



The PEN International Case List 2019

pen
INTERNATIONAL



COVER: A woman speaks through a megaphone during the protest.
BANDUNG, INDONESIA - 2020/03/08: A woman speaks through a megaphone during the protest. International Womens Day is an official holiday for women. Women from various organizations took to the streets, protesting against the women's inequality and sexual violence. (Photo by Algi Febri Sugita/SOPA Images/LightRocket via Getty Images)

About PEN International

PEN International promotes literature and freedom of expression and is governed by the PEN Charter. Founded in London in 1921, PEN International – PEN's Secretariat – connects an international community of writers. It is a forum where writers meet freely to discuss their work; it is also a voice speaking out for writers silenced in their own countries. Through Centres in over 100 countries, PEN operates on five continents. PEN International is a non-political organisation which holds Special Consultative Status at the UN, Associate Status at UNESCO and Observer Status at the African Commission on Human and Peoples' Rights.

The Writers in Prison Committee (WiPC) of PEN International was set up in 1960 as a result of mounting concern about attempts to silence critical voices around the world through the detention of writers. It works on behalf of those who are detained or otherwise persecuted for their opinions expressed in writing and for writers who are under attack for their peaceful political activities or for the practice of their profession, provided that they did not use violence or advocate violence or racial hatred. The work of the WiPC in documenting persecution of writers resulted in the development of PEN's Case List – an annual record of attacks, imprisonment and persecution of those who use the written word to express themselves, in whatever form.

Member centres of PEN International are active in campaigning for an improvement in the conditions of persecuted writers and journalists. They send letters to the governments concerned and lobby their own governments to campaign for the release of detained writers and for investigations into cases of torture and killings. Through writing to the families and, where possible, directly to prisoners, they provide encouragement and hope. PEN International and its Centres also advocate for systemic change to restrictive laws and practices, including by submitting its freedom of expression concerns and recommendations to various international and regional human rights bodies.

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PEN International is a non-political organisation which holds Observer Status with the African Commission on Human and Peoples' Rights, Special Consultative Status at the United Nations and Associate Status at UNESCO.

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PEN International Charter

The PEN Charter is based on resolutions passed at its International Congresses and may be summarised as follows:

PEN affirms that:

- Literature knows no frontiers and must remain common currency among people in spite of political or international upheavals.
- In all circumstances, and particularly in time of war, works of art, the patrimony of humanity at large, should be left untouched by national or political passion.
- Members of PEN should at all times use what influence they have in favour of good understanding and mutual respect between nations and people; they pledge themselves to do their utmost to dispel all hatreds and to champion the ideal of one humanity living in peace and equality in one world.
- PEN stands for the principle of unhampered transmission of thought within each nation and between all nations, and members pledge themselves to oppose any form of suppression of freedom of expression in the country and community to which they belong, as well as throughout the world wherever this is possible. PEN declares for a free press and opposes arbitrary censorship in time of peace. It believes that the necessary advance of the world towards a more highly organised political and economic order renders a free criticism of governments, administrations and institutions imperative. And since freedom implies voluntary restraint, members pledge themselves to oppose such evils of a free press as mendacious publication, deliberate falsehood and distortion of facts for political and personal ends.

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Case List Methodology

PEN International gathers its information from a wide variety of sources and seeks to confirm its information through at least two independent sources. Where its information is unconfirmed, it will either take no action, or word its outputs to reflect the fact that the information is as yet incomplete. Sources include press reports, reports from individuals in the region in question, reports from other human rights groups, PEN members themselves, embassy officials, academics, prisoners' families, lawyers and friends, and exile groups. It also partners with other international NGOs, such as ARTICLE 19, Committee to Protect Journalists, Freedom House, Index on Censorship, and Reporters without Borders. It is a founder member of IFEX – the International Freedom of Expression Exchange, a collaborative, on-line service in which national, regional and international organisations involved in the campaign for free expression pool information and amplify each other's voices.

Writers are frequently also journalists and media commentators, and vice versa, so PEN will also include a person on the list whose primary role is as a writer, but who may be under pressure for their journalism. A journalist who is threatened for writing a book may also become a PEN concern, such as where crime reporters publish books based on their investigations into criminality. Similarly, PEN will on occasion take up visual artists, including filmmakers and cartoonists.

Rather than attempting to duplicate the work of its media rights colleagues, this list features those cases that are either unique to PEN and are not within other organisations' remits, such as writers of literature and poets, or where there is a crossover between journalism and literature. It should also be noted that the Case List can only provide a snapshot of what is likely to be a larger phenomenon: offences are often not reported, writers may self-censor, and other obstacles arise in terms of documenting the silencing of writers. This is highly likely to be the case for women writers as the full extent of censorship of women must be seen within the wider context of gender-based violence, and lack of access to education, civil, political and cultural rights. The Case List is intended to provide an overview and an indication of global trends, and a guide to the type of challenges writers face, in which countries, and the kind of actions that other writers worldwide are taking in support of their colleagues.



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PEN International

Writers acting in solidarity with their persecuted colleagues

As I write this, much of the world is in the lockdown mode. Cities teeming with people and buzzing with traffic have gone silent; the streets are deserted, the shops have shutters down, and people discreetly try to make way for others and not get too close. Sitting at home and writing this, I admire even more the courage, grace, and fortitude of writers around the world who have been imprisoned over the years. Compared to them, what we are going through is insignificant. We fear the world outside; they want the freedom that lies outside the doorstep. We can step out of the door when we want and take risks; they don't have the choice of stepping out; they remain at the will of their persecutors and prosecutors. We can access the Internet, have deliveries brought to us, and choose to live this life of isolation for our own good. They are lucky to receive letters, and when they do, those are censored, and they have no choice in the food they receive. It is hubristic and arrogant to equate what those writers go through and what we do at the moment: the only thing that is comparable is that you are no longer in control.

Writers are gifted with the ability to express their imagination, and it is that idea – that they are in control of what they think – that governments, authorities, religious groups, vigilantes, and others resent, and which is why they threaten writers. Whether it is a journalist uncovering a corruption scandal, an investigative reporter exposing human rights abuses, a diligent correspondent uncovering the murderous trail of a war criminal, a science writer questioning her government's claims of having tested people for coronavirus, or a fiction writer raising profoundly uncomfortable questions that shake up a clergy, writers have continued to defy authority and hold those who wield power to account.

That there are slightly more cases this year – 212 instead of 205 – does not mean we can satisfy ourselves that it could have been worse. Rather, it should spur us to note that it is not getting better. Asia has shown a significant increase in the number of cases, and the pattern remains dismayingly similar – detentions without trial, jail terms for criticizing the army, some can't travel outside their countries, and some, for writing in minority languages.

It is hard to measure the chilling effect on freedom of expression. How many poems didn't get written? How many novels remained in the drawer? How many ideas were suppressed in the mind? How many words were swallowed before those could be uttered? Intimidating writers are not only laws and courtrooms, or the military and the clergy, but other non-state actors, offended by the slightest criticism, angry because their secrets are leaking out, unnerved because someone, without any power other than truth and moral force, is saying, loudly, that the emperor has no clothes.

We, of the PEN community's Writer in Prison Committee, draw inspiration from these brave women and men. And we will try to be like them and we will send our support and solidarity to them, so that they know they are not alone, because we know we are not alone.

Salil Tripathi

Chair, Writers in Prison Committee
PEN International

April 2020

Global Overview

What is the PEN International case list? A brief explanation

PEN International has for nearly a century monitored and advocated for writers who have suffered repression of their right to write freely, and to comment on the world around them without fear of arrest, violence and even death. In 1961 it began to formally record these attacks in what eventually became the 'case list' summarising who has suffered attack, where and by whom, the legal processes and the motivations behind them. Previously produced twice and even four times a year, the now annual case list focusses on writers of fiction and non-fiction, poets, playwrights, song writers, translators - anyone who works with the written word.

This report firstly provides a global analysis of the cases monitored by PEN International between January to December 2019, providing a summary of the wider context under which both journalists and writers are challenged. This is followed by the 'list' itself, divided into regions, each starting with an overview of key events that have impacted on freedom of expression in the region, then followed by a summary of cases of writers of concern to PEN. At the end of each regional overview is a summary of the actions that PEN took for journalists and others, such as human rights defenders, usually in collaboration with other freedom of expression NGOs, and giving links to sources providing fuller details.

The PEN International case list's primary role is to inform its membership and others engaged in advocacy for free expression and serves to enable PEN Centres to identify where their focus could be.

The PEN International case list does not, therefore, attempt to be a comprehensive list of attacks on writers, but an indication – a weather vane – of where the problems lie in any given year, enabling reflection on patterns and trends that can serve to inform future actions. It is up to date as of 31 December and as events can move rapidly, readers who wish to know more about a case listed in this document are advised to look for updates either on-line or by contacting PEN International.

2019: A year of protests

2019 was a year of **public protests**, with many seeing violent clashes between police and demonstrators, and where journalists attempting to report on events were assaulted and attacked.

Mass protests against the Citizenship Amendment Act in **India** saw deaths and injuries, accompanied by restrictions and attacks against journalists attempting to report on the events. Reporters also found themselves threatened in **Indonesia** as they covered demonstrations in the lead up to general elections early in 2019. Intimidation of journalists also took place during protests in **Hong Kong**, where reporters were among those injured by rubber bullets.

In Africa, there were journalists caught up in violence including in **Sudan, Guinea, and Nigeria**. In the Americas, in **Ecuador** there were 120 reported attacks against journalists, and attacks against reporters were also reported in **Haiti, Chile and Bolivia**. The situation is critical in areas of conflict such as **Yemen, Syria and Libya**, where journalists are targeted by all sides – state authorities, religious and sectarian groups. In **France** journalists were attacked by gilet jaunes (yellow vest) demonstrators at protests that broke out across the country.

Reporting on public protests can also be lethal, such as in **Northern Ireland** where a young journalist and writer, Lyra McKee, was killed by a masked gunman as she was observing rioters attack police. In **Nigeria**, a reporter was also shot dead during riots, as was another covering demonstrations in **Haiti**. In **Iraq**, an activist and four journalists were killed while covering youth protests.

PEN Cases in Numbers: 212 cases of repression in 2019

In 2019, PEN International monitored **212** cases of repression against writers across the globe, a small rise in the previous year's total of 205. There were slight increases in Africa and the Americas, and a rise of 12 per cent in Asia, partly relating to a crackdown against Muslim Uyghurs in **China**, and increased harassment of writers and poets commenting on events in **India**.

Types of attacks

Lengthy terms of imprisonment and pre-trial detention account for the largest number of attacks, with a total of 67 recorded in 2019. Of these the largest cluster are in **China**, including the Tibet and Xinjiang Uyghur autonomous regions, where twenty-one writers are in prison, nearly all held under National Security legislation. Among them are at least seven writers who were arrested in the recent crackdown against 1,000s of Uyghur Muslims in the last year.

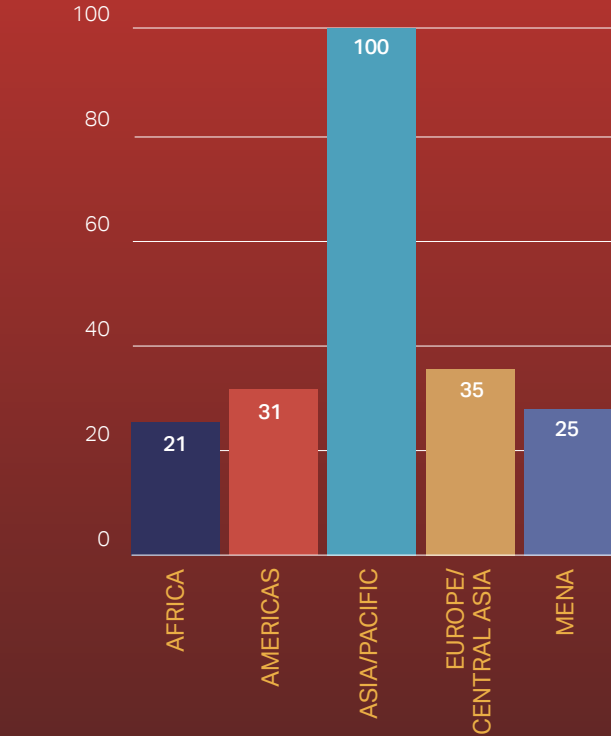
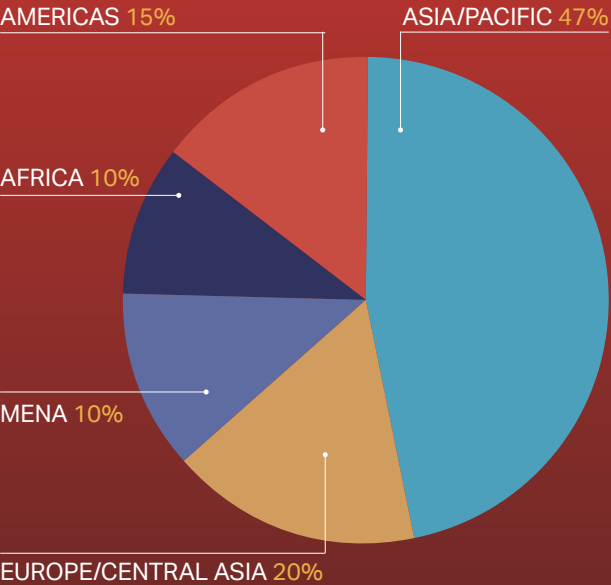
Imprisonment continues to be used to silence critical writers in several other countries in the Middle East and North Africa including in **Saudi Arabia, Egypt, Iran, the UAE and Bahrain**. In **Turkey** four writers are among the over 100 journalists who are in prison with many more on trial and at threat of imprisonment. Six poets were imprisoned in **Myanmar** and are serving sentences for their criticism of the army.

Detention without trial is usually a relatively short period as a person is waiting to be brought to court. However, in **Eritrea** nine writers have been held for long periods of untried detention - most of them for an extraordinary 18 years - in unknown prisons and where even the charges against them are not known.

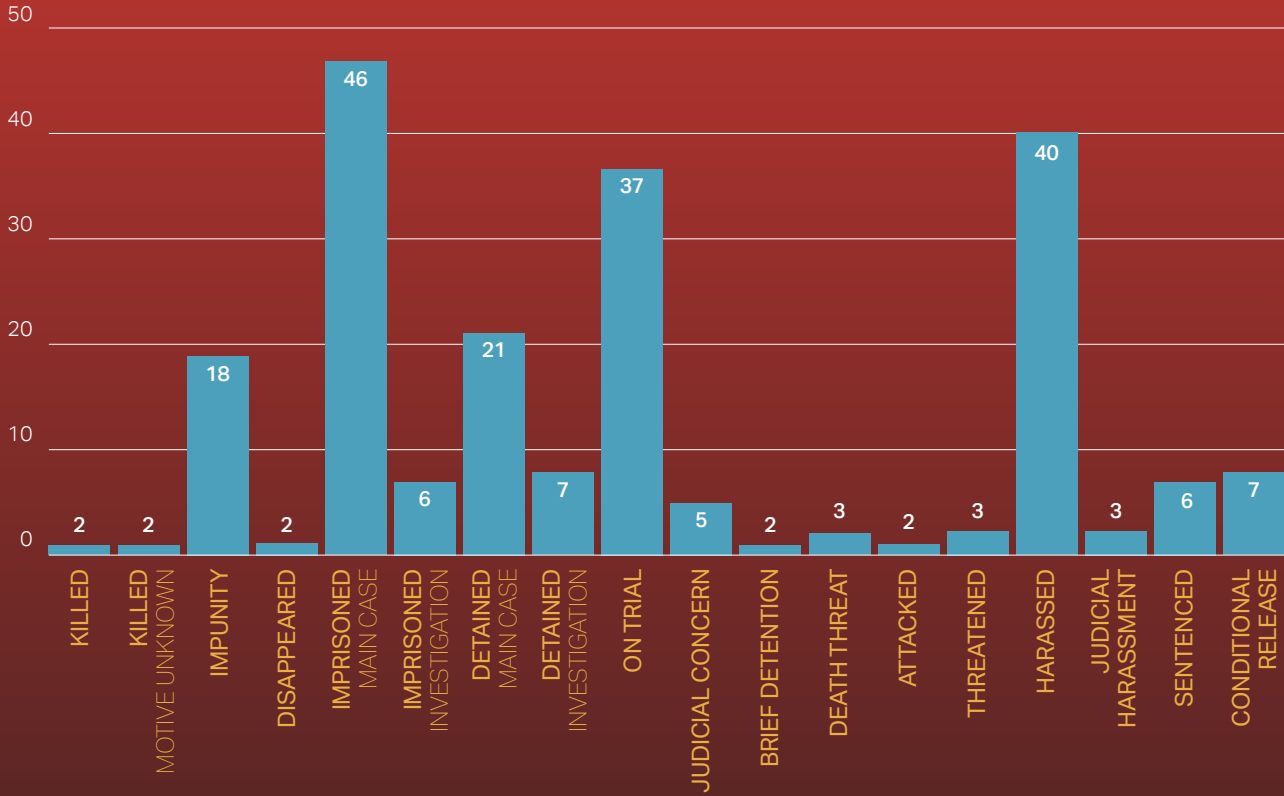
Thirty-seven writers are known to be standing trial globally, at least 10 in **Turkey**, mostly related to the 2016 coup attempt, but also including several who have been before the courts since 2010. Eight are being prosecuted in separate cases in **India**, most charged in 2018. These trials often drag on for years and are usually accompanied by restrictions on travel and other rights, and while not in prison, the lives of writers on trial can be otherwise severely curtailed.

One of the most common forms of censorship is persistent harassment, by both state and non-state actors. This is a pattern prevalent in the **Americas** where threats and actual violence continue to be a constant back drop to the lives of writers who comment on issues ranging from corruption and criminality to traditional values.

ATTACKS BY REGION 2019



ATTACKS BY TYPE 2019



Writers killed in 2019

Murder not only extinguishes a critical voice, but also intimidates into silence those who were close to the victim, who shared their views or who dared to delve into the misdemeanours of the powerful. Over the decades, hundreds of writers have been killed for speaking out, caught in conflict zones, taking on dangerous assignments confronting criminals and extremists, or for standing up for minority and cultural rights. How many others are driven to self-censorship knowing that they could share such a fate is impossible to measure. The vast majority of these murders are never resolved, and the perpetrators rarely brought to justice. The impunity enjoyed by so many of those who carry out, or who are the 'invisible hands' behind, the murders serves to deepen fear and suppress free speech. While press freedom monitors' focus is on journalists, PEN's work also extends to writers. In 2019 it focused on the murder of Iraqi novelist, Alaa Mashtob Abboud, shot dead in February 2019, and the young journalist and writer, Lyra McKee, killed by a masked gunman as she covered riots in Northern Ireland.

Alaa Mashthob Abboud Iraq

In the evening of 2 February 2019, 50-year-old Iraqi novelist, Alaa Mashthob Abboud, was shot dead outside his house in Karbala City as he returned home from a meeting with other writers and journalists. Witnesses report that gunmen fired a volley of bullets from close range, before fleeing. He died instantly.

Abboud was a respected writer who had published several novels, among them *The Chaos of the Nation* (2014) and *A Crime in Facebook* (2015). He had also directed a number of successful documentary films and had for 30 years been a contributor to several Arab newspapers including *Ahewar* and *al-Sabah*. His criticism of local militia groups and his allegations of official corruption may lie behind his murder. However, by the end of 2019, there was no news of an investigation into his death.

On 5 February 2019, PEN International issued a [statement](#) calling on Iraq to '... respect its international obligations in granting and implementing the right to freedom of expression, mainly by putting an end to impunity for crimes against journalists.'

Lyra McKee UK/Northern Ireland

On 18 April, Lyra McKee was observing a riot that had broken out on the Creggan Estate, in Derry, Northern Ireland. She was among a number of journalists and onlookers who had gathered close by a police vehicle when a masked gunman opened fire in their direction. McKee was shot in the head and died soon afterwards in hospital. Her death led to shocked condemnation worldwide, including from PEN International. Her killing has led to fears of a return of the violence and killings of the Northern Ireland Troubles that took more than 3,500 lives between 1968 and the 1999 Good Friday Agreement. Hers was the first death of a journalist there since 2001. On 23 April, the 'New IRA' paramilitary group issued a statement claiming responsibility for McKee's death. It stated that she had not been the intended target and offered its 'sincere apologies'. However, it gave no more than a suggestion that its members should 'take more care' when engaging in violent demonstrations. In February 2020, a man was arrested in connection with the murder, charged with possessing firearms with intention to cause death and with being a member of a terrorist group. McKee was a highly regarded journalist who started her career in her teens and had received prestigious awards for her reporting. Her blog, 'Letters to my 14-year-old self', about growing up as a gay woman, was hugely popular. McKee's first book, an investigation into the killing of an MP, was published posthumously in June 2019.



PEN International joins colleague organisations in condemnation of murders of 25 journalists killed in 2019

Journalists are especially vulnerable where the nature of their work places them at the centre of political controversy, or on the front-line in conflict zones and contested territories where criminals and extremists hold influence. In 2019, 25 reporters were killed because of their work, according to the press freedom monitor, Committee to Protect Journalists (CPJ). Although the CPJ notes that this was the lowest figure it had recorded since 2002, it remains too many deaths with far reaching repercussions. The CPJ identified the most dangerous countries for journalists in 2019 as being **Syria**, with seven killed in the conflict there, and **Mexico**, where ten were murdered, a pattern that has endured for many years. There were also killings of reporters in **Somalia, Iraq, Honduras, Philippines, Libya, Haiti, Chad, Nigeria, Ghana, Ukraine** and the **United Kingdom**.

PEN International teamed up with other organisations working on media rights, issuing joint statements against attacks on media workers, attending trials and commemorative events, among other activities. Among these was a statement on the murder of **Norma Sarabia** was shot dead in June by two gunmen outside her home in Tabasco state, **Mexico**, PEN [called](#) for a full investigation into her killing. Sarabia had worked for the *Tabasco Hoy* newspaper for several years covering local police and security issues. It is thought that her reporting on crime could be the motive for her death. Her family has been placed under police protection since her death. PEN noted that the level of security provided by the authorities to human rights defenders and journalists is inadequate, and that journalists who had been under these safety measures had nevertheless been killed. It called for more to be done to provide proper safeguards.

PEN Centres have joined with Amnesty International and other rights monitors to call for complete justice for Khashoggi.

Impunity: getting away with murder

The impunity enjoyed by those who murder writers and journalists contributes to a wider silencing of independent and critical voices, making it especially important that PEN and others campaign for full justice. In 2019, investigations and trials were launched against people accused of the murders of several writers in recent years including in **Saudi Arabia, Malta, Bangladesh** and **India**. However, in many cases there are concerns that these trials are flawed and have not included people, some at the highest level of government, who are thought to have masterminded the murders.

The highest profile, and most shocking, case in recent years was the murder of **Saudi** journalist, **Jamal Khashoggi**, at the Saudi consulate in Istanbul, Turkey, in October 2018. The United Nations Special Rapporteur on extra judicial, summary or arbitrary executions Agnès Callamard [reported](#) in June 2019 that Khashoggi was the 'victim of a premeditated extrajudicial execution, for which the State of Saudi Arabia is responsible'. Eleven men were sentenced to death in Saudi Arabia for the murder in December. The killing, the court claimed, was a spontaneous rather than a premeditated act. This conclusion was derided by observers as exonerating the masterminds behind what they see as an assassination linked to high levels in the Saudi government, with Callamard [calling](#) it 'the antithesis of justice' and a 'mockery'. PEN Centres have joined with [Amnesty International](#) and other rights monitors to call for complete justice for Khashoggi.

