice.

RECOMMENDED ACTIONS

Please send appeals to the Peruvian authorities:

- expressing concern at the death threats received by Magno Sosa Rojas and Necías (Necho) Taquiri of Radio Wari, and Jorge Chávez Morales of La República, and urging that they be given protection from further threats;
- asking that full and impartial investigations be initiated into the killings of Luis Antonio Morales Ortega and Melissa Alfaro. Ask that the results be made public and that those responsible be brought to justice, so that further threats and killing may be prevented;

- expressing concern about the activities of the so-called "Comando de Liberación Antiterrorista", and about allegations of links with the security forces, and requesting that a full and public investigation be conducted into this group.

Appeals to:

Presidente Alberto Fujimori
Presidente de la República
Palacio de Gobierno
Plaza de Armas
Lima 1, Perú

General Jorge Torres Aciego
Ministro de Defensa
Ministerio de Defensa
Avenida Boulevard s/n
Monterrico
Lima 33, Perú

Li Guiren, editor-in-chief of the Hua Yue Literature and Art Publishing House in Shaanxi Province, was sentenced to five years' imprisonment by a court in Xi'an, Shaanxi Province, in March 1991, for activities relating to the pro-democracy protests in spring 1989.

Li Guiren was arrested at his home on 26 June 1989 by plainclothes officers of the Xi'an Public Security Bureau. His apartment was searched and many of his books, audio cassettes and other personal belongings were confiscated.

It is believed that Li Guiren's arrest was linked to activities he undertook in 1989. In that year he wrote and published a preface to a collection of essays by the Chinese writer, Liu Binyan, who is now in exile. On 18 and 19 May 1989 Li Guiren participated in large demonstrations in support of students and workers in Xi'an. Immediately after martial law was declared in Beijing on 20 May 1989, Li Guiren sent a telegram to the former Chinese Communist Party General Secretary, Zhao Ziyang, urging Zhao that the People's Liberation Army (PLA) not be used against demonstrators. Li Guiren reportedly posted a copy of this telegram on a wall of the Hua Yue building.

Li Guiren was charged with "counter-revolutionary propaganda and

incitement". His trial began on 1 March 1990 in the Xi'an Intermediate People's Court. The sentence was not announced until a year later in March 1991. At his trial Li Guiren maintained his innocence of all charges. He argued that his activities were within his rights as established under the Constitution and therefore were completely legal.

Li Guiren's defence statement was published in China Spring, the magazine of the Chinese Alliance for Democracy, which is based in the USA. In it Li Guiren quotes from Articles of the Constitution of the People's Republic of China, which state that in China people enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration, and that citizens have the right to criticize and make suggestions to any state organ or functionary. Li Guiren goes on:

"...if the Constitution is still valid, therefore, all of my activities were lawful ones....How could I have remained silent and done nothing, after Deng Xiaoping, Li Peng and Yang Shangkun had used military violence to carry out a bloody repression of unarmed people? What I did was all too little. I did not commit any crime. It is the repressors who are guilty of heinous crimes."

Li Guiren is not known to have used or advocated violence and Amnesty International believes that he is imprisoned for the peaceful exercise of his right to freedom of expression, and is calling for his immediate and unconditional release.

Amnesty International is further concerned that his trial proceedings probably did not meet internationally accepted standards of fair trials and that he may be in poor health.

Li Guiren suffers from chronic back and liver ailments.

RECOMMENDED ACTIONS

Please send appeals to the Chinese authorities, expressing concern about the treatment of Li Guiren and calling for his immediate and unconditional release. Please include a sample of Liu Guiren's name in Chinese characters in all your letters to the authorities. (see first paragraph above). This will help the authorities to identify Liu Guiren's name in the event that they have difficulty understanding languages other than Chinese. You may also use the name in any publicity you organize locally or nationally.

Appeals to:

Governor Hou Shengzhang

Hou Zongbin Shengzhang
Shaanxisheng Renmin Zhengfu
Xixin Jie, 710004
Xi'an
Shaanxisheng
People's Republic of China

Yang Lie Jianchazhang
Shaanxisheng Renmin Jianchayuan
Xi'an
Shaanxisheng
People's Republic of China

Yuan Zhengzhong
159 Beiyuanmen
Xian 710003
Shaanxisheng
People's Republic of China

Copies to:

1. Editor in Chief of the Shaanxi Daily

Zongbianji (editor in chief)
Shaanxi Ribao
1 Dongduan, Huanchengnanlu
Hepingmen Wai Xi'an
Shaanxisheng
People's Republic of China

2. Shaanxi People's Publishing House

Shaanxi Renmin Chubanshe
131 Beidajie
Xian
Shaanxisheng
People's Republic of China

3. Shaanxi People's Fine Arts Publishing House

Shaanxi Renmin Meishu Chubanshe
131 Beidajie
Xian
Shaanxisheng
People's Republic of China

Chang Ui-gyun, a publisher, is serving an eight-year prison sentence in South Korea under the National Security Law. He was convicted of "espionage" but Amnesty International believes that he is in fact detained for his peaceful political views and activities.