Similarly, the car bomb murder of the Maltese journalist, **Daphne Caruana Galizia**, a year earlier in October 2017, has been met with intensive national and international lobbying led by her family and international press freedom organisations, among them PEN International. In 2019, PEN was among the organisations presenting information to the [United Nations](#), the [EU](#) and the [Council of Europe](#), among others, and a long awaited public enquiry into her murder began in December. Three suspects arrested in 2017 are still to be brought to trial. A fourth, a businessman with close links to the Maltese government, was arrested in November 2019, accused of complicity in her murder. Caruana Galizia's death is linked to her reporting on corruption at the highest levels of government. In December, Prime Minister Joseph Muscat announced his [resignation](#) as accusations mounted against him for allegedly conspiring in a cover up.

The recent spate of horrific murders of writers in **Bangladesh** has, thankfully, abated with no further killings in 2019. Yet justice remains to be found for those who died in the past five years. The murders of at least five writers and bloggers who had promoted secularism and free thinking in their writing in 2015 at the hands of religious extremists was met with worldwide shock. Publisher **Faisal Arefin Deepan** was hacked to death in Dhaka in October 2015. Earlier that year, in February, one of the writers published by Deepan's publishing house, **Avijit Roy**, was similarly murdered. Then, a third writer, a

friend of Roy's, **Ananta Bijoy Dash**, and who had gone into hiding after the murder of his friend, was himself killed by attackers with machetes in May 2015. By the end of 2019, several suspects in these three killings had been arrested and their trials are under way, but others involved remain at large.

In **India** extremists linked to right-wing Hindu nationalism have been responsible for widespread and often extreme violence against Muslims and those who challenge Hinduism. In 2015, two writers were killed in separate incidents by members of one of the most dangerous of these extremist groups. In February that year, 82-year-old Marathi politician and author, **Govind Pansare**, was killed outside his home in an attack that also injured his wife. Six months later, in August 2015, 78-year-old epigraphist, **Dr Malleshappa Madivalappa Kalburgi**, was shot dead at his home. The previous year he had written articles challenging the sanctity of religious idols which had led to protests. In both cases individuals with allegiance to the Sanatan Sanstha extremist Hindu group have been arrested and are now being prosecuted for the murders. Sanatan Sanstha has carried out many bombings and other acts of terrorism in India over the past decade and despite calls for it to be banned, the prevalence of Hindu nationalist rhetoric within the Indian government at state and federal levels has ensured that it remains a legal body.

Persecution of women writers

PEN International's case list includes 37 women that were imprisoned, brought to trial, harassed, threatened, and in one case, killed in the practice of their profession as writers. They represent just 17 per cent of the total cases, an indication also of their low representation within the fields of literature and the media in many parts of the world. As described in the 2017 PEN International Women's Manifesto: For many women in the world – and for almost all women until relatively recently – the first, and the last and perhaps the most powerful frontier was the door of the house she lived in: her parents' or her husband's home.

In most cases women writers came under threat for the same reasons as their colleagues: for exposing corruption, challenging state restrictions, questioning traditional and religious mores, for example, or for being present as observers and commentators in conflict areas. However, women who comment on gender equality, sexual and domestic violence can come under particular scrutiny and women are also likely to be subjected to sexual violence and threats themselves.

In **Iran**, commentary on gender issues has long brought women writers to government attention. **Golrokh Ebrahimi Iraee** is serving a sentence totalling more than five years in prison for 'insulting Islamic sanctities' and 'spreading propaganda against the ruling system' for her unpublished fictional story that sees the main character protesting against the country's practice of stoning to

death. Academic **Sedigheh Vasmaghi** has also been charged for her opposition to the practice of stoning women found guilty of adultery, and since her return to Iran after six years in Europe, has lived under restraints on her freedom of movement.

Of long-standing concern to PEN has been **Lydia Cacho**, a courageous **Mexican** writer and campaigner against sexual violence and child abuse who has lived under threat of death since the 2005 publication of her book *Los Demonios del Edén (The Demons of Eden)*, which implicated leading business figures in a child pornography ring. The threats have not let up, and, in July 2019, became acute after her home was broken into and her two dogs killed, forcing her to leave Mexico for her safety.

Satire can be a dangerous means through which to criticise authorities. **Ugandan** academic, activist and writer, **Stella Nyanzi**, was arrested in November 2018 and sentenced to 18 months in prison in November 2019 for posting on-line a poem that used graphic metaphor to highlight government oppression. She was released early in February 2020. A comedian in **Zimbabwe**, **Samantha Kureya**, endured a terrifying ordeal in August 2019 when she was abducted by unknown men who reportedly abused and beat her, stripping her naked before leaving her at the roadside. Commentary on sexual violence against children in **India** brought cartoonist **Swathi Vadlamud** charges of 'hurting religious sentiments' for her cartoon imagining the gods Ram and Sita remarking on the rape of an 8-year-old girl. She was also subjected to death threats.

Hatoon al-Fassi, who was arrested in June 2018 alongside a number of other women's rights campaigners in **Saudi Arabia**, was released pending trial in May 2019. There were disturbing reports that the women had suffered severe abuse while in prison, including electric shocks, flogging, sexual threats and violence, leaving some with debilitating injuries. Women who were among ten poets in **India** facing charges for their poetry on discrimination of people of Muslim Bengali heritage, also reported threats of sexual abuse.

In **Brazil**, intolerance against LGBTI has grown, and the case of the playwright and two performers of the play *The Gospel According to Jesus, Queen of Heaven*, depicting Jesus as transgender have suffered harassment and threat since the play was first performed in 2016. In early 2019 the threat had become so great, that playwright Jo Clifford decided that performances should close.

Releases: Amnesties, pardons and prisoner exchanges

In 2019, 18 writers were freed after serving periods in prison or on trial, representing around 15 per cent of cases of long-term detention and protracted trial hearings monitored by PEN. Others were released on expiry of their sentences. These were cases where PEN Centres world-wide had campaigned for their release, in some cases for a number of years.

Notably, the year saw a number of amnesties for prisoners, serving both political and criminal charges. In **Azerbaijan**, writer **Rashad Ramazanov**, who had been in prison since 2013, benefited from a presidential pardon in March 2019 under which 52 prisoners detained on politically motivated grounds were freed. He had been convicted of drugs related charges believed to have been levied in retaliation for his criticism of the government. Another case where criminal charges were used as a means to penalise dissent is that of **Cuban** rapper **Maykel Castillo Pérez** who was released in October 2019 after serving a year of an 18-month sentence. Convicted for assault, there was concern that that the reason for his imprisonment was his opposition to a new law that places greater restrictions on artistic freedom.

Two writers in **Myanmar** were released under a presidential amnesty granted in May 2019 to over 6,000 prisoners. **Wa Lone** and **Kyaw Soe Oo** had spent 18 months imprisoned under the Official Secrets Act for their investigations into violence in Rakhine. In **Egypt**, **Abdel-Halim Qandil**, a writer, was freed in March 2019 under a presidential pardon. He had been serving a three-year sentence, handed down in December 2017, for 'insult to the judiciary'.

In a move reminiscent of the cold war, high-profile prisoner exchanges in September involving the **Russian** and **Ukrainian** authorities led to the release of Ukrainian writer and film-maker **Oleg Sentsov** and Russian writer **Stanislav Aseyev**. Sentsov had spent five years out of a 20-year sentence in prison in Russia on trumped-up charges of 'terrorism'. Aseyev had been given a 15-year sentence by the Russia-backed authorities from the self-proclaimed 'Donetsk People's Republic' in eastern Ukraine on charges including 'espionage' and 'extremism'.

After more than five years in prison and having initially faced the death penalty for apostasy for having criticised the inequality of **Mauritania's** caste system, blogger **Mohamed Mkhaitir** was finally released at the end of July 2019, more than two years after his sentence was reduced on appeal. Writer **Ayşe Düzkan**, who had been served with an 18-month prison sentence under **Turkey's** Anti-Terror Law, was freed in June after serving six months.

PEN International's Global Advocacy

PEN International sends Rapid Action Network Alerts (RANs) calling on 20,000 PEN members to take action on behalf of persecuted writers, write letters of solidarity, organise vigils and protests and advocate with local embassies and regional bodies alongside publishing articles to raise public awareness.

PEN International coordinates solidarity actions such as sending letters to those in prison and marking their absence at public events with an empty chair. PEN promotes the voices of these persecuted writers by granting them awards, sharing their literature and twinning them with well-known writers as part of letter writing campaigns.

- In 2019, the situation of 104 writers at risk was improved by PEN International's solidarity, support, advocacy and campaigning.

- Solidarity is at the core of PEN International's work. In 2019, 79 per cent of writers who saw positive changes in their situation said that the solidarity provided was important to them.

- Rapid Action Network Alerts calling on 20,000 PEN members to take action on behalf of persecuted writers, involved more than 53 PEN Centres lobbying government officials, writing letters of solidarity, organising vigils and protests

- 32 PEN Emergency Fund (PEF) grants were given to writers facing immediate risk, supporting 10 writers with medical treatment, 5 with accommodation and living costs and a further 17 with relocation, travel and subsistence.

- 12 asylum support letters resulted in successful asylum claims for 5 writers

- Assessment of over 116 applications to the International Cities of Refuge Network (ICORN) led to successful residency placements for 22 writers

Explanation of Terms

Main cases

In these cases, PEN takes all possible action for their release or for compensation. In cases where a prisoner is held without charge or trial for a considerable length of time, PEN considers them to be a main case until and unless information is provided which shows that they have used violence or advocated racial hatred.

Investigation case

PEN publishes details of investigation cases so as to provide a complete account of reports of abuses against individuals practising their right to free expression in all countries. However, it will not usually call for their release. Once sufficient information is available, their cases will be reclassified as a main case or closed as appropriate.

Judicial concern

These are cases where the main concern includes convictions based on trial proceedings which were manifestly unfair, where there are serious concerns regarding allegations of torture or where there are other irregularities in the judicial process. In these cases, PEN calls for a re-trial following fair trial practice or is calling for an investigation of the alleged malpractice and for those found guilty of committing such acts as torture to be brought to justice.

Attack types

KILLED A writer or journalist killed in the period of this case list. PEN is certain the individual was a writer/journalist targeted for their writing

KILLED: MOTIVE UNKNOWN A writer or journalist killed in this period, but it is unclear if the individual was targeted for their writings

KILLED: IMPUNITY The killing did not occur in the period of this case list, but there is ongoing impunity for the killing i.e. there has been no conclusion of the case or no investigation has taken place

EXECUTED Executed by the state after a death sentence was imposed by a court for freedom of expression 'offences'. Does not include executions of writers for criminal offences unless there were fair trial concerns.

DEATH IN CUSTODY Writer died in custody (including in hospital while under guard) in circumstances where treatment in prison is believed to have contributed to death (e.g. torture or lack of medical care)

ENFORCED DISAPPEARANCE – PEN is certain the individual is a writer/journalist and that their disappearance was carried out by the authorities or with their acquiescence

ABDUCTED PEN is certain the individual is a writer/journalist and that non-state actors are responsible for their disappearance

REPORTED MISSING A writer or journalist may have been abducted, but it is unclear who was responsible. May include cases where the individual was killed, but a body has never been found

IMPRISONED - MAIN CASE PEN is certain he/she is a writer/journalist who is serving a prison sentence after conviction in relation to their writings and as far as we know has not used violence or advocated racial hatred

IMPRISONED - INVESTIGATION Under PEN investigation. Serving a prison sentence, where one or more of the following is unclear: if they are a writer; if they have been detained or persecuted for their writings; if they have advocated racial hatred

DETAINED – MAIN CASE PEN is certain he/she is a writer/journalist and is being detained pending charge/trial or where there is no intention to charge them. Includes those held in administrative detention and unofficial house arrest. Can also include individuals in detention who are facing charges or are under judicial investigation

DETAINED – INVESTIGATION Under PEN investigation. Detained, but where one or more of the following is unclear: if they are a writer; if they have been detained or persecuted for their writings; if they have advocated racial hatred



Left to right: Lydia Cacho, Galal el-Behairy, Stella Nyanzi, Nedim Türfent, Shakthika Sathkumara

Day of the Imprisoned Writer 2019 'Rendering iron curtains meaningless'

A writer who has for years lived under threat of death in Mexico, an academic in prison in Uganda for a poem she wrote, a poet standing trial in Sri Lanka, a reporter serving an eight-year prison term in Turkey and a songwriter imprisoned for three years in Egypt. These five cases were chosen by PEN International to mark the 15 November Day of the Imprisoned Writer, representing the breadth of repression against writers across the globe, emblematic of the struggle they face in the practice of their right to freedom of expression.

On that day, PEN Centres across the world staged events and raised publicity in solidarity with other writers living under threat from governments, as well as from extremist and criminal groups among other non-state actors.

An illustration of the strength and encouragement that PEN's solidarity brings came in a letter from Nedim Türfent, one of the five 'emblematic' cases featured, writing from prison in March 2019:

'After the solidarity campaign you have started by kneading as if it were bread dough, I have been receiving postcards; letters and books from all over the US, Australia and Europe, which all make me extremely proud. As you might appreciate, I cannot respond individually to all of you because of my circumstances not allowing such an endeavour. ... I want you to know that your letters, which have rendered iron curtains meaningless and ineffective, have filled my two-steps'-long cell with resistance, resolve and hope. At this time when I am still able to have access to this pencil and paper, I am amateurishly sharing my feelings of gratitude and humbleness, and I would be most delighted if you accept it.'

In 2019, the cases featured in the Day of the Imprisoned Writer were:

- **Lydia Cacho** Celebrated writer, journalist and activist Lydia Cacho Ribeiro has faced continued harassment, death threats and attacks due to her investigative journalism and activism.
- **Stella Nyanzi** Ugandan academic, writer and activist Dr. Stella Nyanzi is currently serving an 18-month sentence for 'cyber harassment', in relation to a poem she wrote on Facebook in September 2018 criticising Uganda's President Yoweri Museveni (and his mother).
- **Shakthika Sathkumara** Award-winning Sri Lankan writer and poet, Shakthika Sathkumara, faces legal proceedings that could see him sentenced to up to 10 years in prison.
- **Nedim Türfent** News editor, reporter and poet Nedim Türfent is serving an eight-year-and-nine-month prison sentence on trumped-up terrorism charges following an unfair trial, during which 19 witnesses said they had been tortured into testifying against him.
- **Galal El-Behairy** Poet, lyricist and activist Galal El-Behairy is currently serving a three-year prison sentence for 'insulting the military' and 'spreading false news'. He is being held in the notorious maximum-security Tora prison in Cairo.

Africa Regional Overview 2019

Lianna Merner, Africa Programme Coordinator

Throughout 2019, writers, journalists and human rights activists across the continent continued to be targeted for their peaceful activism, for covering protests, writing about sensitive issues, or using words deemed insulting to heads of state or other figures. States and in some instances non-state actors, used repressive legislation, arbitrary arrests, drawn out prosecutions, threats and violence to suppress dissenting voices. As in previous years, internet shutdowns and restrictions on the use of social media were deployed to shut down information sharing.

Unrelenting repression

More than a year after the 2018 peace deal with Ethiopia and hopes that this would lead to an opening up of Eritrean political space, there is no sign of genuine reform within **Eritrea**. Indeed, many Eritreans feel that the situation has deteriorated, with recent roundups targeting the arts and media communities. The situation for freedom of expression remains dire; in 2019 the Committee to Protect Journalists ranked Eritrea the world's most censored country, a title they earned previously in 2015. This is despite Eritrea's renewed engagement with international human rights bodies and its new membership of the United Nations Human Rights Council (HRC). When Eritrea came before the HRC in January 2019 under a review of its adherence to human rights, Eritrean officials refused to answer questions about the 16 jailed journalists and 11 politicians who have been detained incommunicado since 2001, 18 years on from a brutal crackdown on the press. Eritrea continued to deny the UN's special rapporteur on Eritrea to enter the country.

Fragile reforms

The Prime Minister of Ethiopia won the 2019 Nobel Peace Prize for his reforms in Ethiopia and for brokering the peace deal with Eritrea. Many welcomed this move, but others saw it as a premature act, given the renewed engagement with Eritrea has, as yet, not proved successful; by the year's end, the border with Eritrea was once again closed. Additionally, on the domestic front, **Ethiopia** faced its own challenges - there has been an increase in ethnic tensions and political unrest in some parts of the country, and human rights organisations expressed concerns that the reform process initiated by Abiy after he took office in April 2018 was slowing down. CPJ has noted the silencing of critical voices, in particular of activist journalists. The United Nations Special Rapporteur on Freedom of Expression, David Kaye, visited the country in December, during which he noted the significance of the political and human rights reforms, but also expressed concern about the fragility of the political situation and the remaining challenges to freedom of expression and opinion.

In **Zimbabwe**, the post-Mugabe era has not ushered in genuine reforms as many hoped, but instead led to backsliding on human rights and a crackdown on civil society activists and protests, with reports of police violence.

Targeting writers, journalists and activists

Writers, journalists and civil society activists were caught up in crackdowns on freedom of expression across the continent, in particular during elections and other moments of political tension. In **Malawi**, civil society activists were targeted during a heightened post-election period and amid demonstrations against the 2019 election results. In **Sudan**, the authorities cracked down on mass protests, which sprang up at the end of 2018 against years of repression and which led to President Omar al Bashir being ousted in April 2019 and replaced by a military council. The media were restricted, and several journalists were arrested. In **Guinea**, civil society actors were arrested amid a crackdown on the right to protest, and journalists were harassed while covering demonstrations.

Repression against civil society and journalists was particularly acute in **Tanzania**, which continued to clamp down on all forms of dissent. Respected investigative journalist Erik Kabendera is in prison and facing trial for what appear to be politically motivated charges of money laundering, tax evasion, and leading a criminal organisation. His case is reported to have been postponed multiple times and he is said to be suffering ill health.

The space for freedom of expression is shrinking in **Nigeria**, as authorities have cracked down on dissenting voices. Journalists faced police violence for covering protests and elections, and several are on trial for their reporting and/or their peaceful political activities. A TV journalist was shot dead while covering a protest in July 2019.

Attacks on freedom of expression persisted in **Uganda**: despite the country's vibrant media sector, violations of free expression in Uganda are rampant. Over the last year, media outlets deemed critical of the government have been investigated for allegedly breaching broadcasting standards, peaceful protest events have been cancelled, and journalists have been harassed while carrying out their work. In the last few months of 2019, there have been further restrictions on the media and suppression of dissenting voices. Prominent musician and opposition politician Bobi Wine, who has had his concerts cancelled on repeated occasions, including October 2019 and has previously faced multiple arrests, is currently on trial for his political activities.

In **Cameroon**, journalists faced reprisals for their work covering the crisis in the Anglophone regions as well as a restrictive climate in the rest of the country, in particular the period that followed the October 2018 elections. Writer and artists have also been targeted for their peaceful expression, such as rapper Valsero, who was detained for nine months on spurious charges of rebellion against the state, terrorism, insurrection, inciting public disorder, and propagating false information.

In other countries, individual writers and journalists were targeted for their work- for example in **Ghana**, journalist

Ahmed Hussein-Suale was killed in January 2019; the reason for his murder is unclear, but his killing came after a politician called for retribution against him for the story he was working on about corruption in Ghanaian football. In Somaliland, poet Abdirahman Ibrahim Adan was arrested a day after a poetry reading for 'insulting the police and the government' in his poems.

One tactic used by governments to suppress dissent, particularly during large-scale protests, is internet shutdowns and restrictions on social media. In 2019, the authorities shut down or restricted the internet for various periods of time including in Zimbabwe, Sudan, and in Chad. In Uganda, a social media tax, passed in 2018, has reportedly led many Ugandans to abandon social media, and in August 2019, the Uganda Communications Commission introduced for 'social media influencers' a US\$ 20 fee and make them register with the state regulator.

Problematic Legislation

Colonial-era criminal defamation laws continued to be used across the continent, though there has been some progress in the repeal of these laws (see below.) New laws have been employed by some countries, such as the Computer Misuse Act of 2011 in Uganda, to clampdown on online criticism. Academic, activist and poet Stella Nyanzi was served an 18-month sentence under the Act for a poem she wrote and shared on social media that insults the President of Uganda and his mother. Singer-songwriter Viboyo is reportedly facing charges for a song that is alleged to have insulted the President, despite his stating that the songs were not written or sung by him and that it is a case of mistaken identity.

Nigeria is attempting to pass a Social Media Bill, purportedly to curb fake news, but which has the potential to restrict freedom of expression. Nigeria's hate speech bill, first proposed in March 2018, but which did not pass the third reading, was reintroduced in November 2019 and at this time of writing remains before the Senate for consideration. The bill stipulates the death penalty for anyone who commits 'hate speech' that leads to the death of another person; for offences such as harassment on the grounds of ethnicity there are punishments of up to ten years in jail. Reports have indicated that the death penalty provision might be dropped.

Attempts to deal with hate speech in Ethiopia, in particular on social media, led to the drafting of a bill on Hate Speech in April 2019, but there are concerns that the bill contains vague provisions and could be used to restrict legitimate speech.

Good news

After more than five years in prison, and having faced the death penalty for apostasy, Mauritanian blogger Mohamed Mkhaitir was finally released at the end of July 2019. His sentence had been reduced by an appeals court in November 2017 and he was eligible for release due to time served, but he remained in detention for almost two more years. UN Special Rapporteurs had repeatedly called for his release, including in June 2019.

PEN continues to work on and monitor developments on criminal defamation in Africa and has noted that over the past few years there have been welcome developments with many states decriminalising. Notably, Sierra Leone moved one step closer to decriminalisation, with a bill before Parliament that was being debated at the year's end.

One tactic used by governments to suppress dissent, particularly during large-scale protests, is internet shutdowns and restrictions on social media. In 2019, the authorities shut down or restricted the internet for various periods of time including in Zimbabwe, Sudan, and in Chad.

Emblematic Cases

Mauritania: Blogger released after years of imprisonment

Mohamed Cheikh Mkhaitir

Blogger and journalist Mohamed Cheikh Mkhaitir was released in July 2019 after more than five years in detention. He was charged with apostasy and sentenced to death in 2014 for posting an article criticising the inequality of Mauritania's caste system. Despite the reduction of his sentence by an appeals court in November 2017 and being eligible for release due to time served, he remained in detention for almost two more years.



Eritrea: Journalist and poet detained incommunicado for more than 18 years

Amanuel Asrat

Amanuel Asrat is an award-winning poet, critic, songwriter, and journalist. Asrat is credited for the resurgence of Eritrean poetry in the early 2000s and was one of the creators in 2001 of a literary club that inspired similar clubs to develop in other parts of Eritrea. His writings tackle subjects ranging from the daily life of the underprivileged to conflict and war. He has been detained incommunicado for over 18 years and is thought to be among the few surviving journalists from the 2001 crackdown on the press in Eritrea.



Africa Case List

CAMEROON

Killed: impunity

Eric Ohena LEMBEMBE

Gender: Male

Profession: Executive Director of the Cameroonian Foundation for AIDS (CAMFAIDS), LGBTQI rights activist

Date of birth: 1980

Date of Death: c. 16 July 2013

Perpetrator: Unknown

Details of killing: Lembembe was found dead on 16 July 2013. It is thought that he was murdered some days earlier. Lembembe's neck and feet appeared to have been broken, while his face, hands and feet had been burned with an iron. His murder reportedly followed several attacks on the offices of human rights defenders, including those campaigning for equal rights for LGBTQI people. On 20 September 2013, Cameroon's ambassador to Geneva reportedly told the United Nations Human Rights Council that Lembembe had been killed because of his personal life, suggesting that the journalist might have been a criminal killed in a 'settling of scores' and reportedly dismissed concerns that Lembembe's murder was linked to his activism as 'fantasy'.

Details of investigation: The investigation into Lembembe's death remains at a standstill as of 31 December 2019; PEN is seeking more information.

Publications: Lembembe is the author of several chapters on LGBTQI issues on a US website. *From Wrongs to Gay Rights*, a collection of articles by LGBTQI activists from 76 countries published in February 2013 by the US-based website, *Erasing 76 Crimes*, for which Lembembe was also a contributor.

Other information: In May 2014, reacting to Lembembe's murder, the African Commission on Human and Peoples' Rights adopted a resolution condemning violence on the grounds of sexual orientation and gender identity, and calling on African countries to '[ensure] proper investigation and diligent prosecution of perpetrators'

Main Case: Detention (Released)

Gaston Serval ABE (known as General Valsero)

Gender: male

Profession: Rapper and social critic

Legislation: terrorism/rebellion against the state

Date of arrest: 26 January 2019

Date of release: 5 October 2019

Details of arrest: Arrested on 26 January 2019 in Yaoundé, capital of Cameroon, in the margins of a demonstration by the Cameroon Renaissance Movement (CRM), the political party of opposition leader Maurice Kamto. Valsero was arrested alongside 90 others, including Kamto, of whom he is a supporter although Valsero is not a member of the CRM itself. **Details of trial:** Valsero was charged with rebellion against the state, terrorism, insurrection, inciting public disorder, and propagating false information. He faced trial before a military court and a potential punishment of the death penalty with the charge of insurrection. While it is unclear what the basis for the charges was, Valsero has long been a thorn in the side of the government, writing critical songs about governance and corruption.

Details of release: On 5 October 2019 President Paul Biya announced that he would end legal proceedings against some opposition leaders; later that day the military court ordered the release of Valsero, along with over 90 others, including opposition members and a prominent lawyer.

Professional background: Valsero is a renowned rapper and social critic in Cameroon. Over the years, he has released many songs that criticise the government, including a 2009 song titled 'Lettre A Mr Le President', as well as more recent songs in 2018 challenging corruption in Cameroon and on the Anglophone crisis (for example, 'Fly Away' and 'Resistance').

Other information: Valsero has been detained in the past and some of his concerts have been cancelled. Valsero is also a civil society activist who runs several campaigns of mobilisation and sensitisation of youth. His association Jeune et Fort (Young and Strong) promotes education on citizenship, democracy and electoral culture.

ERITREA

Writers and journalists arrested in September 2001

Background to arrests: In May 2001, 15 dissident members of the People's Front for Democracy and Justice (which is the current ruling party in the Eritrean government) (known as the G-15) published an open letter where the President's abuse of power was denounced and presented his actions as 'illegal and unconstitutional'. Following the publication of the letter as well as related interviews and articles published in the independent newspapers, all dissidents were detained, including 11 members of the G-15 who were arrested in Asmara on 18 and 19 September 2001 and accused of crimes against national security and sovereignty. On 18 September 2001, eight independent Eritrean newspapers were closed down by the authorities; these include the weeklies *Meqaleh*, *Setit*, *Tsigenay*, *Zemen*, *Wintana* and *Admas*. Ten journalists were arrested in September 2001 and a further two in October 2001. PEN is focusing on those among them who are writers. For information on the other journalists please refer to the PEN case list from 2015 and earlier and for any updates to CPJ's 2019 Imprisoned List. Over the years, the authorities have either denied that a clampdown took place, claiming instead that the journalists have merely been sent to carry out their national service, or that the closures and mass arrests were necessary for the sake of national unity or were carried out because of the newspapers' failure to comply with laws covering media licences.

Details of trial: not held.

Deaths in custody: For many years there have been rumours that several of the ten detainees died in custody as a result of ill-treatment and neglect. On 20 June 2016 in an interview with Radio France Internationale (RFI), the Foreign Minister of Eritrea claimed that all of the journalists and politicians arrested in 2001 were alive, though no proof has been provided. In the same interview, the Foreign Minister said that these men would be tried 'when the government decides'.

Conditions in detention: After the initial raid, the journalists were detained incommunicado at the First Police Station in the capital Asmara for several weeks. After finally receiving visits by family and friends, they went on hunger strike to demand that their cases be brought to court. In response they were soon transferred to unknown detention centres and later moved to Eiraeiro prison camp to join the former state officials. There are serious concerns about severe ill treatment and possible torture.

International intervention for all ten journalists: In May 2007, the **African Commission on Human and Peoples' Rights (ACHPR)** of the African Union ruled that the detention of the journalists was arbitrary and unlawful and called on the Eritrean government to

release and compensate the detainees. In September 2011, the **European Parliament** adopted a strongly worded resolution urging Eritrea to 'lift the ban on the country's independent press and to immediately release independent journalists and all others who have been jailed simply for exercising their right to freedom of expression'. A 2015 UN Resolution called for the accounting for the whereabouts of the G-15 and the journalists. The **United Nations Human Rights Commission's** Special Rapporteur on Eritrea has issued several calls, including again in 2019, for the government to confirm whether or not the journalists were still alive, and on their health and legal status. During a review of Eritrea at the UN Human Rights Council in 2019, when Eritrea appeared for the first time since 2002, members of the Council sought clarity on the fate of the journalists, but the Eritrean authorities did not respond.

Reportedly died in custody: Monitors including Reporters Without Borders and within the diaspora have reported as yet unconfirmed reports that at least five journalists have died in prison as a result of ill-treatment. Their deaths – which have not been officially confirmed – were attributed to harsh conditions and lack of medical attention. The Eritrean authorities denied in 2016 that the prisoners are dead (see above).

Detained: Main Cases

Amanuel ASRAT

Gender: Male

Profession: Editor-in-chief and co-founder of *Zemen* (*Times*), art critic, award-winning poet and songwriter, also credited with establishing the Saturday's Supper literary clubs in 2001 (for more see below)

Date of birth: c. 1971

Type of legislation: Unknown

Date of arrest: 23 September 2001, the same day the editors of all privately-owned newspapers were also arrested.

Conditions of detention: The limited information available suggests that Asrat was detained in Eiraeiro prison until the beginning of 2016 when he was allegedly transferred from the maximum-security prison to an undisclosed location along with other inmates, according to unverified information leaked in February 2016. This has not been confirmed by the Eritrean authorities. He has been held incommunicado since his arrest.

Publications: Amanuel Asrat is credited for the Eritrean poetry resurgence of the early 2000s. Along with two friends, he created a literary club called Saturday's Supper in 2001. This club set a precedent for the emergence of similar literary clubs in all major Eritrean towns. Asrat is also a well-known poet and songwriter. His writings deal with subjects ranging from the daily life of the underprivileged to war and peace topics. His work provided a negative insight towards conflict, an uncommon approach among popular Eritrean wartime poetry. His award-winning poem 'The Scourge of War' alluded to the then-ongoing border dispute

with neighbouring Ethiopia, describing it as like the bloodshed by two brothers. The newspaper *Zemen* (*The Times*) where Asrat worked had become the leading literary newspaper in the country and was run by a circle of critics who helped shape the cultural landscape. His work in the newspaper was well-known, as Asrat was the most popular art critic of his time in the country.

Honorary Member: PEN American Center, PEN Canada, PEN Eritrea in Exile

PEN Action: [2015 Day of the Imprisoned Writer](#); [2016 World Poetry Day](#); [2017 World Poetry Day](#); [International Translation Day 2015](#); He has featured in 'Empty Chair' actions at a number of PEN Congresses and conferences. ; recipient of the 2016 [Oxfam Novib/PEN Award for Freedom of Expression](#); [PEN Action World Press Freedom Day May 2017](#); [PEN Action 18 September 2017](#); [Oral statement in 2018 to the African Commission on Human and People's Rights](#); [World Poetry Day 2018](#).

Temesken GHEBREYESUS

Gender: Male

Profession: Member of editorial board and sports editor of *Keste Debena* (*Rainbow*), comedian and actor **Date of birth** c. 1967

Type of legislation: Unknown

Date of arrest: 20 September 2001

Conditions of detention: Since his arrest, Temesgen has been held incommunicado without charge or trial. The limited information available suggests that he was detained in Eiraeiro prison until the beginning of 2016 when he was allegedly transferred from the maximum-security prison to an undisclosed location along with other inmates, according to unverified information leaked in February 2016. This has not been confirmed by the Eritrean authorities.

Honorary Member: PEN American Center, PEN Canada, PEN Eritrea in Exile

PEN Action: [PEN Action World Press Freedom Day May 2017](#), [Oral statement to the African Commission on Human and People's Rights](#)

Medhanie HAILE

Gender: Male

Profession: Assistant editor-in-chief and co-founder of *Keste Debena*, a Tigrinya independent newspaper, former sports journalist, and lawyer.

Date of arrest: 18 September 2001

Details of arrest: Haile was arrested by the Eritrean security forces for 'undermining national security and sovereignty'. Since his arrest, Haile has been held incommunicado without charges and trial. He is [reported](#) to have died while in detention in February 2006, due to torture and harsh prison conditions. This has not been confirmed by the authorities.

Honorary Member: PEN Eritrea in Exile

PEN Action: [PEN Action World Press Freedom Day May 2017](#), [PEN Action 18 September 2017](#), [Oral statement to the African Commission on Human and People's Rights](#)

Dawit ISAAC (ISAAK)

Gender: Male

Profession: Co-owner of *Setit*, playwright and writer. Isaac spent a number of years in Sweden during the Eritrean war of independence (1961-1991) and the border dispute between Eritrea and Ethiopia. He has dual Eritrean and Swedish nationality.

Date of birth: 1964

Type of legislation: Unknown

Date of arrest: In the days following 23 September 2001

Sentence: It is thought that Isaac, like his colleagues, has yet to be put on trial more than 18 years after his arrest. In a TV interview in June 2009, when asked about Isaac, President Afwerki said that he did not know what crime Isaac had committed but that he [Isaac] had made a 'big mistake'. He added that the Eritrean authorities would not release Isaac or put him on trial and that they have their 'own ways of dealing with that'.

Conditions of detention: Said to have been tortured. In November 2001, the Swedish local consul held a brief meeting with Isaac in jail. Then in November 2005, Isaac was briefly released for a medical check-up and was allowed to call his family and friends in Sweden. This was supposedly due to pressure by groups in Sweden but did not lead to Isaac's release; he was returned to prison two days later with no explanation. Since then Isaac has reportedly been moved to various prisons around the country. As of January 2010, Isaac was reportedly being kept in solitary confinement, in a tiny cell with no windows and was in very poor physical and mental health. He and the other inmates were reportedly not allowed any contact with each other or the outside world, were routinely shackled and received almost no medical care. According to Amnesty International in May 2011, he was reportedly in poor mental and physical health. However, in May 2012, Amnesty stated that it had received reports in October 2011 that Isaac may have died in detention, as he was no longer in the prison where he had been held. The Eritrean government did not confirm these reports. In late January 2014, the Eritrean ambassador to Israel reportedly told journalists in Tel Aviv that Isaac is still alive, commenting 'when he comes and doesn't follow the country's laws, he must be punished'.

Health concerns: Isaac reportedly suffers from a diabetic condition that requires medical supervision. In April 2002, it was reported that Isaac had been hospitalised suffering from injuries sustained through his torture. In January 2009, he was reportedly transferred from prison to an Air Force hospital in Asmara as a result of serious illness but was later returned to prison.

Current place of detention: In May 2011, Amnesty International reported that Isaac remained in detention, allegedly in Eiraeiro prison camp, north of the capital Asmara.

International Intervention: In August 2009, Isaac was among the [subjects of a communication](#) to the Eritrean authorities from the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the UN Special Rapporteur on the situation of human rights defenders. The European Parliament adopted a [resolution](#) in July 2017 demanding the release of Dawit and all other prisoners of conscience in Eritrea.

Appeal to the Supreme Court: In July 2011, Isaac's brother, Esayas Isaac, filed a writ of habeas corpus with Eritrea's Supreme Court calling for information on the journalist's location and a review of his imprisonment. The writ was not supported by the Swedish government; then Foreign Minister Carl Bildt reportedly said the country's goal was to have Isaac released on humanitarian grounds rather than stand trial. The Supreme Court did not respond.

African Commission on Human and People's Rights Intervention: As a result of the non-response from the Supreme Court, three European jurists referred Isaac's case to the **African Commission on Human and Peoples' Rights (ACHPR)** on 27 October 2012, according to [Reporters Without Borders](#). The ACHPR judged Isaac's case to be admissible in July 2014. A February 2016 decision by the ACHPR urged Eritrea to release or provide a speedy and fair trial to Dawit and the other detained journalists. According to the Committee to Protect Journalists ([CPJ](#)), the Commission also asked the government to lift the ban on the independent press, grant detained journalists access to their families and lawyers, and pay the detainees compensation.

Swedish diplomacy: In September 2012, then Swedish Foreign Minister Carl Bildt said that the Swedish government was working for Isaac's release, but that it could not reveal details of its diplomatic efforts. However, a few months earlier, in an interview with Swedish newspaper *Aftonbladet* in May 2012, President Afwerki reportedly denied that Sweden was using any form of silent diplomacy to get Isaac out of prison and refused to comment on suggestions that Isaac may be dead. According to 23 September 2014 [reports](#), the Swedish prosecutor had closed an investigation into the complaint accusing the authorities of crimes against humanity, torture and abduction in the Isaac case. According to Reporters Without Borders, the prosecutor deemed that the investigation was a waste of resources as the Eritrean authorities were unlikely to cooperate.

Publications: A collection of Isaac's writings, entitled *Hope: the Tale of Moses and Manna's Love*, was launched at Sweden's Gothenburg book fair in September 2010.

Honorary Member: PEN American Center, PEN Canada, PEN Eritrea in Exile, Finnish PEN, and Swedish PEN.

Awards: Isaac was awarded the 2009 Tucholsky Award by Swedish PEN, the 2009 Norwegian Authors' Union Freedom of Expression Prize and the 2011 Golden Pen of Freedom, the annual press freedom prize of the World Association of Newspapers and News Publishers (WAN-IFRA). In 2017 he was awarded the 2017 UNESCO/ Guillermo Cano World Press Freedom Prize. An award in his name was established in 2007 by the Swedish

National Press Club.

PEN Action: [RAN 51/05](#) and updates, [Because Writers Speak Their Minds](#) campaign in 2010, [PEN resolutions 2013](#), [2014](#), [2017](#), [PEN statement 1 June 2015](#), [PEN Action 23 September 2016](#), [PEN Action World Press Freedom Day May 2017](#), [PEN Action 18 September 2017](#), [Oral statement in 2018 to the African Commission on Human and People's Rights](#), [Day of the Imprisoned Writer 2018](#); [World Press Freedom Day 2019](#)

Fessehaye 'Joshua' YOHANNES (Johannes)

Gender: Male

Profession: Co-owner of *Setit*, poet, playwright, short story writer, co-founder of Shewit Children's Theatre and circus performer. Also reportedly the [co-founder](#) and editor of the *Tigrinya Setit* newspaper, Eritrea's first independent newspaper.

Type of legislation: Unknown

Date of arrest: between 18-23 September 2001

Conditions of detention: Joshua has been held incommunicado since 2001 without trial and is [reported](#) to have [died while in prison](#) on 11 January 2007, due to torture and harsh prison conditions. The authorities have not confirmed these reports.

Honorary Member: PEN Canada, PEN Eritrea in Exile

PEN Action: [PEN Action World Press Freedom Day May 2017](#), [Oral statement to the African Commission on Human and People's Rights](#)

Detained after September 2001:

Detained: Main Case

Idris SAID 'Abu'Are'

Gender: Male

Profession: Author of two books (including a collection of short stories in Arabic published in 1992); freelance journalist for independent newspaper *Tsigenay* (*The Pollinator*), mainly on mother tongue education; regular contributor to state-run Arabic daily newspaper *Eritrea al-Haditha*; disabled Eritrean Liberation Front veteran.

Type of legislation: Unknown

Date of arrest: October 2001

Details of arrest: Reportedly arrested after questioning the G-15 arrests (see above), according to a May 2013 report by Amnesty International. Months before his arrest he had also published his seminal work on mother-tongue education in which he criticised the government's post-independence language policy.

Details of detention: He has been detained

incommunicado without charge since his arrest. The limited information available suggests that he was detained in Eiraeiro prison until the beginning of 2016 when he was transferred from the maximum-security prison to an undisclosed location along with other inmates, according to unverified information leaked in February 2016. The authorities have not confirmed this. In late 2017 CPJ [reported](#) that the director of the state-owned Eritrean News Agency, responding on behalf of the Ministry of Information to a request for information by CPJ said that Abu'Are was a member of the civil service and not a journalist, but did not reply to requests for information on his whereabouts or other information.

Background: Abu'Are was reportedly a branch head at the Ministry of Labour and Human Welfare at the time of his arrest. His article on mother tongue education, 'Education in Mother-tongue: Between the Anvil of Popular Rejection and the Hammer of the Academic of the Ministry [of Education]', highlights the government's tendency to use Tigrinya as the default official language – one of the nine language groups in the country – and the way in which it severely disadvantages members of other language groups.

Other information: He is married and has one daughter.

Honorary Member: PEN Eritrea in Exile.

PEN Action: 2016 [Mother Language Day](#), [PEN Action 18 September 2017](#), [Oral statement in 2018 to the African Commission on Human and People's Rights](#), [International Mother Language Day 2018](#).

Detained: Investigation

Berhane ABREHE

Gender: Male

Profession: former finance minister, from 2000 until 2014; writer

Type of legislation: unknown

Date of arrest: 17 September 2018

Details of arrest: Abrehe was arrested in Asmara in September 2018 a week after publishing a book critical of the government. The two-volume book, *Eritrea Hageray*, which translates as *Eritrea My Country*, is said to be critical of the Eritrean political system and calls on Eritreans to push for democracy in the country, according to [Amnesty International](#). Berhane had reportedly challenged President Isaias Afwerki to a public debate on television to discuss the suffering he had caused Eritreans ahead of the launch of his book on 11 September,

Place of detention: unknown

Details of detention: He is said to be in poor health.

Other information: Abrehe's wife, Almaz Habtemariam, was also [arrested](#) in February 2019, allegedly because she allowed her son to leave the country without government permission.

Idris MOHAMED ALI

Gender: Male

Profession: Popular singer and songwriter in the Tigris language.

Type of legislation: Unknown

Date of arrest: November 2005, according to a May 2013 [report](#) by Amnesty International.

Details of detention: No reason was given for his arrest but according to Amnesty's sources he was suspected of opposition to the government. He has never been charged, brought before a court or been given access to a lawyer.

Place of detention: Whereabouts not known. According to unverified information leaked online in February 2016 and widely discussed and read in Eritrean social media, Idris Mohamed Ali was killed along with journalist **Jim'ie Kimei**, who was arrested in 2005 (see 2015 case list), and two colleagues on 22 August 2007, although this information has not been officially confirmed.

Honorary member: PEN Eritrea in Exile

GUINEA

On trial

Elie KAMANO

Gender: male

Profession: singer-songwriter, reggae artist

Legislation: Public order

Sentence: one year imprisonment, including six months suspended

Date of arrest: 14 October 2019

Date of release: 28 November 2019

Details of arrest: Kamano was [arrested](#) by the judicial police on 14 October after he attended a demonstration organised by the National Front for the Defense of the Constitution (FNDC), against the proposal by the President to hold a referendum on changing the constitution to allow him to run for a third term. Kamano, together with the other activists, was charged with 'unlawful participation in a gathering likely to disturb public order'.

Details of release : Kamano was released alongside his nine other co-defendants on the order of the judge at his appeal hearing.

Details of trial: The trial started on 16 October 2019; two days later, on 18 October, the court sentenced Kamano to one year of imprisonment, including six months suspended. Kamano appealed the decision; he was released at the first

appeal hearing on 28 November 2019. A subsequent trial hearing was due to take place on 5 December 2019 – PEN is seeking more information as to the status of the case.

Other information: Kamano was [reportedly arrested](#) in February 2017, on suspicion of illegal assembly, under article 632 of the penal code; however his wife and others suspected his arrest was linked to comments he had made days earlier on the radio calling for peaceful demonstrations. He was released on bail; it is unclear if the charges were ever dropped or pursued further.

IVORY COAST

Enforced disappearance – Impunity

Guy-André KIEFFER

Gender: Male

Profession: Writer and independent reporter. Known for his exposés of political and business corruption in the Ivory Coast, and an extensive network of contacts.

Date of birth: c 1950

Date of disappearance: 16 April 2004

Details of disappearance: According to Reporters Without Borders (RSF) he was 'abducted from the car park of an Abidjan supermarket on 16 April 2004 after falling into a trap set for him by a member of [former] President Laurent Gbagbo's entourage'. He is assumed to have been killed. Details of investigation: The investigation into his disappearance has stagnated. For information on Kieffer's journalistic work and further details of the investigation, see previous [case lists](#).

Other information: According to [Le Monde](#), at a 20 July 2016 trial hearing against former first lady Simone Gbagbo, who was on trial for crimes against humanity, an ex-military chief claimed that Kieffer was executed and his body incinerated on the orders of the former first lady. In November 2018, FIDH and two other organisations submitted an [appeal](#) to the Supreme Court against an amnesty declared by the President of Ivory Coast in 2018; this amnesty concerned 800 people, including the former first lady Simone Gbagbo, prosecuted in relation to crimes committed during the 2010-2011 crisis. Gbagbo and her husband have often been cited in relation to Kieffer's disappearance; Simone Gbagbo has always denied any involvement. Laurent Gbagbo himself was on trial at the International Criminal Court for crimes against humanity until the court dismissed the case against him in 2019.

PEN Action: PEN 2014 World Cup Action: [Ivory Coast](#).

MAURITANIA

Released

Mohamed Cheikh ould Mohamed MKHAÏTIR

Gender: Male

Profession: Blogger **Sentence:** Death sentence

Type of legislation: Apostasy/blasphemy

Date of arrest: 2 January 2014

Date of release: 29 July 2019

Details of arrest: Mkhaitir was arrested in Nouadhibou, Mauritania's second largest city, shortly after he posted an article criticising the inequality of Mauritania's caste system, referencing the teachings of the Prophet Muhammad on the Aqlame news website on 2 January 2014. The article was taken down a few minutes after posting.

Details of release: Mkhaitir was [released](#) on 29 July 2019 after more than five years in detention. Upon his release he initially fled to Senegal; he is now in Europe. He was released just days before the inauguration of Mauritania's new president, Mohamed Ould Ghezouani.