Chang Ui-gyun

Chang Ui-gyun, who is 40 years old, set up the Kaema Publishing Company with his wife after graduating from the journalism department of Sogang University in Seoul. The company specialized in books on ancient Korean history. In 1982, his publishing licence was withdrawn after he published a book of poetry which was critical of the government.

In 1985 Chang Ui-gyun went to Japan where he became a part-time student of ancient Korean history at Kyoto University.

While in Japan he took the

opportunity of learning more about North Korea, as documents from North Korea are forbidden in South Korea. He is said to have met a journalist working for Chochongnyon, a pro-North Korean association of Korean residents in Japan, to find out about North Korea's proposals for reunification of the Korean peninsula. He also organized a meeting in May 1986 on the issue of Korean reunification. A song on Korean reunification written by Chang Ui-gyun was performed at the meeting.

Chang Ui-gyun returned to South Korea in March 1987, and re-opened his publishing company.

On 5 July 1987 he was arrested when he was working alone in his office. The following day his wife, Yoon Hae-kyong, was also arrested and interrogated for five nights and six days by the Military Security Command in Songpa.

A warrant for Chang Ui-gyun's arrest was not issued until eight days after his arrest. He was interrogated by Military Security Command for 25 days and was transferred to Seoul Detention Centre on 30 July. This was in violation of the law which requires that an arrest warrant be issued within 48 hours of arrest and that a suspect held under the National Security Law be

interrogated by judicial police officers for a maximum of 20 days.

It is believed that the first time Chang Ui-gyun saw a lawyer was in mid-October 1987, three months after his arrest.

Chang Ui-gyun was charged on several counts under the National Security Law, including that of transmitting state secrets and receiving money from North Korea. More specifically, he was accused of having met pro-North Korean agents in Japan, of having received espionage training from them, and of reporting information on the activities of dissidents and opposition parties to a South Korean dissident in Japan whom the authorities say is a Korean spy.

At his trial, which began on 9 November 1987, Chang Ui-gyun admitted meeting a journalist of Chochongnyon and visiting Chosen Daiggako, the Korean University set up in Japan by supporters of North Korea, but denied charges of espionage. He explained that he met the journalist as part of his efforts to understand the division of the Korean peninsula and the political system in North Korea. He had been invited to visit North Korea but had declined and said that he would go only when Korea had been unified.

There is no indication that Chang Ui-gyun possessed or passed on to others any information that could be considered as national secrets. Amnesty International believes that Chang Ui-gyun has been imprisoned simply exercising his right to freedom of expression.

In court, Chang Ui-gyun said that he had been tortured during his interrogation. It is believed that he was not allowed to sleep for the first ten days after his arrest and allowed to sleep only two or three hours each night for the next 15 days.

On 30 December 1987 Chang Ui-gyun was sentenced to 15 years' imprisonment. His sentence was reduced to eight years on appeal on 6 May 1988.

RECOMMENDED ACTIONS:

Amnesty International believes that Chang Ui-gyun is a prisoner of conscience, held for the peaceful expression of his beliefs.

Please write courteous appeals for the immediate and unconditional release of Chang Ui-gyun.

Appeals to:

Mr Kim Ki-Choon
Minister of Justice
Ministry of Justice
1 Chungang-dong
Kwachon-myon
Shihung-gun
Kyonggi Province
Republic of Korea

Cards may be sent to Chang Ui-gyun in prison:

Taejon Prison
Taejon-dong 36
Yusong-ku
Taejon-shi
Republic of Korea

Duong Thu Huong, a prominent Vietnamese writer and dramatist, was arrested on 13 April 1991, reportedly for trying to send sensitive documents out of the country. She is reportedly being held in a villa belonging to the Interior Ministry.

The previous day Bui Duy Tam, an American of Vietnamese origin, was arrested at Hanoi Airport after customs officials found him carrying documents he had allegedly received from Duong Thu Huong. These documents reportedly included papers and letters written by Vietnamese writers to leaders of the Communist party of Vietnam in preparation for the seventh party congress scheduled to take place in June. Bui Duy Tam was subsequently deported to the USA on 31 May 1991.