Details of trial: On 24 December 2014, a court in Nouadhibou imposed a death sentence upon Mohamed after convicting him of apostasy. In court, Mohamed said he had not intended to insult the Prophet Muhammad and repented. According to the Committee to Protect Journalists (CPJ), there were calls for the killing of Mohamed and nationwide demonstrations led his family to denounce him. Mohamed's lawyers appealed against the sentence on 26 December 2014. On 21 April 2016, the Nouadhibou appeals court upheld the death sentence against him and his case was referred to the Supreme Court, which has the power to repeal the sentence. He apologised again and said that he never meant to insult the Prophet in his writing. On 9 November 2017, Mkhaitir's death sentence was [reduced](#) by an appeals court in Nouadhibou to two years in prison and a fine of 60,000 Mauritanian ouguiya (US\$172). He was due to be released on time served; however, a 16 November 2017 press [statement](#) from the former Justice Minister Ibrahim Ould Daddah stated that he remained in custody. Despite a ruling for his release in November 2017, he remained in detention, for unknown reasons, though the authorities indicated that he was being held for security reasons, as there was widespread public support for his execution. His family was not able to visit him during this time or confirm his whereabouts.

Conditions in detention: News reports indicate that Mohamed may have been subjected to torture or other ill-treatment during his imprisonment and was held in solitary confinement.

Other information: In April 2017, the [UN Working Group on Arbitrary Detention](#) called for Mkhaitir's immediate release and right to seek compensation. In May 2018,

six UN human rights experts expressed grave concerns about Mkhaitir’s continued detention. In June 2019, nine UN Human rights experts again [called](#) for his release, and expressed concerns for his ongoing detention. **PEN Action:** [statement](#) November 2017, Joint [letter](#) December 2017, Joint [letter](#) May 2018

NIGERIA

Harassed

Chido UNUMAH

Gender: Male

Profession: Journalist and author

Date of birth: 10 April 1966

Date of arrest: 29 September 2019

Date of release: 29 September 2019

Details of arrest: Chido Onumah was briefly [arrested](#) by the Nigerian Department of State Security (DSS) on 29 September 2019 at Abuja airport, upon his return from Barcelona, where he had received his PhD in Communication and Journalism from the Autonomous University of Barcelona. Onumah was reportedly [arrested](#) at 5pm while he was waiting for his luggage and was sent to the State Security Service office in Abuja, where he was detained for 5 hours. It is not clear what offense constituted the basis of Onumah’s arrest, but his lawyer has speculated that his arrest was connected to Onumah’s recent book, *We Are All Biafrans* which calls for political restructuring as a method to intensify Nigeria’s unity in order to establish an egalitarian society. Onumah himself has [stated in an interview](#) that he was arrested because he was wearing a shirt with the inscription of the title of his book, which the DSS said was capable of causing ‘disaffection’ in the country.

Details of release: Onumah was [released without charge](#) five hours later. The DSS denied arresting him and said that they had ‘engaged him in interaction’ over an inscription on his shirt which put him at risk of a mob attack if allowed to go into town wearing the shirt.

Professional background: Chido Unumah has a long-established career as a journalist, human rights activist, and a media trainer in various places, such as Nigeria, Ghana, Canada, India, the US, the Caribbean, and Europe. He is currently a regular columnist and editorial board member of Nigeria’s *Premium Times*.

SOMALIA

Killed: Impunity

Warsame Shire AWALE

Gender: Male

Profession: Poet, playwright, radio actor, and singer-songwriter.

Date of death: 29 October 2012

Perpetrator: Unknown

Details of death: Shot several times by unidentified armed men near his home in the capital Mogadishu on 29 October 2012. He was taken to hospital but was declared dead on arrival. According to the National Union of Somali Journalists (NUSOJ), he had recently received threats in connection with comments he had made about gunmen who targeted civilians. At the time of his death Warsame, who was in his sixties, was working at Radio Kulmiye where his plays were known for their criticism of the extremist Islamist group Al-Shabaab. According to NUSOJ and other sources, he was the 18th media worker to be killed in Somalia in 2012. PEN is calling for an investigation into the murder. No further information as of 31 December 2019; PEN is seeking an update.

Brief Detention

Abdirahman Ibrahim ADAN (Abdirahman ABEES) (British-Somali national)

Gender: male

Profession: poet

Legislation: insult

Date of arrest: 12 January 2019

Date of release: 25 February 2019

Details of arrest: Abees was arrested at a restaurant in Hargeisa – capital of Somaliland - the day after a poetry reading where he had recited poems about police brutality, arbitrary detentions, and poor leadership. Abees had organised the event under the title ‘Try and imagine the future of Somaliland and its police force.’ According to Freemuse, at the event he spoke about the socio-politics of Somaliland and made suggestions for improvement.

Details of trial: On 18 February 2019 he was formally [charged](#) under Article 269 of the Somaliland penal code for ‘insulting the police and the government’. According to [HRW](#), he was arrested without a warrant or court order.

Details of release: On 25 February 2019, the Hargeisa regional court found Abees not guilty, ruling that Abees had exercised his freedom of expression, and ordered his immediate release.

Other information: Abees was [reportedly](#) previously briefly detained in February 2018 for being ‘arrogant’

with the police. His experience in the police station led him to write a poem describing what he saw and calling for reform of the prison system.

SOUTH AFRICA

Harassed

Jacques PAUW

Gender: Male

Profession: Writer, investigative journalist

Date of harassment: November 2017 and ongoing

Perpetrator: State

Details of harassment: South Africa’s State Security Agency (SSA) threatened legal action against Pauw and demanded that publishers withdraw his book *The President’s Keepers: Those Keeping Zuma in Power* from the market in a [cease and desist letter](#) arguing that it contained highly classified information prejudicial to the safety of the state, and that claims made in the book were inaccurate. The book recounts allegations of corruption and compromised power networks in the government of then South African President Jacob Zuma. On 9 November 2017, Gauteng provincial police confirmed that charges were laid against Pauw. However, the nature of the charges were not disclosed. All that was revealed was that there were two separate complainants. Pauw stated that he also received [death threats](#) from anonymous callers. In early December 2017, police in South Africa’s KwaZulu-Natal province attempted to have Pauw arrested on charges of fraud, forgery, and *crimen injuria* (criminal defamation). The warrants have since been rescinded and a KwaZulu-Natal police officer and magistrate are reportedly to be investigated for misconduct. The South African Revenue Service (SARS) asked the Western Cape High Court in December 2017 to declare that Pauw contravened the Tax Administration Act by revealing that President Jacob Zuma perverted the law-enforcement agencies of South Africa to hide from the public that he is not tax compliant and received a salary from a businessman while in office. There were also threats of civil suits against Pauw and NB Publishers, who published the book in question. NB Publishers announced on 7 September 2018 that SARS had [withdrawn its case](#).

Update: In June 2019 Pauw received a summons; former SSA Director Arthur Fraser decided to [sue](#) Pauw for defamation for R35 million (c. US\$ 2 m)

Background: Jacques Pauw is an experienced and respected investigative journalist, and first gained prominence in 1989 when he exposed apartheid-era police killings. He has investigated lethal criminal activities in the underworld of southern Africa and exposed atrocities committed by governments around the African continent.

Publications: Pauw has written six books, including *The President’s Keepers*, which was widely read in South Africa.

PEN Action: November 2017 [Statement from PEN South Africa](#), [PEN Afrikaans](#) and [PEN International](#); November 2017 [Joint statement with PEN South Africa](#)

UGANDA

Killed: motive unknown

Allinda MICHAEL (aka Ziggy Wine)

Gender: Male

Profession: Song-writer and blogger

Date of death: 4 August 2019

Perpetrator: unknown

Details of death/killing: Wine was abducted on 21 July on the way to his recording studio in Kampala, according to the BBC. He was found a week later with serious injuries, including a missing eye and two missing fingers. He died on 4 August 2019 from injuries he sustained during his abduction.

Details of investigation: The police have said they have [opened](#) an investigation, but allege that his family is not cooperating. PEN is seeking further information.

Background: Wine was a supporter of well-known musician and opposition politician Bobi Wine (see below) and his People Power movement. They were also signed to the same music label.

Other information: The police, quoted in Uganda’s *Observer* newspaper, [allege](#) that Wine died in a motorcycle accident and that his family and People Power supporters are claiming he was murdered for political gain. His family and supporters claim that his allegiance to the People Power movement was the reason behind his death

Publications: According to a producer at Wine’s record label, Ziggy had not produced a song in 10 years.

PEN position: PEN calls for an independent and swift investigation into the circumstances surrounding his death.

Imprisoned: Main Case

Stella NYANZI

Gender: Female

Profession: Poet, academic, activist

Date of birth: 16 June 1974

Type of legislation: Insult

Sentence: 18 months imprisonment

Date of arrest: 2 November 2018

Details of arrest: Nyanzi was arrested after she posted graphic poems on Facebook on the President of Uganda’s birthday. In the poems, which criticised the president using extremely harsh language, she said that it would have been better if the president had died at birth and that his mother’s birth canal should have burnt down. She was charged under the 2011 Computer Misuse Act with ‘offensive communication’ and ‘cyber harassing’ the president.

Details of trial: Nyanzi went on trial on 9 November 2018. There were further hearings on 22 November and 19 December. On 1 August 2019 she was convicted of ‘cyber harassment’, but acquitted of the charge of ‘offensive communication.’ She was sentenced on 2 August to 18 months in prison. Her lawyers have lodged an appeal; the first hearing was held on 19 December 2019. The prosecution has also lodged an appeal against her acquittal on the charge of ‘offensive communication’. The American Bar Association which monitored the trial, voiced concerns about violations of the right to prepare a defence (including the abrupt closure of the defence case by the presiding magistrate).

Current place of detention: Luzira prison

Details of previous charges and detention: Nyanzi was arrested on 7 April 2017 and charged on 10 April 2017 with ‘insulting the president’ and ‘violating his right to privacy’ (under the 2011 Computer Misuse Act) after she posted a message on Facebook in which she called the president a ‘pair of buttocks’. She pleaded not guilty to both charges. The prosecution filed an application to determine Nyanzi’s sanity, invoking the Mental Treatment Act. Nyanzi was remanded to the maximum-security Luzira prison. On 10 May 2017 she was released on bail. After that, Nyanzi’s case was adjourned multiple times without hearing; according to her lawyer, it is, as of December 2019, still waiting to take place. The United Nations Working Group on Arbitrary Detention determined in 2017 that the state acted arbitrarily and relied on problematic sections of the Computer Misuse Act, which contravene international human rights that protect freedom of speech online.

Background: On 6 March 2017, police questioned Nyanzi for her comments about the Ugandan president and First Lady. Nyanzi was prevented from travelling to a conference in the Netherlands in March 2017, where she was due to be keynote speaker; in December 2019, Nnalongo Court awarded her UGX 50m (USD 13,600) in damages for the violation of her freedom of movement and right to dignity. In a TV interview on 30 March 2017, the First Lady said she had forgiven her, but Nyanzi was then arrested days later. In early 2017, Nyanzi launched an extremely successful crowd-funding campaign, #Pads4girlsUg, that raised funds to supply sanitary pads to one million girls in Uganda. She said that she had been motivated by her anger at the government’s failure to fulfil a 2016 pledge to provide these pads to all schoolgirls (at least 30 per cent of whom miss school when they have their period). Her campaign was hugely successful. Nyanzi was reportedly fired from her post at Makerere University alongside 44 others in December 2018.

PEN Action: RAN 09/17, Update to RAN 09/17, Statement 12 November 2018, Statement June 2019, Statement August 2019, RAN September 2019, Day of the Imprisoned Writer 2019

Awards: Oxfam Novib Award 2020 [Stop press: On 20 February 2020, a High Court overturned Nyanzi’s conviction and sentence and ordered her immediate release, on the basis that the lower court did not have jurisdiction to try her and in relation to fair trial violations.]

On Trial

Moses NSUBUGA (Viboyo)

Gender: Male

Profession: Singer

Type of legislation: Insult

Date of arrest: 4 October 2018

Date of release: 5 October 2018

Details of arrest: Viboyo was arrested for allegedly using obscene words to describe President Yoweri Museveni and others in a song; one of the terms he reportedly used to describe the president was ‘a pair of buttocks’.

Details of trial: Viboyo was charged with offensive communication under the Computer Misuse Act 2011 and released on police bond the following day. According to reports, he was due to report back to the police station on 15 October 2018. Should he be brought to trial and convicted, Viboyo faces a fine and up to one year in jail. PEN is seeking further information about his case.

Robert Kyagulanyi (Bobi WINE)

Gender: Male

Profession: Reggae musician and Member of Parliament

Type of legislation: insult and criminal

Date of arrest: 29 April 2019

Date of release: 2 May 2019

Details of arrest: On 29 April 2019 Wine was detained by the authorities for questioning, allegedly in regards to a concert he had planned. He was released on bail on 2 May.

Details of trial: According to reports, Wine was charged the following week with ‘disobedience of statutory duty’ in relation to protests that he organised in July 2018 against Uganda’s social media tax. Additional charges of inciting violence and intent to ‘alarm, annoy or ridicule’ the president were added on in August 2019 in relation to events in August 2018, for which Wine and 33 others also face treason charges; the events in questions occurred after altercations between the ruling party and opposition supporters on 14 August 2018. The authorities allege that Wine and the others threw stones at the president’s car during an opposition rally. The day before, on 13 August 2018, Wine’s driver was killed; according to Amnesty International, many people believe that Wine was the intended target.

Conditions of detention: After his military detention in August 2018, Wine is said to have sought treatment in the US, alleging that he was tortured in detention. He returned to Uganda a few weeks later. The authorities have said they are investigating the torture claims but it is unclear to what extent this has happened or not.

Professional background: Wine is a vocal critic of President Yoweri Museveni, both in his artistic and political career. In 2017, Wine became a member of parliament and in 2019 he announced his intention to run for President in the 2021 elections. Wine uses his music and political platform as part of his People Power movement to encourage young Ugandans to push for political change.

Other information: Wine has faced additional harassment from the authorities; in October 2019 the authorities cancelled a concert he had organised on allegations that it posed a security risk. Wine told Bloomberg in December 2019 that at least 157 of his concerts had been banned (see PEN’s Case List 2017 for more information) [Stop press: On 6 January 2020 Bobi Wine was arrested as he attempted to enter a school in Central Uganda to hold a public meeting as part of his political activities with his group People Power. He had reportedly obtained permission from the authorities to hold the meeting but, on the day, the police broke up the meeting and arrested Wine and his followers. He was released shortly after his arrest.]

ZIMBABWE

Attacked

Samantha KUREYA

Gender: Female

Profession: Comedian and satirist (known as Gonyeti)

Date of attack: 21 August 2019

Perpetrator: unknown

Details of attack/threat: Armed, masked men, who identified themselves as police officers, knocked on her door on the night of 21 August 2019. They slapped her and forced her into their truck and took her to an unknown location. The Guardian reported Kureya as saying that the perpetrators told her: ‘You mock the government and we have been monitoring you’. They reportedly beat her further, forced her to strip, made her drink sewage water and smashed her phone with an AK-47. She was found three hours later, in a bush in the suburbs of Harare. She went into hiding after the attack.

Details of investigation: Unclear whether an investigation has occurred at all.

Background: The attack occurred in the context of recent targeting of critics of President Emmerson Mnangagwa and the ruling Zanu-PF party, and a tense political climate

with crackdown on protests. Kureya, a well-known comedian in Zimbabwe, regularly includes criticism of the police and government in her skits.

Other information: In February 2019, Kureya was arrested alongside another comedian for public nuisance, after wearing a uniform that resembled a police uniform in a skit. At the time she says she received a warning that her comedy was becoming too political.

PEN Actions for journalists and human rights defenders in the Africa Region 2019:

In addition to its advocacy for the writers referred to in this list, PEN International also took action on behalf of journalists and others at risk in the Africa region, some in collaboration with other organisations. Details of these cases and actions taken can be found in the links provided.

Eritrea

Said ABDELKADIR, Matheos HABTEAB, Dawit HABTEMICHAEL, Gebrehiwot KELETA, Jim’ie KIMEIL, Yousif MOHAMMED ALI, Seyoum TSEHAY and Sahle ‘WEDI-ITAY’ TSEAZAGAB: *Journalists in prison arrested between 2000 and 2005,*

Action:

8 March 2019: International Women’s Day – focus on Eritrea; Interview with Yirgalem Fisseha Mebrahtu; Empty Chairs at PEN’s 85th Congress in Manila; Human Rights Day 2019 articles – the View from Eritrea

Cameroon

Paul CHOUTA: journalist detained since May 2019 and on trial for defamation and false news

Action:

4 November 2019: PEN appeal Cameroon: Release journalist and drop charges

Nigeria

Agba JALINGO: journalist and activist on trial for terrorism and cybercrimes and in detention since August 2019; and **Omoyele SOWORE**, journalist and opposition activist, on trial for treason, money laundering, and cyber-stalking

Action:

4 December 2019: Statement Nigeria: journalists detained as authorities clampdown on freedom of expression

10 December 2019: *Human Rights Day 2019 article – the View from Nigeria*

Americas Regional Overview 2019

Alicia Quiñones, Americas Programme Coordinator

The murders of 18 journalists in 2019 is a stark illustration of the lack of freedom of expression in the Americas during the past year. An unprecedented outbreak of mass protests in at least four countries spotlighted a political and social crisis across the region where writers and journalists were among the many who also suffered police, judicial and legal harassment, arbitrary detentions and threats on social media.

Murders: the message is 'be silent'

With the highest number of murders of journalists globally for their work, the Americas was the most dangerous place to practice journalism. **Mexico** tops the list with 10 deaths, followed by **Honduras** (3), **Brazil** (2), **Haiti** (2) and **Colombia** (1). When a journalist is killed, the journalist becomes the message and that message is silence.

Although the Mexican government has accepted the recommendations made to the UN Council on Human Rights to improve the state of freedom of expression, the vast majority of crimes against journalists have gone unpunished. Mexican President Andrés Manuel López Obrador has added to this dangerous situation with public statements in which he criticises media whose news coverage he disagrees with. On 22 July, he delivered a briefing in which he criticised journalists who challenge the government. Just days before three journalists had been killed, and the day of the statement itself, there were reports that the home of noted writer and critic Lydia Cacho had been raided.

Social outbreak: criminalization of protest

2019 was the year of protests in Latin America and the Caribbean, under which States of Emergency were declared in countries including **Ecuador**, **Chile** and **Bolivia**. During the demonstrations, there was excessive use of force by police and press coverage was restricted. In **Ecuador**, there were at least 120 attacks on journalists and the media, according to the Inter-American Commission on Human Rights (IACHR). In October **Chile** experienced intense public demonstrations - the most severe since the 1990s - against measures which the protesters argued would increase social inequality during which at least 18 people were killed. State Security Law was invoked restricting freedom of assembly, and violence against the press escalated. In **Bolivia**, demonstrations broke out on 21 October 2019, after allegations of vote-rigging, leading then President Evo Morales to declare a State of Emergency claiming that a coup was in progress. During demonstrations, at least six newspapers suspended their editions and 64 journalists were attacked. IACHR's preliminary report on Bolivia, published in December 2019, called on its leaders (including the government in transition) to respect and guarantee citizens the right to protest, freedom of expression, peaceful assembly and political participation. It also noted that statements from high-ranking government officials had contributed to the silencing of the press. However, in November, the newly appointed Minister of Communications, Roxana Lizárraga, threatened national and international journalists with criminal proceedings on the grounds of treason, heightening fears of a hardening crackdown on the press. **Haiti** also experience weeks of intense protests in February, June, September and October 2019, with demands for the resignation of President Jovenel Moïse - accused of corruption by the Superior Court of Accounts of Haiti which had discovered that he had directed a scheme for diverting funds. It was in this context that journalist Pétion Rospide was shot dead on 10 June, as was the reporter Néhémie Joseph on October 10. Both killed by unknown persons.

2019 was the year of protests in Latin America and the Caribbean, under which States of Emergency were declared in countries including **Ecuador**, **Chile** and **Bolivia**.

Ending dissent: criminal laws and arbitrary detentions

Cuba still holds the record for having the most restricted climate for the press in the Americas, according to a CPJ report, which rated it as the 10th most censored country globally in 2019. Miguel Díaz-Canel's government continues to repress and punish dissent and criticism and control a large part of media. From January to August 2019, there were reportedly 1,818 arbitrary detentions of independent journalists and human rights defenders and other government critics. The writer Jorge Olivera, activist Nancy Alfaya and poet and journalist Roberto de Jesús Quiñones Haces, who suffered arrests and judicial and police harassment, are illustrative of this repression. In April 2019, Decree 349 entered into force, establishing restrictions on artistic expression, and requiring the prior approval of the Ministry of Culture for the provision of artistic services in public or private spaces.

In **Honduras**, in May 2019, a new Criminal Code was adopted, adding to the existing crimes of slander and insults that have been used to prosecute journalists. However, in November, the government postponed the Code's entry into force until 2020 due to national and international pressure.

In **Brazil**, freedom of information was placed under threat when President Jair Bolsonaro restricted access to public information by decree. Although the Congress revoked the decision, the climate for the press in Brazil is tense, with Bolsonaro making verbal attacks against media whose coverage he found uncomfortable. In June 2019, Glenn Greenwald, the director of the independent online service, *The Intercept Brazil*, became the target of threats. The news outlet had published a series of reports revealing apparent irregularities in the 'Operation Car Wash' investigation, one of the most important corruption investigations in Brazilian history.

Good news

In June 2019, 56 political prisoners were freed in **Nicaragua**, among them journalists Lucía Pineda Ubau and Miguel Mora. They had been detained since December 2018 on accusations of 'inciting violence and hate' and 'promoting terrorism,' in connection with their work as journalists. Also, in 2019, Daniel Ortega's government's restrictions on provisions of paper to at least six newspapers created a crisis in which they risked collapse. After more than a year and a half, amidst calls from PEN among other organisations, the ban was lifted in early February 2020.

In **Colombia**, there was justice for journalist Jineth Bedoya Lima. In January 2019, the IACHR issued a report on her complaint, stating that she had been subjected to torture and sexual violence, and opening the door for Colombia to face justice before the Court. The conviction of two paramilitaries for kidnapping, torture and sexual violence against Bedoya in 2000, almost a decade earlier was confirmed in May 2019.

Emblematic Cases

Brazil: Glenn Greenwald, lawyer, journalist and author under threat

Glenn Greenwald, the prominent journalist and author based in Brazil, and his team at The Intercept Brasil, began to receive threats in June 2019 after publishing a series of stories revealing irregularities in the 'Operation Car Wash', one of the most important corruption investigations in Brazilian history. President Jair Bolsonaro said that Greenwald had committed crimes and insinuated he could be jailed.



Cuba: Yoani María Sánchez Cordero, writer, blogger & journalist under constant harassment

Blogger and founder of a number of magazines and online news sites, Yoani Sánchez has been living under constant surveillance and harassment for over a decade for her writings and reporting that criticises the Cuban authorities. Most recently, in November 2019, she and her husband, also a journalist, were briefly placed under house arrest. Earlier in the year, her websites were among a number blocked by the authorities.



Americas Case List

BOLIVIA

Harassed

Alejandro SALAZAR RODRIGUEZ
(pen name: Al-Azar)

Gender: Male

Profession: Cartoonist

Date of birth: 1959

Date of harassment: 13 November 2019

Perpetrator: Non-State

Details of harassment: According to media reports, the cartoonist Al-Azar received death threats and was harassed on social media after publishing his cartoon in November 2019 in the section 'Documents declassified' of the newspaper *La Razón*. His cartoons also created controversy within the newspaper itself. On 3 December, it was announced that the cartoonist would stop publishing his section after eight uninterrupted years until 'there is a suitable climate for his publications.'

Background: On 12 November, Al-Azar's cartoon, in which a military tank points to a woman and children with their arms raised, was published on 13 November, another image entitled 'Coup d'état' was also published, showing a swastika above the Government Palace. There were social media threats against the cartoonist, as well as threats to take over the newspaper's building in the name of 'the recovery of democracy'. Another cartoon was published on 26 November, with the phrase: 'Now we can reconcile' which, although it was published in the print newspaper, was removed from the newspaper's Facebook site. Al-Azar is recognised for his artistic work and for his non-party political criticism of those in power. Tension caused by political and social polarization in Bolivia grew after elections in October 2019 and the state of emergency announced by former President Evo Morales. The Inter American Commission on Human Rights called for an investigation into the threats against the cartoonist.

Professional Background: Alejandro Salazar Rodríguez is a cartoonist and painter who has worked for the major newspapers in Bolivia. He won the National Journalism Award in the 'Caricature' category in 2012, 2013 and 2014. He is also author of *Mundo Al-Azar*, a collection of his cartoons.

Carlos VALVERDE BRAVO

Gender: Male

Profession: Writer and journalist

Date of birth: 16 March 1957

Date of harassment: 16 November 2019

Perpetrator: Non-state

Details of harassment: According to the National Association of Journalists of Bolivia (ANP) Carlos Valverde's Facebook page was disabled for more than 24 hours on 16 November after he made critical comments about Bolivian politics; there were complaints that his comments had broken Facebook rules. The IACHR reported that people allegedly from the Civic Committee of Santa Cruz (Comité Cívico de Santa Cruz) called the political analyst and journalist Carlos Valverde to intimidate him against continuing to criticise the transition government and persisting with his criticism of the Committee's President, Luis Fernando Camacho.

Background: On 17 November, the ANP and Bolivian writers complained that the page had been suspended; the page was restored on 18 November after a series of explanations by Valverde to Facebook's offices. Valverde, on his YouTube and Twitter sites, on which he publishes political critiques, commented on the closure, saying that 'journalism is becoming a dangerous event and that generates censorship on the part of those who have power. I had been warned that this would happen to me if I was critical.' Valverde is a well-known and controversial journalist in Bolivia.

Professional Background: Carlos Valverde Bravo studied law and is the author of journalistic research books and works on television and radio journalism.

Publications: *Coca, territorio, poder y cocaína* (Coca, territory, power and cocaine), *Evo, mito y engaño* (Evo, myth and deception), *¡Maten a Rozsa! El rompecabezas de una conspiración* (Kill Rozsa! The puzzle of a conspiracy) y *¿Qué pasó presidente? (What happened president?)*

BRAZIL

Death Threat

Caetano VELOSO

Gender: Male
Profession: Musician and writer
Date of Birth: 7 August 1942
Date of harassment: 31 March 2019
Perpetrator: Non-state

Details of harassment: According to [media](#) reports, on 31 March 2019 (anniversary of the coup in Brazil), during a Mass celebrated by the Bishop of the Brazilian Military Archdiocese, Dom Francisco Falcão referred to Veloso as ‘a moron who sang in the 70s whom it is forbidden to ban’ adding: ‘I would like to give you mouse poison.’

Details of investigation: While commemorating the military coup of Brazil in 1964, Falcão, lashed out at Veloso from the lectern of the Catholic Church of Brazil, at which Joseita Brilhante Ustra, the widow of a general notorious for being responsible for torture during the military dictatorship was present. The singer was a political exile during the dictatorship in Brasil during the 1970s. During Bolsonaro’s presidential campaign, Veloso was a vocal critic of the ultra-right-wing measures Bolsanaro promised to implement. ‘If Bolsonaro wins the election, Brazilians can expect a wave of fear and hatred,’ the artist wrote in an opinion column published in *The New York Times*, and pointed to the murders of social leaders allegedly perpetrated by Bolsonaro’s followers.

Background: Caetano Veloso is one of the best-known musicians in Brazil. A composer, singer, writer and political activist, he emerged in the 1960s as a leading figure in Brazil’s Tropicália movement.

Publications: Books, *Alegria, Alegria (Happiness, Happiness), Canto Latino (Latin Singing), Tropical Truth: A Story of Music and Revolution in Brazil*. Discography: *Moonlight, Prenda Minha (Gift Mine), Temporada de Verão (Summer Season)*.

Harassed

Glenn Edward GREENWALD

Gender: Male
Profession: Lawyer, journalist and author
Date of Birth: 6 March 1967
Date of harassment: 9 June 2019
Perpetrator: State and Non-state

Details of harassment: On 9 June 2019, Glenn Greenwald (American Journalist based in Brazil) and his team at *The Intercept Brasil* began to receive insults via social media and via email after publishing the first

of a [series of stories](#) revealing apparent irregularities in ‘Operation Car Wash’, one of the most important corruption investigations in Brazilian history, according to [human rights organisations](#).

Details of the investigation: *The Intercept Brasil* said that the reports of irregularities were based partially on messages sent to its reporters anonymously. According to [CPJ](#), Greenwald and his husband, David Miranda, received numerous death threats containing detailed private information about the couple. During 2019, a Supreme Court judge and Brazil’s Federal Police, separately found that Greenwald should not be prosecuted in connection with the publication of hacked private messages. On 27 July 2019, President Jair Bolsonaro said in an interview that Glenn Greenwald had committed crimes and insinuated he could be jailed reported [the Knight Centre](#) and [media and press agencies](#). On 7 November, Glenn was slapped by Augusto Nunes, a right-wing columnist, during a [radio show](#).

Charges: On 21 January 2020, the journalist was charged with invasion of an electronic device (a crime under Article 154-A of the Brazilian Criminal Code, punishable with three months to a year in prison plus a fine); promotion, constitution, financing, or being part of a criminal organization (Article 2 of Law 12.850/2013, punishable with three to eight years’ imprisonment plus a fine); and intercepting telephone, telematics or digital communications or breaking justice secrecy without judicial authorization (Article 10 of Law 9296/1996, punishable by two to four years in prison plus a fine), according to [CPJ](#). This decision was taken despite an order in August 2019 from a Brazilian Supreme Court judge —prompted by displays of public aggression against Greenwald by Bolsonaro and his allies — explicitly barring federal police from investigating Greenwald altogether, saying that doing so would ‘constitute an unambiguous act of censorship’ (see *The Washington Post*).

Background: Glenn Greenwald is a journalist, constitutional lawyer, and author of four best-selling books on politics and law. He is one of three co-founding editors of *The Intercept*. For his 2013 National Security Agency (NSA) reporting, he received the George Polk Award for National Security Reporting; the Gannett Foundation Award for investigative journalism; the Gannett Foundation Watchdog Journalism Award; the Esso Premio for Excellence in Investigative Reporting in Brazil (he was the first non-Brazilian to win), and the Electronic Frontier Foundation’s Pioneer Award. Along with US documentary maker Laura Poitras, *Foreign Policy* magazine named him one of the top 100 Global Thinkers in 2013. The NSA reporting he led for the *Guardian* won the 2014 Pulitzer Prize for public service.

Publications: *No Place to Hide: Edward Snowden, the NSA, and the U.S. Surveillance State, Great American Hypocrites: Toppling the Big Myths of Republican Politics* and *How Would a Patriot Act? Defending American Values From A President Run Amok*.

Natalia MALLO

Gender: Female
Profession: Theatre director and translator

Renata CARVALHO

Gender: Female
Profession: Actor

Jo CLIFFORD
(British national)

Gender: Female
Profession: Playwright, writer, performer, poet, and teacher
Date of harassment: 28 July 2018
Perpetrator: Non-state

Details of harassment: According to [reports by Jo Clifford](#), her play, *The Gospel According to Jesus, Queen of Heaven*, and its Brazilian cast and crew continued to face harassment in 2019, including from Jair Bolsonaro, president of Brazil, who [wrote a message on Twitter](#) criticising the play. Recent attempts to prevent the staging of the play at a Festival in Garanhuns saw the stage being dismantled by police as they performed.

Background: Since 2016, the play has been performed over 140 times in cities across Brazil, where it has faced opposition from both the Evangelical and Catholic Church, which sought injunctions on performances (see [2017 Case List](#)). In other locations, including Londrina, Taubaté, Rio de Janeiro, Araçatuba, and Brasília, a concerted campaign against the play involved public calls for boycotts, threats made against the play’s translator and director, Natalia Mallo (see **Natalia MALLO** under ‘Death threat’ in [2017 Case List](#)); a number of films have been shared online that include death threats aimed at the cast. This took place against the backdrop of widespread killings of transgender people in Brazil according to [RedeTrans](#). The play and its cast continued to face harassment in 2019. According to Clifford, on January 2019, the play was performed in São Paulo. ‘After that, the company decided not to perform in Brazil for the time being because of the growing physical risks, the strain of which was taking its toll on the mental health of the Company, especially on Renata Carvalho’.

Professional Background: A member of Scottish PEN, Jo Clifford is the author of some 80 plays, many of which have been translated into various languages and performed all over the world. Clifford sees her work as transgender activism. In 2009, Jo Clifford wrote *The Gospel According to Jesus, Queen of Heaven*, a play, in which Jesus is re-imagined as a transgender woman who tells Biblical stories of tolerance. Natalia Mallo translated the play into Portuguese with the title *O Evangelio Segundo Jesus Rainha do Ceu*.

PEN Action: [Open letter to UK Foreign Secretary – 7 September 2018](#).

CANADA

On trial

Yvan GODBOUT

Gender: Male
Profession: Writer.
Date of birth: 1969
Type of legislation: Production of Child Pornography
Date of arrest: 14 March 2019
Date of release: 14 March 2019

Details of arrest: Godbout and his editor, director of Éditions ADA, Nycolas Doucet, were arrested and interrogated by investigators from the Sûreté du Québec– the provincial police force –and were released pending trial on 15 April 2019.

Details of trial: According to the author and his lawyer, Godbout faces charges of making child pornography under section 163.1(2) of the [Canadian Criminal Code](#) relating to several passages in his novel *Hansel & Gretel*, which features, in particular, a passage in which a father sexually assaults his daughter. The novel was originally published in 2017 by AdA Editions as part of its series Contes interdits (Forbidden Tales). He could face a prison term of one to 14 years. The arrests were prompted by a complaint, lodged by a professor in January 2018, more than a year before, that a page from the novel [describes a scene of a sexual assault on a child](#). The publisher suspended the sale of the book, but Éditions ADA Inc. resumed sales of the book after a few months since they had not received any further news from the police. The trial is due to commence in September 2020.

Background: At the beginning of the legal case, the author was accused based on a specific passage in the book which describes a scene of the rape of a teenager. The passage focuses on the abuse by the perpetrator and the consequences within the family environment. The fiction story is reported not to have been marketed for young readers, contained not explicitly visual images and contained a content warning on its back cover. The Canadian Civil Liberties Association (CCLA) [wrote a letter to Quebec’s Minister of Justice](#) in which the organisation called the charges against the author and Éditions ADA Inc. ‘a terrible exercise of your quasi-judicial powers,’ and declared that ‘it is straining the limits of reasonableness to suggest that the novel is ‘child pornography’ as contemplated under [Canada’s Criminal Code].’ In March 2019, a [petition protesting the prosecution of Godbout and Doucet](#) was published and by 1 December 2019, it had almost 20,000 signatures. Godbout’s lawyer Jean-Philippe Marcoux said: ‘This is a test case for the Crown and they are trying something that has never been tried in the past in Canada, from my understanding. We strongly believe that considering the law and the jurisprudence here in Canada, this novel does not constitute child pornography. It could be argued that this is close to

censorship and against the freedom of expression'. He added: 'We do not know any precedent in Canada of an author being charged with this kind of serious criminal offence because he wrote a fiction novel.' In response to the legal process faced by the novelist, organisations such as ANEL, *L'Association Nationale des Éditeurs de Libre* (National Association of Book Writers) and UNEQ, *l'Union des Écrivaines et des Écrivains Québécois* (Union of Writers of Quebec), described the trial against Godbout as excessive, 'an obvious case of censorship' which 'criminalises the writing of fiction'; UNEQ also mentions a possible 'deprivation of freedom of expression'.

Professional background: Yvan Gobdout has a BA in Literature and works in a telecommunications company. Most of his novels are marketed under the horror literary genre.

Publications: His first book was published in 2012 by Mon Petit Éditeur, titled

L'Ogre des Marée' (*The Ogre of the Tides*). His other books are: *Les Yeux Jaunes (The Yellow Eyes)*, and a trilogy published by Éditions ADA, *Cobayes, Olivier, Olivier, 'Boucle d'or' (Goldilocks)*.

PEN Position: PEN International is calling for the dismissal of charges against Yves Godbout

PEN Action: Statement 28 January 2020

COLOMBIA

On Trial (proceedings now closed)

Juan Pablo BARRIENTOS

Gender: Male

Profession: Journalist and writer

Date of birth: 1982

Type of legislation: Defamation.

Date of release: 25 October 2019

Details of trial: On 25 October 2019, Juan Pablo Barrientos was notified of three separate writ petitions (*Acción de tutela*) after his book *Dejad que los niños vengan a mí (Let the Little Children Come to Me)* was published. The demands were filed on behalf of two priests and a former co-ordinator of altar boys who claimed that they had been defamed in the book. According to the author and public information, the legal process in this case proceeded quickly, resulting in a decision on the same day as 'a provisional measure' while the case was investigated. Judge Rafael Vásquez Gómez, presiding over the Municipal court of San Rafael, Antioquia department, ordered the suspension of the 'reproduction, commercialisation and sale of the book' until he had reviewed the text to analyse whether it damaged the reputation of the accused. The judge then lifted the injunction on the sale and distribution of the book on 5 November 2019. According to Fundación para

la Libertad de Prensa (FLIP), Barrientos faced further harassment when another court, the Second Court of La Ceja, Antioquia department, decided on 29 October that Barrientos had been given four hours to hand over details of his sources, indicating that failure to do so would result in disciplinary and/or criminal sanctions. On 14 November, Barrientos confirmed to PEN International that all three writ petitions have been resolved in his favour.

Background: At the end of September 2019, journalist Juan Pablo Barriento's book *Let the Little Children Come to Me (Dejad que los niños vengan a mí)* went on sale, published by Planeta. The book – the result of an investigation into reports of the sexual abuse of minors in the Catholic Church in Colombia – tells the story of 28 victims and 18 priests who are alleged to have carried out the abuse. The 2018 radio version of the story received the Simón Bolívar Award for best radio investigation.

Professional background: Barrientos is a journalist. He works for La FM, La W and Caracol Radio. He has also been a professor and correspondent in Washington DC for Noticias RCN TV y La Fm. In 2016, he received the Círculo de Periodistas de Bogotá prize for the best radio investigation.

PEN Action: Statement – 19 November

CUBA

Imprisoned: Main case

Roberto de Jesús Quiñones Haces

Gender: male

Profession: Poet, journalist and lawyer

DOB: 20 September 1957

Legislation: Criminal

Sentence one year in prison

Expiry of sentence: 7 August 2020

Date of arrest: 22 April 2019

Details of arrest: According to the Committee to Protect Journalists (CPJ) and IHRC, journalist and lawyer Roberto de Jesús Quiñones Haces was detained and beaten by state agents on 22 April 2019 while he was covering a trial for news website CubaNet. Quiñones Haces was reportedly released five days later and fined for conduct during his detention, which they alleged, constituted 'disobedience' and 'resistance.'

Details of trial: Quiñones Haces was reportedly sentenced to one year in prison on 7 August 2019 after refusing to pay the fine. Although Quiñones Haces has presented evidence in favour of his case and requested a new trial, on 19 August, the Court of rejected both the evidence and the holding of a new trial. On 11 September 2019, Quiñones was detained. On 22 November 2019, Roberto Quiñones

requested revision of the sentence. His lawyer also pointed to articles of the Constitution of the Republic of Cuba that had been violated including being reportedly subjected to a beating and denial of access to his family.

Current place of detention: Guantanamo Prison

Conditions of detention: Quiñones says he is a victim of humiliation in Guantanamo; he is required to undress before each visit and has no access to his telephone contacts. He is also reportedly being threatened for his articles and letters.

Health concerns: The journalist has respiratory diseases due to humidity and overcrowding.

Professional background: As a lawyer, he was imprisoned from 1999 to2001 reportedly for his human rights work after which he was prohibited from practising law.

Publications: *La fuga del ciervo (The escape of the deer)*, *Escritos desde la cárcel (Writings from prison)*, *El agua de la vida (The water of life)*.

Awards: International Vitral Poetry prize (2001), Nósside Internacional Poetry Prize (2006) and Sixth Patmos Prize for Religious Freedom (2019)

PEN action: Statement on 12 September 2019 and 2 September 2019.

Detained: Investigation

Lázaro Leonardo RODRÍGUEZ BETANCOURT ('Pupito En Sy')

Gender: Male

Profession: Musician/rapper

Type of legislation: Criminal

Date of arrest: 12 November 2018

Details of arrest: Rodríguez Betancourt was reportedly arrested on 12 November 2018 in apparent reprisal for his participation in a concert organised by fellow rapper **Maykel Castillo Pérez** (see below). According to media reports, he was accused of assault ('atentado') and bribery ('cohecho'). One of the arresting officers reportedly accused him of having offered him a US\$ 100 bribe and a tablet computer. On March 2019, a video was leaked to media showing police violence against him. While in prison, Pupito En Sy reportedly sewed his mouth shut in protest against his detention. On 23 August 2019, he was released and acquitted for lack of evidence. On 21 November 2019, he was detained again for refusing to have his house searched by public health inspectors. On 27 November 2019, he was sentenced to one year in prison by the Municipal Court of Central Havana for the crime of spreading epidemics, according to local media.

Current place of detention: Valle Grande

Health concerns: Rodríguez Betancourt's sister reported that he was in ill-health following a beating during his arrest, mistreatment while in detention, and a hunger strike, according to Diario de Cuba (15 November

2018). According to the media and his family, he began a hunger strike on 21 November 2019. PEN Action: Statement, 12 April 2019.

Harassed

Gorki ÁGUILA

Gender: Male

Profession: Musician

Date of arrest: 2 August 2018

Perpetrator: State

Date of release: 2 August 2018

Details of harassment: According to media reports, Águila was reportedly picked up by police and held for an hour and a half. He reported that the police seemed interested in the work of the independent recording studio that he has set up and a radio programme that he was working on. According to Freemuse, Águila was prevented from boarding a plane bound for Miami on 27 June 2018. In the month prior to the imposition of his travel ban, he reportedly signed a Cuban opposition statement directed against the 'dynastic succession of the Castro family'. On 21 October 2019, Aguila signed the public declaration 'Compromiso democrático' calling for democratic principles to be established in place of the current political system.

Professional background: Águila, a known critic of the authorities, is the leader of the punk rock band Porno para Ricardo.

Rafael Gabriel ALMANZA ALONSO

Profession: Writer and journalist

DOB 1957

Date of attack/threat: 19 December 2019

Perpetrator: State

Details of attack/threat: According to media reports on 19 December 2019, two State Security officers went to the journalist's house to warn him that his cultural workshop 'Peña del Júcaro Martiano' was prohibited. They threatened him that if it continued, all those involved would be arrested.

Details of investigation: Almanza has reportedly been threatened many times in 2019. On 5 December 2019, he reported receiving written death threats delivered to his home. Almanza claims that the threats are linked to his workshop, where writers, intellectuals, and journalists meet to discuss political issues, among them criticism of Decree 349.

Background: Almanza is a well-regarded Cuban Intellectual. He is also a poet and researcher of the work of José Martí; he works across the literary and artistic genres. He is also a journalist and teacher.

Publications: *The eighth day (El octavo día)*, *The great way of life (El gran camino de la vida)*, *Eliseo Diego, Hymns* (Himnos).

Abraham JIMÉNEZ ENOA

Gender: Male
rofession: Journalist
DOB:1988
Date of attack/threat: 17 August 2019 and 10 December 2019
Perpetrator: State

Details of attack/threat: On 17 August 2019 and again on 10 December, Jiménez Enoa was held under house arrest for 24 hours. He reported his first arrest on [Twitter](#): ‘Last night the calls began. They continued early today. Half an hour ago I was going to try to leave home and two state security agents prevented me. They say I can’t leave my home today. That if I do, they will take me prisoner. They are still on duty.’ The second arrest was reported in an article by the author, published in [The New York Times](#), in which he said that security agents had besieged the houses of independent journalists, including his own, on 10 December (International Human Rights Day).

Background: Jiménez Ochoa is a well-known journalist and writer and director of the digital media site *El Estornudo*.
Publications: Co-author of *Cuba en la encrucijada* (*Cuba at the crossroads*)

Jorge OLIVERA CASTILLO

Gender: Male
Profession: Writer and journalist
DOB: 1961
Date of harassment: 14 August 2019

Perpetrator: State **Details of harassment:** On 14 August 2019, political police arrested the poet and journalist Jorge Olivera Castillo along with his wife, human rights defender Nancy Alfaya Hernández, according to an article written by Olivera Castillo and published on [CubaNet](#).

Details of the investigation: The couple were detained for five hours after attending a cultural event organised by the Citizens Committee of Racial Integration and the Writers and Artists of Cuba Club, of which Olivera is president. The poet reported that the authorities imposed a fine of 100 pesos (c. 90 Euros). Castillo was arrested along with 35 other writers, journalists and librarians as part of a government offensive against alleged dissidents. Castillo has written to PEN International that, from 14 August 2019, he and Alfaya Hernández have been repeatedly fined and briefly detained for their peaceful human rights defence activities. On 18 November 2019, [Cuban police surrounded](#) their house once again. The couple was reportedly unable to leave the house for over 72 hours for fear of arrest. On 10 December 2019, they were [detained](#), during International Human Rights Day celebrations.

Background: Nancy Alfaya Hernández is an activist and human rights defender. Jorge Olivera Castillo worked as a journalist for the Cuban state-run television for 10 years. He founded the independent news agency, Havana

Press, in 1995. Olivera was arrested on 18 March 2003 for writing articles criticising the Cuban government and spent more than 10 year in prison before being released on medical grounds. During his imprisonment he was a PEN International main case. He was briefly detained in 1992 when he was apprehended attempting to leave Cuba on a raft.

Publications: *Confesiones ante el crepúsculo* (*Confessions before twilight*), *En cuerpo y alma* (*In body and soul*), *Sobrevivir en la boca del lobo* (*Survive in the mouth of the wolf*), *Cenizas alumbradas* (*Ashes lit*) and *Quemar las naves* (*Burn the ships*).

Honorary member: English PEN and PEN America

Yoani María SÁNCHEZ CORDERO

Gender: Female
Profession: Blogger, Journalist
DOB: 4 September 1975
Date of attack/threat: 15 November 2019
Perpetrator: State

Details of attack/threat: According to [public information](#) and Cuban [media](#), on 15 November 2019, Yoani Sánchez was placed under house arrest, with her husband, Reinaldo Escobar (a journalist). In a [recording](#), a State Security officer told Escobar that if he or Yoani Sánchez left the house, they would be arrested.

Details of the investigation: The house arrest of Yoani Sánchez and her husband is a systematic and intimidating tactic used against journalists to prevent them from carrying out their work. Sanchez’s arrest has no judicial grounds. According to [CPJ](#), on 23 February 2019, digital media such as 14ymedio, directed by Sánchez, CiberCuba and Diario de Cuba, among others, were blocked.

Background: Sánchez is a critical government journalist and blogger who has founded many magazines and websites: *Consenso* (*Consensus*), *Desde Cuba* (*From Cuba*). She created the blog *Generación Y*, blocked by the government in 2008, and *14ymedio*, the first digital media outlet in Cuba. She writes for *El País*. She has been honoured with many prizes, such as the Ortega y Gasset Prize for Journalism.