Duong Thu Huong

Duong Thu Huong, who is 44 years old, is the author of many novels, poems, articles and plays and has emerged as

one of the most significant writers of post-war Vietnamese literature. Her most well-known novels are "Beyond Illusion" and "Paradise of the Blind". In 1967 Duong Thu Huong received a diploma from the Ecole de Formation d'Animateurs du Ministere de la Culture in Hanoi. During the Vietnam war, she volunteered to go with the Communist Brigade youth group "Sing louder than the bombs" to Binh Tri Thien, the area which received the heaviest bombardment during the war. After 1975 she worked as a scriptwriter at the Cinema Workshops.

Duong Thu Huong was a member of the Communist Party for twenty years but left the party in 1990 and since then has become one of its sharpest critics.

Amnesty International has received information that the Vietnamese authorities arrested several poets, artists, academics, writers and journalists in late 1990, some of whom were previously detained without trial in re-education camps between 1976 and 1988.

In May and June 1990 the Vietnamese authorities also arrested several suspected and real critics of the government in what appears to have been the start of a crackdown on intellectuals and dissidents which has continued into 1991.

In spite of pressure on her and the members of her family, Duong Thu Huong continued to write articles expressing her points of view on the subjects of democracy

and human rights, until her arrest on 13
April 1991.

RECOMMENDED ACTIONS

Amnesty International is concerned that
Duong Thu Huong is a prisoner of
conscience detained in violation of her right
to freedom of expression and association.
AI calls upon the Government of Vietnam
to release her immediately and
unconditionally.

Appeals to:

Vo Van Kiet
Chairperson of the Council of Ministers
Ha Noi
Socialist Republic of Viet Nam

Phan Hien
Ministry of Justice
5 Ong Ich Khiem Street
Ha Noi
Socialist Republic of Viet Nam

Marwan Hamawi, a journalist, now aged 54, was arrested on 21 March 1975 and has since been detained without charge or trial in al-Mezze Military Prison, Damascus. He was adopted as a prisoner of conscience by Amnesty International in July 1976. The Syrian authorities have never responded to any of the appeals made by AI on his behalf.

Marwan Hamawi was the Director of the Syrian news agency, SANA, before his arrest. In the early 1970s he was appointed press relations attache in the New York office of the Arab League and subsequently served as the League's acting observer at the United Nations. In 1974 he was appointed Director of SANA and returned to Damascus. He is married and has children.

Marwan Hamawi is one of a group of Syrians arrested in the mid-1970s on suspicion of collaboration with the Iraqi wing of the Ba'th Party and still held under state of emergency legislation in force in Syria since 1963.

'Abd al-Karim Qutaifan, a playwright and stage actor born in 1959, was arrested in July 1983 and has since been detained without charge or trial. He has been adopted as a prisoner of conscience by Amnesty International. He is currently reported to be held in 'Adra Civil Prison, near Damascus.

'Abd al-Karim Qutaifan was arrested on suspicion of being a member of the Party for Communist Action (PCA), which is a prohibited political party in Syria. Members of the PCA have frequently faced imprisonment and

torture on account of their opposition to the Syrian Government and their demands, among others, for greater democratic freedom in Syria and for the release of all political prisoners.

Amnesty International remains concerned about thousands of suspected opponents of the government, including hundreds of prisoners of conscience, who continue to be detained under state of emergency legislation in Syria. The majority are held without charge or trial, some having been held for over 20 years. Some have been held incommunicado for long periods. Others remain in prison after the expiry of their sentences. The torture of political detainees continues to be reported.

RECOMMENDED ACTIONS:

Write to the Syrian authorities below, appealing for the immediate and unconditional release of Marwan Hamawi and 'Abd al-Karim Qutaifan.

Appeals to:

His Excellency 'Abd al-Halim Khaddam
Vice President
Office of the President
Presidential Palace
Damascus, Syrian Arab Republic

His Excellency Muhammad Harba
Minister of the Interior
Ministry of the Interior
Merjeh Circle
Damascus, Syrian Arab Republic

Please send copies of your appeals to the diplomatic representative of Syria in your country.

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London WC1X 8DJ
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_____**

**I wish to order the following prints/negatives for use in the following action :
Writers and Journalists Action 1992**

<u>Photo list</u>	<u>No. of prints</u>	<u>No. of negatives</u>
1. Edward Oyugi, Kenya	-----	-----
2. Byron Barrera, Guatemala	-----	-----
3. Chang Ui-gyun, South Korea	-----	-----
4. Duong Thu Huong, Vietnam	-----	-----

***Prints (size 10.5 x 5.5 cm) are in black and white and cost 80 pence each**

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