Publications: *Havana Real: One Woman Fights to Tell the Truth About Cuba Today* and *Word Press: A Blog for Speaking To The World*.

Released

Maykel CASTILLO PÉREZ
(‘El Osokbo’ or ‘El Osorbo’)

Gender: Male
Profession: Musician/rapper
Date of birth: c.1983
Type of legislation: Criminal

Date of arrest: 26 September 2018
Date of release: 24 October 2019

Details of arrest: Castillo Pérez was [reportedly arrested](#) on 26 September 2018 shortly after he had organised a concert in Havana for artists critical of the newly promulgated Decree 349. For details of previous incidents, see [Case List 2018](#). On 8 February 2019, he wrote a [letter](#) from his cell, saying that the case stems from an incident earlier in the year when he received a fine for filming a police official near his home. According to [Diario de Cuba](#), the case has been reopened and he stands accused of assault. Decree 349 is a law that partially came into force in December 2018 that demands all public performances, exhibitions, and events by artists must be authorised by the Ministry of Culture, and increased restrictions on dissemination of audio-visual works seen as ‘obscene’, ‘vulgar’ or ‘harmful to ethical and cultural values’.

Trial: On 20 March 2019, Castillo Pérez appeared in the Municipal Court of Habana Vieja, which requested a year in jail for the alleged crime. On 26 April 2019 he was sentenced to 18 months’ detention in Valle Grande Prison.

Details of release: The rapper was [released on October 24 2019](#) after the defence demonstrated that legal proceedings were violated, and that there had been insufficient evidence and contradictory testimonies.

Subsequent attack: On 25 December 2019, Castillo Perez was briefly detained by police who, he says, beaten. He was reportedly then fined for comments criticising Cuban president.

Professional background: Castillo Pérez reportedly began his career as a rapper in the mid-2000s where he became known for his controversial lyrics and his open criticism of the authorities (see for example, his song ‘[Por tí señor](#)’). He has released at least two albums: *Sin pelos en la lengua* (2013) and *Los más duros* (2014).

HONDURAS

Sentenced

Cesario Alejandro Félix PADILLA FIGUEROA

Gender: Male
Profession: Journalism graduate, student leader, and board member of PEN Honduras.
Type of legislation: Public protest

Details of trial: Padilla Figueroa is facing trial on charges brought in July 2015 for his part in student protests at the Honduran National Autonomous University (UNAH) in the capital Tegucigalpa. He had also been subjected to threats and harassment in the same period. PEN International believes that Padilla Figueroa and his fellow students are being targeted for exercising their rights to freedom of expression and assembly. The trial

opened on 14 July 2015, and Padilla Figueroa – along with fellow students Moisés David Cáceres, Sergio Luis Ulloa, and Josué Armando Velásquez – were ordered not to leave the country and to report to the court on a weekly basis. According to reports, the charge brought against Padilla Figueroa on 17 July 2015 is alleged ‘usurpation’ of UNAH property, under Article 227 of the Honduran Penal Code, after Padilla Figueroa allegedly took part in the occupation of a university building during a student protest. The charges were upheld at a hearing on 5 August 2015. On 28 June 2016, the prosecution presented its evidence and the Criminal Court was due to issue its sentence in writing. On 7 June 2017, Padilla Figueroa was convicted of ‘usurpation’ as charged. At a hearing held on 7 August 2017, the public prosecutor [reportedly requested](#) a [three-year sentence](#), among other penalties, to be applied. According to PEN Honduras, Padilla Figueroa and his colleagues currently find themselves in a form of legal limbo while they await a written copy of the sentence – which they require to file an appeal. Padilla was still awaiting a written notice of his sentencing as of 31 December 201; he remains unable to appeal his sentence until this is supplied.

Update: According to PEN Honduras, on 15 November 2019, a planned hearing of Cesario Félix Padilla Figueroa’s case was cancelled, and no new date given for when it would be held.

Background: The charges stem from Padilla’s role in widespread student protests against the privatisation of the university and calling for democratisation of the governing bodies of the UNAH. Padilla and five other UNAH students, including Cáceres, Castillo, and Ulloa, were suspended from the university in December 2014 after taking part in previous protests. They were subsequently re-admitted to the university after a ruling by the Honduran Supreme Court of Justice in February 2015. They are reportedly members of a student committee where they document alleged human rights abuses within the UNAH, the *Comité Pro Defensa de los Derechos Humanos*. On 15 August 2015, Padilla reported he had been threatened by armed men in his neighbourhood who had also been keeping watch over his home and that he feared for his safety. In 2016, Padilla and Cáceres were subject to surveillance by agents from the Technical Agency for Criminal Investigations (ATIC), according to a complaint made by defence lawyers. The complaint also states that ATIC agents have been attempting to prevent Padilla and his fellow students from entering the university campus, among other irregularities.

PEN Action: [PEN Honduras statement 6 August 2015](#); [PEN statement 17 August 2015](#); [PEN statement 15 June 2016](#); [RAN 22 June 2016](#); [PEN International Resolution on Honduras October 2016](#); [PEN’s Day of the Imprisoned Writer 2016](#); [Day of the Imprisoned Writer 2017](#).

Harassed

Dina MEZA

Gender: Female
Profession: Journalist, human rights defender, founding member of PEN Honduras.
Date of threat: Ongoing since 2006
Perpetrator: Non-state

Details of harassment: Meza’s security situation remained a serious concern in 2018. She regularly finds herself under surveillance – her home, office and movements – and reports being followed by persons unknown. For details of previous incidents, see [Case List 2017](#). PEN International believes that she is targeted for exercising her right to free expression and that her physical security is at risk. No further reports on 2019.

Professional background: Meza began her work as a human rights defender in 1989 and has worked for a number of human rights organisations and digital media outlets since. In 2014, she was elected President of the newly established PEN Honduras Centre of which she is a founding member. She also runs and writes for the website [pasosdeanimalgrande.com](#), which reports on freedom of expression and human rights in Honduras.

Publications: She is the author of the Honduras chapter in *Vamos a portarnos mal: protesta social y libertad de expresión en América Latina* (Let’s misbehave: social protest and freedom of expression in Latin America) (Friedrich-Ebert Stiftung, Bogotá, 2011) and *Kidnapped: Censorship in Honduras* (Eva Tas Foundation, 2015).

Awards: 2007 Amnesty International UK’s Special Award for Human Rights Journalism Under Threat; 2014 Oxfam Novib/PEN International Freedom of Expression Award; 2016 Premio Letras in Periodismo y Derechos Humanos at Festival de Cine y Derechos Humanos de Barcelona.

Honorary Member: PEN Català
PEN Action: [Day of the Imprisoned Writer Case 2013](#); appeared at [Free the Word! Event at Hay Cartagena 2014](#); [PEN press release 14 February 2014](#); [International Women’s Day Case 2014](#); brought by PEN to testify at [Inter-American Commission on Human Rights, May 2014](#); testified before the [Tom Lantos Commission – 8 March 2018](#).

Released

Jairo LÓPEZ

Gender: Male
Profession: Journalist and member of PEN Honduras
Type of legislation: Criminal
Date of arrest: 10 November 2018
Date of release: 10 November 2018

Details of arrest: According to media reports, López was reportedly arrested from his home in Choluteca,

Choluteca department, by some 20 armed police officers in the early hours of 10 November 2018. During his arrest, López was beaten and threatened at gunpoint, while his wife was also beaten, [according to the Asociación for Democracy and Human Rights](#) (Asociación por la Democracia y los Derechos Humanos, ASOPODEHU). López was [reportedly](#) informed of an arrest warrant against him for damages to property belonging to Empresa Energía Honduras, the government-owned electrical power company.

Details of release: López was [released on bail](#) later the same day.

Details of trial: According to [media reports](#), the judge presiding over the case was recused on 29 November 2018 owing to a conflict of interest; the judge had served as the legal representative for the complainant in a previous case against López between 2015-2018.

Update: On 13 May 2019, López was acquitted on all charges. However, the trial experience has left López unable to continue his journalism. For details of the case see the [PEN Case List 2018](#).

MEXICO

Killed: Impunity

Filiberto ÁLVAREZ LANDEROS

Gender: Male
Profession: Poet and journalist
Date of birth: c. 1952
Date of death: 29 April 2017
Perpetrator: Non-state

Details of death: Álvarez Landeros was reportedly making his way home after hosting his radio show when he was shot dead in Tlaquilenango, Morelos state in south central Mexico. He died on his way to hospital.

Details of investigation: In a [statement released on 2 May](#), the Morelos state attorney general ruled out Álvarez Landeros’s journalism as a possible motive. According to a subsequent [statement](#), the police arrested a 26-year old man in connection with the murder on 4 May 2017, placing him in pre-trial detention. No further information as of 31 December 2019.

Background: Álvarez Landeros, aged 65, was a poet and radio host of ‘Poemas y Cantares’ for La Señal de Jojutla, broadcast each Saturday, in which he read poetry.

PEN Action: [19 May 2017 Statement](#).

Guillermo FERNÁNDEZ GARCÍA

Gender: Male
Profession: Poet and translator
Date of birth: 2 October 1932
Date of death: 31 March 2012
Perpetrator: Unknown

Details of death: Neighbours discovered his body at his home in Toluca. He had been bound and killed with a blow to the head. Nothing was stolen by the killer or killers and the motive for the murder is unknown. However, some are suggesting that the killer(s) was/were known to Fernández as there were glasses of wine and full ashtrays in the room with the body.

Details of investigation: According to official correspondence with the Mexican authorities, the case was referred to Mexico’s attorney general. On 4 April 2013, it was reported that the attorney general’s office had failed to make headway in its investigation. No further information as of 31 December 2019.

PEN Action: [RAN 16/12](#)

Javier VALDEZ CÁRDENAS

Gender: Male
Profession: Journalist and author
Date of birth: 14 April 1967
Perpetrator: Non-state
Date of death: 15 May 2017

Details of death: Valdez Cárdenas, aged 50, was reportedly shot dead by unknown assailants close to the *RíoDoce* offices in Culiacán, Sinaloa State, north western Mexico. According to CPJ, Valdez had reported concerns for his safety in the weeks before his murder.

Details of investigation: Investigators are said to be following two lines of enquiry: (1) attempted robbery and (2) links to his journalism. The Special Prosecutor for Crimes Against Freedom of Expression (FEADLE) has opened an investigation into Valdez Cárdenas’s murder. [According to RíoDoce](#), in October 2017, an access to information request regarding the investigation was reportedly denied to avoid prejudicing the investigation.

Update: According to [media reports](#), a man suspected of being an accomplice in Valdez Cárdenas’s murder was arrested on 23 April 2018. In November 2018, the authorities reported having [charged another suspect](#) involved in the crime. Prosecutors are reportedly [seeking the maximum penalty](#) provided by Sinaloa’s legal framework, 50 years in prison. On 25 January 2019, during the trial of Joaquín Loera Guzmán ‘El Chapo’ in the Court of New York, Damaso López, drug trafficker and former leader of the Sinaloa Cartel, [attributed the murder of the journalist](#) to power struggles within the Cartel between López and the sons of ‘El Chapo’. [According to media](#), López said Valdez ‘disobeyed the threatening orders of the sons of my buyer (‘El Chapo’) and his sons and for this reason they killed him’. The death of the

journalist happened after publishing an interview with Lopez in the middle of the cartel dispute. On 24 January 2020, the Attorney General [issued an arrest warrant](#) against Damaso L ‘el Mini Lic’, son of Dámaso López, for alleged responsibility as the intellectual author of the murder of Valdez.

Other: In March 2019 it was [reported](#) that Valdez’s widow, Griselda Triana, Mexican journalist had had her cell phone infected by spy ware, apparently placed there days after her husband’s murder, and which would have tracked her messages ever since.

Professional background: Valdez Cárdenas was co-founder and reporter for the local weekly newspaper *RíoDoce* and correspondent for *La Jornada*. He wrote regularly on drug trafficking and crime, and wrote several books on the drugs trade, including his most recent, *Narcoperiodismo* (2016), which tells the experiences of journalists who have chosen to cover organised crime. His final book, published posthumously, entitled *Periodismo Escrito con Sangre* (*Journalism Written in Blood*), relates the stories of Mexican journalists killed for their work.

Awards: In 2011, Valdez Cárdenas was the recipient of the Committee to Protect Journalists’ International Press Freedom Award and in 2013 he was awarded the PEN Mexico Prize for Journalistic Excellence.

PEN Action: [19 May 2017 Statement](#); [Mexico Resolution 2018](#).

Death Threat

Pedro FARO NAVARRO

Profession: Poet, lawyer and human rights defender
Date of threat: 12 November 2019
Perpetrator: Unknown

Details of Threat: On 12 November 2019, Pedro Faro, poet and director of the Human Rights Centre Fray Bartolomé de las Casas and his team were threatened after carrying out investigations into [allegations of torture against prisoners](#), according to [media reports](#). The death threats, one written in blood, were received at the Centre’s office in Chiapas. The first threat was reportedly received on 12 November, at 10:00 p.m. when a black car with tinted windows left an envelope which contained the message: ‘Faro: catastrophic warning, cry for help [...] is in danger of death, life is very short, death is inevitable, one more, November, take care of her, try to save her life.’ The organisation reported the threats to both the Attorney General’s Office of the State of Chiapas and to the Mechanism for Protection of Human Rights Defenders and Journalists. However, no effective measure is known to have been put in place to date. On 19 November, a new message was reportedly discovered at Faro’s home, in which his name was reportedly written in blood. Later that day an advertising leaflet for a funeral home was delivered to the home of another member of the organisation (this has been interpreted as an implied threat).

Publications: Pedro Faro has written poetry against torture and investigations about human rights issues in indigenous people in Chiapas. He is the co a-author of *Los abismos de la palabra* (*The abysses of the word*), and the author of *Del caos a la palabra* (*From Chaos to the word*).

Guillermo SHERIDAN

Profession: Journalist, academic and author

Date of Birth: 27 August 1950

Date of threat: 10 July 2019

Perpetrator: Unknown

Details of Threat: Guillermo Sheridan reported on [Twitter](#) that he received a death threat in a letter delivered to his home with the following message: ‘We already know who you are (sic) and where you live, so that you shit yourself with fear you son of a bitch...Let’s see if you learn once (sic)’.

Background: Guillermo Sheridan is a literary critic, researcher at University and public commentator. He writes for *El Universal* and has been a columnist for major newspapers in Mexico.

Publications: *Los idilios salvajes* (*The wild idylls*), *Viaje al centro de mi tierra* (*Journey to the center of my land*), *Malas palabras* (*Bad words*), *Poeta con pasajes* (*Poet with passages*).

PEN ACTION: [15 July 2019 Statement](#) (Spanish).

Threatened

Lydia CACHO RIBEIRO

Gender: Female

Profession: Journalist and author

Date of birth: 12 April 1963

Date of threat: 21 July 2019

Perpetrator: Unknown

Details of Threat: On 21 July 2019, two individuals broke into Cacho’s home, stealing equipment and research materials and killing her dogs. According to [ARTICLE 19’s](#) Office for Mexico and Central America, ‘Security experts consulted by the journalist after the break in claim that ‘they came for her’ [...] fortunately, she was not at home.’ According to Cacho, that weekend, the government, which was aware that she was due to return home following a work trip, withdrew the protection on her home as well as her bodyguard, obliging her to flee the country for her own safety.

Details of investigation: The Special Prosecutor for Attention to Crimes Committed Against Freedom of Expression (Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión – FEADLE) has opened an investigation. According to [media](#), the individuals took material related with Cacho’s her investigation and with Succar Kuri, Kamel Nacif and

Mario Marín, former governor of Puebla, Miguel Ángel Yunes Linares, former governor of Veracruz. This group of men were related with pederasty network that she investigated for her book *Los Demonios del Edén* (*The Demons of Eden*) in 2005, same year she was detained and tortured. On 5 December 2019, Cacho cancelled her activities during Guadalajara Book Fair for security reasons, reported [media](#).

Interventions relating to 2005 arrest and torture: In July 2018, the [UN’s](#) Human Rights Council held Mexico [responsible](#) for the violation of Cacho’s human rights, for the torture to which she was subjected and for the failure of due diligence in the investigation. On 11 April 2019, [FEADLE](#) issued [arrest warrants](#) for Puebla’s former governor Mario Marín Torres, businessman José Kamel Nacif, and former undersecretary of Public Security of Puebla Hugo Adolfo Karam Beltrán for their alleged involvement as the masterminds of Cacho’s torture in 2005. On 25 September 2019, Cacho asked to Mexican State to comply with the precautionary measures ordered by the Inter-American Commission on Human Rights (IACHR) to return to Mexico with security measures. On 16 October 2019, Miguel Mora, one of those involved in arrest and torture of Cacho in 2005, was captured and sentenced, announced [media](#) and [FEADLE](#). . On 16 October 2019, Miguel Mora, one of those involved in arrest and torture of Cacho in 2005, was captured and sentenced, announced [media](#) and [FEADLE](#). On 15 November 2019, María Irene ‘N’, one of the agents of the then Judicial Police who participated in the detention and torture of Cacho in 2005, [was also arrested](#).

Previous attacks: Lydia Cacho has been threatened many times in the last fourteen years for her writing and journalistic investigations. For details of previous incidents, see [Case List 2010](#), [Case List 2011](#), [Case List 2012](#) and [Case List 2017](#).

Background: Lydia Cacho has worked as a journalist for over 30 years, serving as editor, presenter, and columnist for various national and international media outlets. She is the co-founder of the Network of Journalists from Mexico, Central America and the Caribbean. Cacho has won numerous awards, including the 2009 One Humanity Award from Canadian PEN, the 2008 Tucholsky prize from Swedish PEN and the 2007 Oxfam/Novib PEN Award for Free Expression. On 29 April 2010, Cacho was named a World Press Freedom Hero by the International Press Institute. She is Goodwill Ambassador for the UN Office on Drugs and Crime.

Publications: *Los Demonios del Edén* (*The Demons of Eden*), *Muérdete el corazón* (*Bite the Heart*), *Esta boca es mía y tuya también* (*This Mouth is Mine and Yours Too*), *Memorias de una Infamia* (*Memoirs of a Scandal*), *Con mi hij@ no* (*Not with my daughter/son*), *Esclavas de poder: un viaje al corazón de la trata sexual de mujeres y niñas en el mundo* (*Slavery Inc. the Untold Story of International Sex Trafficking*), *En busca de Kayla* (*In Search of Kayla*), *Sexo y Amor en tiempos de crisis* (*Sex and Love in Times of Crisis*), among others. **Honorary Member:** Scottish PEN and English PEN

PEN Action: [Statement 5 August 2019](#), [Day of the Imprisoned Writer 2019](#)

María Guadalupe LIZÁRRAGA HERNÁNDEZ

Gender: Female

Profession: Journalist and author

Date of birth: 1965

Date of threat: 14 February 2019

Perpetrator: Unknown

Details of Threat: According to [ARTICLE19](#), on 14 February 2019, unknown individuals raided the Guadalupe Lizárraga s house and stole a voice recorder with information about her journalistic investigations; they also stole aa jacket. In April 2019, she was a victim of *doxing* (*unauthorised publication of private information*) on Twitter, and messages suggesting that she had collaborated with members of organised crime groups. In October 2019, her biography on Wikipedia was edited with false information suggesting that she had benefitted from money from drug trafficking.

Background: Guadalupe Lizárraga founded *Los Angeles Press* media. Her research addresses issues such as social justice, violence against women, corruption and human rights in Latin America. She is also the author of novels and books on journalistic research.

Publications: *Antología de amantes* (*Anthology of lovers*), *Desaparecidas de la morgue* (*Disappeared of the morgue*) and *El falso caso Wallace* (*The false case Wallace*).

Héctor DE MAULEÓN

Profession: journalist and author

Date of Birth: 1963

Date of threat: 10 July 2019

Perpetrator: Unknown

Details of Threat: According to [news](#) reports, De Mauléon received threats via email which he disclosed on [Twitter](#) on 12 July 2019: ‘After a while of relative hugs and no bullets, I received a friendly email, anonymous of course, in which I am informed that I have already spoken ‘of more’, that I am ‘a damn liar’, and that it is over’.’ On 17 January 2020, Mauleón received a new threat in a letter delivered to his home, which stated: ‘Mauleón we know where you hide, unhappy rat, you’re going to check on Joan’, the journalist said this is in relation to an [article published in 2017](#). For details of previous incidents, see [Case List 2017](#) and [Case List 2016](#).

Background: De Mauléon is a columnist for the daily newspaper *El Universal*. He was the sub-editor of the magazine *Nexos*, director of the TV program *El Foco*, and an author. He is a critic of the government and his investigations focus on corruption and criminal groups, among other topics.

Publications: *La perfecta espiral* (*The Perfect Spiral*) and *Como nada en el mundo* (*Like Nothing in the World*), *El secreto de la Noche Triste* (*The Secret of the Night of Sorrows*) and *La ciudad que nos inventa* (*The City that Shapes Us*).

PEN ACTION: [RAN 13/16 - 24 June 2016](#), [24 August 2017 Statement](#), [15 July 2019 Statement](#) (only Spanish), [17 January 2020 Statement](#) (Spanish only).

PARAGUAY

On trial

Nelson AGUILERA

Gender: Male

Profession: Writer and author of a series of children’s stories, member of PEN Paraguay, and teacher

Sentence: 30 months in prison

Type of legislation: Other – plagiarism

Details of trial: Aguilera was convicted of plagiarism on 4 November 2013. His lawyer filed an appeal on 25 November 2013. According to Aguilera, 40 witnesses were prevented from testifying in his defence as the judge ruled that they had been presented too late. These included a recognised legal expert in plagiarism employed by the court to investigate the case and who argued that Aguilera did not have a case to answer. In June 2014, Aguilera’s conviction and sentence was confirmed by the Chamber of Appeal in Asunción. In November 2015, the judges responsible for his trial allowed Aguilera to fly to the United States to attend his son’s wedding. According to Aguilera, his appeal to the constitutional section of the Supreme Court was at a standstill as of December 2018. He reports that he is required to attend court and register each month. On 22 December 2019, [ABC Color](#) reported that Aguilera’s case remains at a standstill; following an initial appeal that resulted in an upheld decision, the defence has raised questions about the constitutionality of the decision. The case is presently awaiting resolution from the Supreme Court of Paraguay.

Background: The case relates to a lawsuit filed by writer Maria Eugenia Garay that began in 2010. Garay alleges that Aguilera plagiarised her 2005 adult fiction novel *El túnel del tiempo* (*The Tunnel of Time*), in the second novel in his series of children’s novels *Karumbita: La patriota* (*Karumbita: The Patriot*) (2010). A number of independent experts and writers have provided a detailed analysis of both works and found that the similarities in them cannot be described as plagiarism. They argue that while they both feature similar thematic elements, such as time travel, and significant dates in Paraguayan history, the manner in which they are used is significantly different. The experts add that time travel has been used as a theme throughout literature and as such its use alone cannot constitute plagiarism. The analysis also showed that the literary styles, structure, and argument of the works differ significantly, and that Aguilera had not taken any sentences or paragraphs from Garay’s work. There has been some suggestion that the sentence for plagiarism may have been influenced by the fact that Garay’s brother, César Garay Zuccolillo, is Minister of the Supreme Court of Justice.

PEN Action: [Day of the Imprisoned Writer Case 2015](#); [open letter from Luisa Valenzuela](#), President PEN Argentina.

UNITED STATES OF AMERICA

Judicial concern

Mumia ABU-JAMAL

Gender: Male

Profession: Journalist and author

Sentence: Life imprisonment without parole

Type of legislation: Criminal

Details of trial: Abu-Jamal was sentenced to death for the murder of police officer Daniel Faulkner in 1982. Amid serious concerns about the fairness of his trial, which did not meet international fair trial standards or those guaranteed by the Constitution of the United States, his death sentence was commuted to life imprisonment without parole in 2011. Abu-Jamal has consistently denied any involvement in the murder, and the evidence presented at trial was reportedly contradictory and incomplete. However, his lawyers have never been successful in their request for him to be granted a retrial. Mumia Abu-Jamal continues to call for a fair trial, but since all options for appeal have been exhausted, any chance of a retrial is now unlikely. On 28 December 2018, it was reported that a judge in Philadelphia reinstated Abu-Jamal's rights to appeal his sentence.

Update: On 10 April 2019, Philadelphia District Attorney Larry Krasner dropped his opposition to the appeal, opening a potential avenue to freedom for Abu-Jamal, an outcome that had previously seemed impossible. According to media reports, the reasons for the defence's new appeal relates to a recusal issue: Abu Jamal's attorneys argued that the judge presiding over the appeal case from 1998 to 2012 should have recused himself because he had previously played the prosecutor's role.

Health concerns: According to reports, Abu-Jamal was hospitalised on 31 March 2015 after going into diabetic shock. There are further reports that he has Hepatitis C, type-2 diabetes, and suffers from severe skin rashes. In August 2016, Abu-Jamal was reportedly denied access to life-saving Hepatitis C treatment. In January 2017, a federal judge reportedly ordered that Abu-Jamal should be seen by a doctor and, if medically cleared, given the life-saving treatment, thereby overturning the August ruling. In April 2017, Abu-Jamal started taking a new fast-acting drug for his Hepatitis C.

Background: Despite the difficult conditions of his detention in a death row cell in Waynesburg, Pennsylvania, Abu-Jamal continues to work as a writer and journalist. He has written seven books in prison, making him an internationally renowned activist against the death penalty.

Other information: Abu-Jamal is a former member of the Black Panthers.

PEN Position: PEN considers that life imprisonment without the possibility of parole may amount to torture or other ill-treatment. PEN is calling for the authorities to take the necessary steps to ensure that Mumia Abu-Jamal is given the opportunity to have his sentence of life imprisonment without parole reviewed.

PEN Action: PEN International Resolution 2014

Harassed

Jennine CAPÓ Crucet

Gender: Female

Profession: Writer

Perpetrator: Non-State

Date of harassment: 9 October 2019

Details of harassment: A group of students in the Georgia Southern University burned books written by Cuban-American author Jennine Capó Crucet, according to media. The events took place after she had given a presentation on diversity and the campus experience, and in which she referred to 'white privilege'.

Details of investigation: The school did not condemn the book burning. In a statement, Georgia Southern University said its students have a right to burn books if they choose; it also said that book burning does not 'encourage the civil discourse and debate of ideas'.

Background: Capó Crucet has a B.A. in English and Feminist, Gender and Sexuality Studies. She also graduated from the University of Minnesota with an M.F.A. in Creative Writing. She is currently an Associate Professor of English and Ethnic Studies at the University of Nebraska.

Publications: *How to Leave Hialeah, Make Your Home Among Strangers* and *My Time Among the Whites*.

PEN Action: Statement on 18 October 2019.

Dolia ESTÉVEZ

Gender: Female

Profession: Author and journalist

Date of harassment: 26 November 2019

Perpetrator: State **Details of harassment:** According to ARTICLE19, on 26 November 2019, the Mexican consul to Tucson, Arizona, Guillermo Rivera Santos, called a meeting with journalists and local supporters of the *Movimiento Regeneración Nacional* (MORENA), the party of Mexican President **López Obrador**, during which it is alleged that Rivera tried to organise a smear campaign targeting Estévez.

Details of investigation: Estévez was informed of the incident by another journalist, Julio Sánchez-Pasos, a reporter for *Borderline*, who was invited to the consul's meeting on 26 November. Earlier that day, Estévez had published an article entitled 'More MORENist than consul', in which she accused Rivera of engaging in political

activities (diplomatic representatives in the US are not permitted to engage in political activities). The consul has denied that he was engaged in party political activities and has said that he did not threaten Estévez; he has also said that he respected the right to freedom of expression. On 2 December 2019, Rivera rejected Estévez's accusations in a letter. He stated that he 'understands and supports the importance of the press' and that he would never obstruct journalists' duties. He also stated that the meetings in his office were non-partisan and 'community driven'. Mexico's Secretary of Foreign Affairs promised to conduct an investigation.

Background: Dolia Estévez is a Senior Mexico Correspondent and foreign affairs analyst in Washington, D.C. She writes for *Poder Magazine* and has written for *El Financiero* newspaper. She serves as a Senior Advisor for the U.S.-Mexico Journalism Initiative at the Woodrow Wilson Center. She is an accredited correspondent with the US Department of State, Capitol Hill and the Foreign Press Center

Publications: *El embajador (The ambassador)*, *Protecting Press Freedom in an Environment of Violence and Impunity in Mexico*, *Así nos ven (That's how they see us)*, *Donald Trump: el aprendiz (Donald Trump: the newbie)*.

VENEZUELA

Harassed

Jorge Ramos

Profession: Journalist and author

DOB 16 March 1958

Date of attack/threat: 25 February 2019

Perpetrator: State

Details of harassment: On 25 February 2019, Jorge Ramos and his team were arrested after conducting an interview with Nicolás Maduro, President of Venezuela. They were detained for two hours, in Palacio de Mirablores, in a room without light. Government officials took their cameras and phones to prevent the interview being aired. They were deported to Miami on 26 February, according to Ramos.

Details: According to Ramos, the interview with the Venezuelan President was abruptly suspended: 'About 17 minutes into the interview, Mr. Maduro stood up, comically tried to block the images on my iPad and declared that the interview was over. 'That's what dictators do,' I told him. A few seconds after Mr. Maduro left, Mr. Rodríguez, the communications minister, told me that his government had not authorised the interview and he ordered his security agents to confiscate my team's four cameras and other equipment and the video cards on which we had recorded the conversation.'

Background: Ramos is a well-known Mexican American

journalist known as the 'Walter Cronkite of Latin America.' He has been an anchor for Univision since 1986. Ramos has interviewed several national leaders: Fidel Castro, Ernesto Samper of Colombia, and U.S. President Barack Obama.

Publications : *The Other Face of America: Chronicles of the Immigrants Shaping Our Future* (2002) and *A Country for All: An Immigrant Manifesto* (2010). PEN Action : Statement on 26 February 2019 (Spanish only).

The threat of litigation driven by both state and non-state actors is a common means of harassment of writers and journalists across the region where a wide array of often overbroad and vaguely-worded laws penalise blasphemy, criminal defamation, insult, sedition, national security and, increasingly, cybercrime.

CLOSED CASES – AMERICAS

The following cases in the Americas region which featured in previous PEN International case lists have been closed as there has been no further reported attacks or because PEN has received new information on their present situations. For details of these cases, please refer to the PEN International Case List 2018:

Argentina:

Claudia PIÑEIRO
Itatí SCHVARTZMAN

Brazil:

Rodrigo NETO DE FARIA

Chile:

Javier REBOLLEDO ESCOBAR

Colombia:

Jesús César GONZÁLEZ (pen name: **Matador**)

Cuba:

Ileana ÁLVAREZ
Javier MORENO DÍAZ
Francis SÁNCHEZ RODRÍGUEZ

Dominican Republic:

Ángela HERNÁNDEZ NUÑEZ

Ecuador:

Fernando VILLAVICENCIO

Nicaragua:

Gioconda BELLÍ

PEN Actions for journalists and human rights defenders in the Americas Region 2019:

In addition to its advocacy for the writers referred to in this list, PEN International also took action on behalf of journalists and others at risk in the Americas region, some in collaboration with other organisations. Details of these cases and actions taken can be found in the links provided.

Cuba

Ricardo FERNÁNDEZ IZAGUIRRE: journalist among writers and activists arrested in a crackdown

Action:

29 August 2019: [Statement Harassment and detention of writers and journalists exposes renewed wave of repression](#)

Mexico

Norma SARABIA: journalist killed

Action:

14 June 2019: [Statement PEN condemns the murder of journalist Norma Sarabia](#)

Venezuela

Tulio ÁLAVAREZ: Academic and journalist accused of defamation

Action:

14 January 2019: [Amicus brief to Inter-American Court on Human rights Free speech organisations submit amicus brief in Inter-American Court of Human Rights case on criminal defamation](#)

Asia and the Pacific Overview 2019

Emma Wadsworth Jones,
Asia and Pacific Regional Coordinator

Stifling criticism in times of protest

Across the region, governments employed various means to limit largely peaceful protest and stifle coverage, ranging from attacks on journalists, to raids on media outlets and internet shutdowns.

Since June 2019, Hong Kong has borne witness to the largest protests since the 2014 Umbrella Movement, as what began as protests against a proposed extradition law that would make it easier to extradite individuals to mainland China, grew into wider calls for political reform. The protests were met with unnecessary force; many journalists covering the protests are among those who have been injured as a result. In addition, the Hong Kong Journalists Association has reported that journalists' personal details have been published online in an attempt to intimidate them into silence.

Attacks on journalists covering protests were also reported in **India**, **Indonesia**, and **Nepal**. The passing of the Citizenship Amendment Act in India in December that grants citizenship to illegal migrants from all but those from Muslim backgrounds, was met with protests, with 1,000s arrested, mob and at least twenty dead by the end of 2019 - violence that continued into the new year. Forty-nine writers, filmmakers and artists who signed a letter to Prime Minister Modi against the violence are facing charges of [sedition](#).

Elsewhere, governments have sought to stifle dissenting voices by preventing them from attending protests. In 2019, the People's Republic of **China** continued its [practice of 'forced vacations' for journalists](#) on key dates such as 4 June, the 30th anniversary of the suppression of the Tiananmen Square democracy protests.

In June 2019, the authorities in **Myanmar** cited security concerns to suspend telecommunications services across nine townships in Rakhine State and Chin State following clashes between the Myanmar military and an armed ethnic rebel group. By the end of the year, [internet shutdowns were still in place in four townships](#) in Rakhine State, affecting an estimated 600,000 people.

Further internet shutdowns were implemented in [West Papua](#), and **India** and **Indian-administered Jammu and Kashmir**. The [communications blockade](#) imposed by the Indian administration in Jammu and Kashmir in anticipation of unrest after the central government authorities [voted to revoke the special autonomous status](#) on 5 August, [prevented journalists from being able to report on developments](#) in the region for more than six months, the longest internet shut-down globally.

Violence, intimidation and impunity

According to a survey conducted by the International Federation of Journalists (IFJ) and the South East Asia Journalist Unions, 61 per cent of the 1,270 journalists in South East Asia surveyed stated that they [felt insecure](#) in their profession. The report revealed that journalists face intimidation, threats and attack in the line of their work, especially when covering protest. **Viet Nam** is a prime example, where activists and bloggers are assaulted by officials, or thugs who appear to work in coordination with authorities. Writers and journalists in conflict zones, such as **Afghanistan** are also at higher risk of attack at the hands of armed groups.

In December 2019, ten years after the [Maguindanao massacre](#) in which 32 journalists were among 58 people killed in **the Philippines**, [43 individuals](#), including eight members of the notorious Ampatuan clan that holds political influence in the region were [sentenced to up to 40 years in prison](#). According to CNN, of the 197 people charged with murder, eight have since died, while another 80 other suspects are reported to remain at large, including police officers and additional members of the Ampatuan family.

Limited progress has also been reported in the investigations conducted into the murders of writers, bloggers and journalists in **India** and **Bangladesh**. However, family members have decried delays in the investigations. Perhaps as a result of the slow progress to justice, the cycle of impunity continues. In 2019, the [IFJ](#) documented the killings of 12 journalists in South Asia alone.

Legal barriers to freedom of expression in the digital age

The threat of litigation driven by both state and non-state actors is a common means of harassment of writers and journalists across the region where a wide array of often overbroad and vaguely-worded laws penalise blasphemy, criminal defamation, insult, sedition, national security and, increasingly, cybercrime.

In January 2019, **Viet Nam's** [overbroad Cyber Security Law](#) entered into effect. Within days, the Vietnamese government invoked the law reportedly [requesting that Facebook remove pages](#) promoting anti-state content.

In **Laos**, blogger Muay Littlepig was sentenced to five years in prison on charges of 'spreading propaganda against the Lao People's Democratic Republic' and 'trying to overthrow the Party, state and government' after she posted videos on Facebook exposing the government's alleged poor response to flooding in the south of the country.

In the **Philippines**, journalist and author Maria Ressa, and the independent news site she founded, faced a litany of lawsuits. Among them in February 2019, when Ressa was charged with cyber libel for a story that was published, and even though the law had yet to be enacted.

2019 has also seen the frequent invocation of legislation criminalising religious insult or offending religious sentiments. Such laws have been used to prosecute writer Shakthika Sathkumara, playwright Malaka Dewapriya and journalist Kusal Perrera in **Sri Lanka**, as well as poet Henry Sawpon in **Bangladesh**.

In May, legislators in **Singapore** passed the controversial [Protection from Online Falsehoods and Manipulation Bill](#). Criticised for its vague and overbroad definitions of what constitutes 'public interest' or 'falsehood', the Bill permits the authorities to order the removal or modification of online content to which they object, [among other concerns raised](#).

Also according to [Freedom Forum](#), writers and journalists are among those increasingly prosecuted with cybercrimes in **Nepal**, notably for their investigative reporting or for making 'defamatory' remarks about leading figures.

Politically motivated criminal charges to silence dissent

In **China**, while writers and journalists such as publisher Yao Wentian, have faced charges that are not directly related to their writings in order to obfuscate the fact that they are being targeted for exercising their right to freedom of expression. Yao has been imprisoned since 2013, serving a 10-year sentence on spurious charges of smuggling 'prohibited items', in this case paint, charges that his supporters consider to be politically motivated.

Suppression of creative expression

Writers, poets, musicians and artists faced various forms of repression across the region at the hands of state and non-state actors as in the case of the 10 Miya poets in **India**, who face charges of 'promoting enmity' for their poetry describing the discrimination they face as a result of their Muslim Bengali heritage. Members of the Peacock Generation theatre troupe in **Myanmar** suffered threats, attacks, the selective conferral of grants, and the closure of their performances.

Ongoing crackdown on the Uyghur community

PEN continues to be deeply concerned by the [crackdown on China's Turkic Muslim community](#) – the majority of them Uyghurs from the Xinjiang Uyghur Autonomous Region (XUAR) – which has seen an [estimated one million](#) individuals detained without charge in political re-education camps under the pretext of countering religious extremism. Among their number are reported to be well-respected academics such as Gheyret Abdurahman, Rahile Dawut and Abdukerim Rahman, writers and musicians such as Chimengül Awut, Ablajan Awut Ayup, Abduqadir Jalaledin, Qurban Mahmut and Perhat Tursun.

Despite [international condemnation](#), the Chinese government have staunchly refused to recognise any wrongdoing.

The Chinese authorities' denial of what is taking place and restrictions on access to the region and its prisoners make obtaining information on a person's wellbeing or precise whereabouts almost impossible.

Duciet diostibus.
Obitio oditem
veniendae comnis
saped qui nectis
autecus qad etur
sa qui cori renda
quunte minim
quidSus? To vitat
idellarica det vis;
eo at, que es mus
vivivenatil hostam
finvocae publis
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publine esimorum
mantuidieris
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te rehebempro
in tam ince tatod
fit; ide implingulto
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me consularis hora.Si
arum re as nient, as
et utatum qui atem
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Emblematic Cases

China – Xinjiang Uyghur Autonomous Region: **Rahile Dawut**

Professor of Uyghur folklore
'disappeared' into a re-education camp

Director of the Xinjian Folklore Research Center whose research focus is on Uyghur folklore and sacred sites, professor Rahile Dawut, was last seen in December 2017. It is believed that she is one of an estimated one million Uyghurs and other Muslim minorities who are being held without trial in re-education camps across China. The Chinese authorities deny they are imprisoned and say that the camps are 'vocational and education training' centres set up to counter terrorism in the Xinjian region, a claim that has been widely condemned internationally.



Myanmar: **Saw Wai**

Poet on trial for defamation of the military

Poet Saw Win (pen name Saw Wai), is on trial on charges of defamation for having given a speech in which he criticised the military's role in politics, recited a poem and encouraged the audience to chant 'reject evil laws'. Saw Wai previously spent two years in prison in the late 2000s for what was ostensibly a love poem but which carried a message condemning the then head of the ruling military junta, Than Shweh.



Asia and the Pacific Case List

AUSTRALIA/ PAPUA NEW GUINEA

Conditional release

Behrouz BOOCHANI

Gender: Male

Profession: Journalist, writer, human rights advocate

Date of birth: 23 July 1983

Date of detention: 27 August 2013

Perpetrator: State

Details of detention: Boochani, an Iranian national, was reportedly rescued at sea by the Australian navy, whom he asked for asylum. Due to Australia's offshore processing policies, Boochani was taken to Manus Island Regional Processing Centre at Lombrum, Papua New Guinea (PNG). Boochani was accorded refugee status in PNG in April 2016.

Details of detention: Boochani was initially held in an immigration detention centre, Manus Island, PNG. He was later transferred to the East Lorengau refugee transit centre in February 2015. In November 2017, Boochani was relocated to a refugee transit centre (for further information see previous Case Lists).

Details of release: In November 2019, Boochani was able to leave PNG travelling to New Zealand where he was due to participate in a literary festival.

Professional background: In his native Iran, Boochani worked as a journalist for several newspapers, including national dailies *Qanoon*, *Kasbokar*, *Etemad*, and the Kurdish-language monthly magazine *Varia*. Boochani claims that due to his focus on business and politics, he was subject to constant surveillance by the Iranian authorities. In 2013, he was reportedly arrested, interrogated and threatened by the Iranian Intelligence Services. Fearing that he would be imprisoned, he fled Iran on 13 May 2013. Since his detention, Boochani has been documenting human rights violations. Boochani has continued to write for several publications while in detention, and, in 2018, published his book, *No Friend*

but the Mountains: Writing from Manus Prison, to critical acclaim. From his cell, Boochani also recorded his film *Chauka, Please Tell Us the Time*, co-directed with Iranian filmmaker and editor, Arash Kamali Sarvestani.

Awards: 2018 Anna Politkovskaya investigative journalism award; 2019 Victoria Prize for Non-Fiction; 2019 Victoria Prize for Literature; Non-fiction book of the year 2019 – Australian Book Industry; Australian National Biography Award 2019.

Honorary Member: PEN Melbourne, Sydney PEN, Norwegian PEN

PEN Action: 2015 joint open letter to the Australian authorities; 2015 World Human Rights Day; 2016 joint open letter to the Australian authorities; RAN 21/16 – 10 November 2016; Human Rights Day 2017 – 10 December 2017; Statement – 16 October 2018.

BANGLADESH

Killed: Impunity

Shahzahan BACHCHU

Gender: Male

Profession: Publisher, poet, and secular blogger

Date of birth: c. 1958

Date of death: 11 June 2018

Perpetrator: Non-state

Details of killing: Bachchu was reportedly killed on the street in his ancestral village, Kakaldi in the Munshiganj district near the outskirts of the capital, Dhaka. Bachchu had been meeting friends at a local pharmacy when unidentified assailants on motorcycles detonated a crude bomb, driving him away from the pharmacy, before shooting him dead.

Details of investigation: Bachchu's wife reportedly filed a murder case against four unknown assailants at Sirajdikhan police station on 12 June. The police's counter-terrorism unit is reported to be investigating the murder. On 8 September 2018, it was reported that two individuals suspected of involvement in Bachchu's killing had been killed themselves in a gunfight with police. Media reports indicate that they were both members of

Jamaat-ul-Mujahideen Bangladesh, a banned Islamist militant group.

Professional background: Bachchu was a publisher who published poetry through his publishing house Bishaka Prokasoni. A poet, blogger, secular thinker, and political activist, he was vocal against fundamentalism and reactionary politics. Since 2015, he received multiple death threats for his outspoken support for secularism.

Other information: Bachchu was the former Munshiganj unit General Secretary of the Communist Party of Bangladesh.

PEN Action: [Statement - 20 June 2018](#)

Ananta Bijoy DASH
(also known as Ananta Bijoy Das)

Gender: Male

Profession: Award-winning writer, editor of quarterly magazine *Jukti* and blogger

Date of death: 12 May 2015

Perpetrator: Non-state

Details of death: Dash was hacked to death by a masked gang wielding machetes on his way to work in a bank in the city of Sylhet.

Details of investigation: On 18 August 2015, three members of the Islamic extremist group Ansarullah Bangla Team (ABT) were arrested by security forces in connection with the killings of Dash and **Avijit Roy** (see below). On 28 August 2015, one of the arrested, Mannan Yahia, confessed his involvement in Dash's murder. On 10 September 2015, three more individuals, including the head of the ABT, Mohammad Abul Bashar, were arrested in connection with the murders of both Dash and Roy. Bashar is reportedly thought to be the mastermind of both killings. In May 2017, [local media](#) reported that a court had filed a supplementary charge sheet against six accused men, of whom three are reportedly on the run and three in detention.

Update: According to [media reports](#), the trial against the six accused commenced in a Sylhet court on 7 May 2019; only one of the accused was present.

Background: Dash's works focused on rationalism, atheism, and science, with a particular emphasis on biological evolution. Dash is the author of *Soviet Unione Biggan O Biplab (Science and Revolution in the Soviet Union)*, a book detailing the politicisation of science during the Stalin Era, and is co-author of *Parthiba (Nothing is Divine)* (February 2011), a collection of articles on secularism and rationalism, critical of the religious viewpoints of Hinduism and Islam, and the problems of fundamentalism in the Indian sub-continent. His articles have also been published in Bangladeshi periodicals such as *Samakal* and *Uttor Purbo*, among others, and on the Mukto-Mona (Free-mind) blog, founded by Avijit Roy. His writings were often critical of aspects of Islam and Hinduism. He served as General Secretary of the Sylhet-based Science and Rationalist Council and edited issues of its publication *Jukti*. Dash also co-translated several

books into Bangla, which focussed on the theory of evolution and its pioneer, Charles Darwin.

Other information: Dash's name appeared on two assassination lists compiled by the ABT in February 2013 and March 2015. After the February 2015 murder of fellow blogger Avijit Roy, Dash went into hiding and sought protection. He was accepted for placement by the International Cities of Refuge Network (ICORN), and in early April 2015 he was invited by Swedish PEN to give a talk in Stockholm. On 22 April, the Swedish embassy in Dhaka refused his visa application.

Awards: Mukto-mona Rationalist Award in 2006

PEN Action: 12 May 2015 statement; [RAN 08/15 – 12 May 2015](#); 12 May 2015 Swedish PEN statement; 22 May 2015 joint letter

Faisal Arefin DEEPAN
(also written Faisal Arefin Dipon)

Gender: Male

Profession: Publisher at Jagriti Prokashoni publishing house

Date of birth: c. 1972

Date of death: 31 October 2015

Perpetrator: Non-state

Details of death: Deepan was found dead in his office in Dhaka on 31 October 2015. According to reports, he had been hacked to death by a group of men who then fled.

Details of investigation: According to news reports, a former army major is the alleged mastermind behind Deepan's murder. On 19 June 2016, police reportedly shot dead a member of the Ansarullah Bangla Team (ABT), a banned local Islamist group, who was alleged during a police news conference to be linked to Deepan's murder, as well as several other attacks, including **Avijit Roy** (see below). [Reports also suggest](#) that Moinul Hasan Shamim (also known as Sifat) took part in the murder, as well as the killing of a university student blogger, while on bail for a separate case filed under the Anti-Terrorism Act. News reports indicate that Shamim belonged to the ABT. He was arrested on 23 August 2016 by the Counter Terrorism unit of the Dhaka Metropolitan Police. A bounty had been on his head since May 2016. The police are reportedly seeking five other militants in connection with Deepan's murder; it is alleged the six trained together for a month with the ABT prior to Deepan's killing. On 17 July 2018, members of a counter terrorism unit reportedly arrested another individual in connection with Deepan's murder. While the individual has confessed to involvement in the murder of several other killings of Bangladeshi free thinkers and writers, such as **Avijit Roy**, **Nazim Uddin Samad**, and **Xulhaz Mannan**, he denied involvement in Deepan's killing, according to the *Daily Star*.

Update: A Dhaka court reportedly accepted charges against eight members of Ansar Al Islam in March 2019. These same individuals were [indicted](#) by the court in October. Two of the accused were reported to be on the run. The six in custody are reported to have entered not

guilty pleas.

Background: Earlier on the day of Deepan's murder, publisher **Ahmed Rahim 'Tutul' Chowdhury** and writers **Ranadeep Basu** and **Tareque Rahim** were attacked in the offices of Shuddhashar publishing house in Dhaka (see 2015 [Case List](#)). Both Shuddhashar publishing house and Deepan's publishing house had published books by Bangladeshi-American writer and blogger **Avijit Roy**, who was hacked to death in February 2015. Deepan's company published *The Virus of Faith* by Roy. The ABT had claimed responsibility for Roy's killing, alongside the killings of three other bloggers in 2015, and threatened to kill more bloggers. Deepan had filed a complaint with police after being threatened with death in a Facebook post following the attack on Roy, his friends said.

PEN Action: [1 November 2015 statement](#)

Avijit ROY

Gender: Male

Profession: Writer, blogger, and founder and administrator of the blog Mukto-mona.com (Free Mind)

Date of birth: 12 September 1972

Date of death: 26 February 2015

Perpetrator: Non-state

Details of death: Roy and his wife had just left a book fair near the University of Dhaka when they were attacked by a group of men with machetes. Roy received a mortal blow to the head, while his wife's fingers were severely injured.

Details of investigation: Roy was a dual Bangladesh and American national and as such, in March 2015, it was reported that the Federal Bureau of Investigation would aid the investigation into his death. The Islamist group Ansar al-Islam initially claimed responsibility for Roy's murder in a series of messages on its Twitter account. On 18 August 2015, three members of the Ansar al-Islam were arrested by security forces in connection with Roy's murder, as well as that of **Ananta Bijoy Dash** (see above). On 10 September 2015, three more individuals, including the head of the ABT, Mohammad Abul Bashar, were arrested in connection with the murders of both bloggers. Bashar is reportedly thought to be the mastermind of both killings. On 19 June 2016, police reportedly shot dead Sharif (also known as Hadi), a member of the Ansar al-Islam and considered to be one of the main suspects in Roy's murder. A police news conference disclosed that Sharif was allegedly also linked to attacks on several other publishers, bloggers, and activists, including the murders of bloggers [Niloy Neel](#), [Washiqur Rahman](#) (see previous [Case List](#)), publisher **Faisal Abedin Deepan** (see above), law student [Nazimuddin Samad](#), and editor of Bangladesh's only LGBT magazine *Roopbaan* and leading gay rights activist, [Xulhaz Mannan](#). Three additional suspects were arrested in connection with Roy's murder in November 2017: Md Abu Siddiq Sohel, Mojammel Hossain, and Arafat Rahman. All three men are alleged to be members of the ABT. Members of a counter terrorism unit reportedly arrested another individual in

connection with Roy's murder on 17 July 2018.

Update: According to *The Daily Star*, the Counter Terrorism and Transnational Crime unit of Dhaka Metropolitan Police pressed charges against six individuals, including the former mayor—who is suspected of being a coordinator for Ansar al-Islam – on 14 March 2019. According to [reports](#), the police decided not to press charges against five other individuals identified as having been involved in the crime in February 2019 as they could not establish any more details about them other than their names. The trial is reported to have commenced in September 2019. As of December 2019, eight of 34 prosecution witnesses had [given testimony](#) before the court.

Professional Background: Roy founded and administered a popular blog called Mukto-mona (Free Mind) which encouraged free thinking, humanism, and rationalism. In addition, he published several books on rationalism.

PEN Action: [27 February 2015 statement](#)

On trial

Shahidul ALAM

Gender: Male **Profession:** Photographer, writer, activist **Date of birth:** c. 1955 **Type of legislation:** Criminal **Date of arrest:** 5 August 2018 **Date of release:** 20 November 2018 **Details of arrest:** Alam was arrested by plainclothes police officers from his home. Police officers reportedly taped over CCTV cameras and confiscated any footage of his arrest in an apparent attempt to prevent evidence of their conduct being recorded. On 6 August, Alam was brought before a lower court in Dhaka and accused of 'making provocative comments', and 'giving false information' to the media under [Section 57](#) of Bangladesh's draconian Information Communications Technology Act (ICT Act). On his way to the court, Alam shouted that he had been beaten while in custody. According to his lawyer, Alam stated before the Court that he had been subjected to torture. **Details of trial:** On 25 May 2019, the High Court issued an Order staying the police investigation until the conclusion of its proceedings. On 23 July 2019, Alam appeared in the Chief Metropolitan Magistrate's (CMM) Court, Dhaka, to receive an Order from the Court, staying the proceedings against him until the conclusion of his petition to the High Court. According to media reports, as Section 57 of the ICT Act has since been repealed, the Supreme Court gave the government until 18 December to determine whether it would press charges under any other legislation. PEN is seeking an update. **Details of release:** On 15 November 2018, the Bangladesh High Court granted Alam permanent bail. He was released from Dhaka Central Jail on 20 November. If convicted, Alam could face up to 14 years in prison. **Professional background:** Alam is the founder and managing director of the Drik Picture Library and the creator of the Patshala South Asian Media Academy, a photography school in Dhaka that has trained hundreds of photographers.

In 2014, he was awarded the Shilpakala Padak for his significant contribution to Bangladeshi culture in the field of photography. In June 2018, he was announced as the 2018 winner of the prestigious, US-based Lucie Award in acknowledgement of his exceptional contribution to photography and society. In 2018, he was also awarded the Tribute Award by the London-based Frontline Club and named, among others, as *TIME Magazine's* Person of the Year.

Publications: Over the course of his career he has published such books as *The Birth Pangs of a Nation* and *My Journey as a Witness*, among others.

Other information: Shortly before his arrest, Alam had given an interview to the news agency Al Jazeera in which he was critical of the government's handling of student-led protests which had been calling for better road safety laws after two teenagers were killed by a speeding bus on 29 July.

PEN Action: [Statement – 6 August 2018](#), [Joint statement – 10 August 2018](#), [Statement – 10 September 2018](#), [RAN 06/18 – 29 August 2018](#), [Day of the Imprisoned Writer emblematic case 2018 – 15 November 2018](#); [Statement – 25 July 2019](#)

Shamsuzzoha MANIK

Gender: Male

Profession: Translator and publisher

Type of legislation: Other

Date of arrest: 15 February 2016

Date of release: 31 October 2016

Details of arrest: Manik was reportedly arrested after a religious extremist group known as Khelefat Andolon (Caliphate Movement) warned of violent protests over one of his books, which they deemed to be offensive. The police shut down Manik's stall at the Ekushey Book Fair before arresting him at his offices and seizing copies of the offensive title, along with his computer, USB drives, and mobile telephone.

Details of trial: Manik was reportedly charged with hurting religious sentiments under Section 57 (2) of the 2013 Information and Communications Technology Act, which criminalises publishing or transmitting material that is 'fake and obscene', 'tends to deprave and corrupt persons' or causes to 'prejudice the image of the State'. The trial was thought to be ongoing before the Cyber Tribunal as of 31 December 2019, despite the fact that Section 57 of the ICT Act has been repealed.

Details of release: Manik was released on bail on 31 October 2016.

Professional background: Manik is the owner of the publishing firm Ba-dwip Prokashoni. The offending book, entitled *Islam Bitorko (Islam Debate)*, is reported to include a controversial chapter on sex, entitled 'Muslim Manosher Jouna Bikriti' ('Sexual Perversion of the Muslim Mind'), which was deemed offensive.

Henry SAWPON

Gender: male

Profession: poet and journalist

Type of legislation: hurting religious sentiments

Date of arrest: 14 May 2019

Date of release: 15 May 2019

Details of arrest: According to media reports, Sawpon was arrested from his home in Barisal on 14 May 2019 after a priest of a local Catholic Church filed an allegation against Sawpon and two others for hurting religious sentiments of the Christian and Muslim communities under the Digital Security Act. The charges reportedly followed Sawpon posting [comments on social media](#) critical of a decision made by the local church to hold a function on Easter Sunday following a terrorist attack in Sri Lanka.

Details of trial: Sawpon was [released on bail](#) on 15 May. His next court date was scheduled for 30 June. No further information as of 31 December 2019; PEN is seeking further information.

Other information: According to the *Dhaka Tribune*, the week before his arrest Sawpon had attempted to file a General Diary (police report) after receiving death threats.

Attacked

Muhammad Zafar IQBAL

Gender: Male

Profession: Writer and academic

Date of birth: c. 1952

Date of attack: 3 March 2018

Perpetrator: Non-state

Details of attack: According to [media reports](#), Iqbal was stabbed multiple times in the head by an assailant while attending a programme conducted by the electrical and electronic engineering department at the Shahjalal University of Science and Technology (SUST), where he is a professor, in the north-eastern Sylhet district of Bangladesh. Iqbal was taken to hospital for treatment and released several days later.

Investigation: The alleged assailant, Foyzur Rahman, was apprehended at the scene after having been beaten unconscious by bystanders. Rahman is reported to have [confessed to the attack under interrogation](#), claiming that Iqbal was 'an enemy of Islam'. Police have reportedly connected Rahman to an extremist internet forum – Dawah Ilallah – which is run by the banned militant group the Ansarullah Bangla Team (ABT).

Update: On 21 March 2019, it was [reported](#) that the trial against six accused had begun before the Additional Sessions Judge's Court in Sylhet. **Police charged** Rahman, along with several members of his family and an alleged accomplice, with attempted murder, according

to the *Daily Star*.

Professional background: A physicist by training, Iqbal has published several academic texts related to his discipline as well as works of science fiction in Bengali. He is a professor at the Shahjalal University of Science and Technology.

CAMBODIA

Killed: Impunity

Kem LEY

Gender: Male

Profession: Scholar, researcher, writer, independent analyst, and adviser to PEN Cambodia

Date of death: 10 July 2016

Perpetrator: Unknown

Details of death: Ley was reportedly shot dead at a service station on Phnom Penh's Monivong Boulevard. While the suspected gunman is reported to have claimed a dispute over money as the motive for the crime, others have regarded it as a political assassination.

Investigation: On 23 March 2017, the Phnom Penh Municipal Court found Oeuth Ang, an ex-soldier who had reportedly [confessed](#) to the killing, guilty of Kem Ley's murder and sentenced him to life imprisonment. Prior to the half-day trial, little information was made publicly available regarding the investigation. According to the *New York Times* and others, the trial was characterised by numerous inconsistencies, including confusion as to the accused's identity and the motive for the crime. Additionally, the available CCTV evidence appeared to have gone missing.

Update: According to [media reports](#), the Supreme Court upheld Oeuth Ang's sentence on 24 May 2019; the Supreme Court noted that his confession to the murder meant that his sentence could not be reduced.

Professional background: Ley worked to promote freedom of expression in Cambodia. He was a well-known public figure; his research and findings were shared with the Cambodian public through reports, short stories, radio talk-shows, television appearances, workshops and conferences. He was also an adviser to PEN Cambodia, offering guidance and mentorship on action plans and project activities, and training young human rights activists. Ley received many death threats and was harassed across multiple communication channels. His last comments on a report entitled *Hostile Takeover* by Global Witness (7 July 2016) about how 'Cambodia's ruling family are pulling the strings on the economy and amassing vast personal fortunes with extreme consequences for the population' are considered by many to be the main cause of Dr. Ley's assassination, although the government has denied

this. Prime Minister Hun Sen has personally sued three people for insinuating that the government was behind Ley's death.

PEN Action: [PEN statement](#) – 1 August 2016

CHINA

Imprisoned: Main Case

CHEN Shuqing

Gender: Male

Profession: Dissident writer, activist, and member of Independent Chinese PEN Centre (ICPC)

Date of birth: 26 September 1965

Sentence: Ten-and-a-half years in prison

Type of legislation: National security

Date of arrest: 11 September 2014

Expires: 2025

Details of arrest: Reportedly arrested by Domestic Security officers from the Hangzhou Public Security Bureau at his home in Hangzhou for his online writings and dissident articles. On 17 October 2014, Chen was formally arrested.

Details of trial: On 29 September 2015, Chen was tried before the Hangzhou Intermediate People's Court for 'incitement to subvert state power'. Over the course of the trial, the prosecution reportedly cited Chen's writings published overseas as evidence. On 17 June 2016, Chen was sentenced to ten-and-a-half years in prison by the Hangzhou Intermediate People's Court.

Place of detention: 3rd Branch of Qiaosi Prison, Hangzhou, Zhejiang Province

Health concerns: According to the [Committee to Protect Journalists](#), Chen suffers from high blood pressure and has lost four teeth while in prison.

Background: Chen is a former PEN Main Case who served a four-year sentence for 'inciting subversion of state power' in connection with the China Democracy Party (CDP) and articles he wrote calling for democratic reform. He was released in September 2010 (2010 [Case List](#)). Chen was a participant in the 1986 and 1989 student movements and graduated from Hangzhou University with a master's degree in Science in 1990.

Award: Recipient of Independent Chinese PEN Centre 2014 Liu Xiaobo Courage to Write Award.

PEN Action: [Open petition to President Xi Jinping – 8 December 2016](#)

CHEN Wei

Gender: Male

Profession: Freelance writer and activist

Date of birth: 21 February 1969

Sentence: Nine years in prison and two years’ deprivation of political rights.

Expiry of sentence: 2020

Type of legislation: National security

Date of arrest: 21 February 2011

Details of arrest: Chen was arrested on 21 February 2011 amidst a crackdown on human rights defenders and activists across the country. The crackdown was apparently in response to anonymous calls for pro-democracy protests known as the ‘Jasmine Revolution’ protests.

Details of trial: Chen was formally charged on 28 March 2011 by the Public Security Bureau of Suining City, Sichuan Province, in connection with several essays published on overseas websites calling for freedom of speech and political reform. Chen was convicted on 23 December 2011, following a two-hour closed trial, of ‘inciting subversion of state power’ in relation to seven passages in four essays criticising the Chinese political system and praising the development of civil society.

Current place of detention: Jialin Prison, Nanchong City, Sichuan Province.

Conditions of detention: Chen was granted his first family visit in January 2012 after being held for 11 months in prison.

Professional background: During Chen’s time as a student at Beijing University of Technology, he was involved in the 1989 pro-democracy movement and as a result spent several months in prison. Chen was arrested again in 1992 and sentenced to five years’ imprisonment on ‘counter-revolutionary’ offences for his involvement in the China Liberal Democracy Party. He is a signatory of Charter 08, a manifesto for democratic reform.

Award: Recipient of Independent Chinese PEN Centre 2011 Liu Xiaobo Courage to Write Award.

Honorary Member: ICPC

PEN Action: [RAN 66/11](#) – 26 December 2011

CHEN Xi (also known as CHEN Youcai)

Gender: Male

Profession: Freelance writer and prominent human rights activist

Date of birth: 2 April 1954

Sentence: 10 years in prison and three years’ deprivation of political rights

Expiry of sentence: 2021

Type of legislation: National security

Date of arrest: 29 November 2011

Details of arrest: Chen is a member of the Guizhou Human Rights Forum, which was declared an ‘illegal organisation’ by the Guizhou authorities on 5 December 2011, prior

to the UN Human Rights Day (10 December). Chen was detained in November 2011 after he announced his intention to run for the Guiyang City People’s Congress Election as an independent candidate. At least 10 other members of the group were arrested but all were later released without charge.

Current place of detention: Xingyi Prison, Guizhou province

Details of trial: On 26 December 2011, Chen was sentenced by a Guiyang court for ‘inciting subversion of state power’ at a trial, which lasted less than three hours. According to the court verdict, his conviction is based on several quotations from over 30 of his articles published on overseas Chinese-language websites. He decided not to appeal the verdict.

Conditions in detention: Over the course of his incarceration, there have been reports that Chen had been ill-treated and held in solitary confinement on several occasions and had very limited access to his family.

Health concerns: There have been concerns that Chen’s health is poor and that he has been denied appropriate treatment.

Other information: Chen has already served a total of 13 years in prison on ‘counter-revolutionary’ offences for his peaceful activism, three years from 1989 to 1992 and 10 years from 1995 to 2005.

Awards: Recipient of 2014 Hellman/Hammett Award

Honorary Member: ICPC

PEN Action: [RAN 1/12](#) – 6 January 2012

DONG Rubin (also known as Bianmin)

Gender: Male

Profession: Writer, blogger, and businessman

Date of birth: 1962

Sentence: Six-and-a-half years in prison

Expiry of sentence: 9 March 2020

Type of legislation: Other

Date of arrest: 10 September 2013

Details of arrest: Dong was initially arrested for allegedly posting false information online for profit and disrupting public order by officers of the Public Security Bureau of Wuhua District, Kunming City. Dong had previously posted critical comments against the Chinese authorities on issues including alleged corruption.

Current place of detention: Wuhua Prison, Kunming, Yunnan Province

Details of trial: On 23 July 2014, Dong was convicted of ‘illegal business operations’ and ‘picking quarrels and provoking trouble’ and sentenced to six-and-a-half years in prison. In the trial, the court referred to a [September 2013 proclamation](#) that rendered forms of online expression liable to prosecution. On 4 December 2014 the Intermediate People’s Court of Kunming City, Yunnan

province, confirmed the verdict and rejected his appeal.

Conditions in detention: Reportedly ill-treated for refusing to confess.

Background Information: Before his arrest, Dong had predicted his detention citing the fact that strangers had raided his office in August 2013 and that they had taken three computers.

Honorary Member: ICPC

HU Shigen

Gender: Male

Profession: Writer, activist, former university lecturer, member of ICPC

Date of birth: 14 November 1955 **Sentence:** Seven-and-a-half years in prison

Expiry of sentence: c. June 2023

Type of legislation: National security

Date of arrest: First detained 10 July 2015; arrested 8 January 2016

Details of arrest: On 10 July 2015, Hu was reportedly apprehended by police and criminally detained the following day. On 7 August 2015, Tianjin police transferred him to ‘residential surveillance at a designated location’, where he was held on suspicion of ‘inciting subversion of state power’ and ‘creating a disturbance’. His family were reportedly not notified of this until October. On 8 January 2016, Hu was formally arrested on suspicion of subversion of state power.

Current place of detention: Changtai Prison, Tianjin city

Details of trial: On 3 August 2016, Tianjin No. 2 Intermediate People’s Court tried and convicted Hu of ‘subversion of state power’. Hu’s trial was reported to be brief and his family were barred from attending. The prosecution reportedly accused Hu of manipulating public opinion to overthrow the government. Hu was additionally accused of leading an ‘underground organisation that masqueraded as a church’. Hu is reported to have pleaded guilty, saying he had taken the ‘criminal path’ to promote Western-style democracy since the 1989 Tiananmen Square crackdown. He also confessed to trying to overthrow the Communist Party and pledged not to take part in any anti-government or anti-party activities in the future. His admission is believed to have been coerced.

Conditions of detention: Hu’s family was granted their first visit in November 2016.

Health concerns: Hu reportedly began suffering from coronary heart disease prior to his trial, in addition to pre-existing conditions including high blood pressure, chronic bronchitis, and fatty liver disease. Within a month of his imprisonment, his family had applied for him to be granted medical parole; he has been treated in hospital on several occasions. No further information as of 31 December 2019.

Professional background: Hu graduated with a degree

in Chinese from Beijing University. He subsequently became a lecturer at the Beijing Language and Culture Institute, where he published papers on linguistics as well as an essay collection entitled *Linguistics and the Teaching of Sinitic Languages*. In January 1991, Hu Shigen co-founded the China Freedom and Democracy Party (CFDP). He also participated in the Chinese Progressive Alliance, and in December 1991 joined other political activists, including former PEN main case Liu Jingsheng, to establish the China Free Trade Union (CFTU) Preparatory Committee. Hu spent over 16 years in prison between 1992-2008 after he was convicted of ‘organising and leading a counter-revolutionary organisation’ and of ‘counter-revolutionary propaganda’ (see 2008 Case List). While in prison, he continued to publish essays smuggled out of prison, including ‘How Big a Character is Xin’. He has also published poetry.

Awards: Recipient of ICPC’s Liu Xiaobo Courage to Write Award 2016; National Endowment for Democracy’s 2008 Democracy Award

Honorary Member: English PEN, ICPC, PEN Canada

LI Bifeng

Gender: Male

Profession: Activist, novelist, and poet

Date of birth: 3 March 1964

Sentence: 10 years in prison

Expiry of sentence: 7 September 2021

Type of legislation: Other (fraud)

Date of arrest: 8 September 2011

Details of arrest: According to PEN’s information, Li was arrested after being summoned for questioning by police in Mianyang city, Sichuan province.

Current place of detention: Jintang Prison, Qingjiang Town, Jintang County, Sichuan Province 610409

Details of trial: On 19 November 2012, Li was convicted of alleged ‘contract fraud’ by the Shehong County People’s Court, Sichuan Province, and handed down a 12-year prison sentence; this was reduced to 10 years on appeal on 25 June 2013. Li is believed to have been targeted for his peaceful political activism, in particular his links with exiled Chinese writer Liao Yiwu, who fled China two months before Li’s arrest.

Professional background: Li is a prolific poet and novelist as well as a well-known dissident. He served a five-year sentence for taking part in the 1989 pro-democracy movement, followed by a seven-year jail term from 1998 to 2005 for reporting on a workers’ protest that took place in the Sichuan city of Mianyang in 1998. While in prison, Li produced poetry and kept a diary. Some of his work can be found [here](#).

Awards: Recipient of the 2014 Hellman/Hammett Award

Honorary Member: German PEN and ICPC

PEN Action: [RAN 31/12](#) – 30 June 2012; [Update #1 RAN 31/12](#) – 23 November 2012

LI Tie

Gender: Male

Profession: Human rights activist and dissident writer

Date of birth: March 1962

Sentence: 10 years in prison and three years’ deprivation of political rights

Expiry of sentence: 2020

Type of legislation: National security

Date of arrest: 15 September 2010

Details of arrest: Li was arrested by the Wuhan City Public Security Bureau.

Current place of detention: Edong Prison, Huangzhou District 438021, Huanggang City, Hubei Province.

Details of trial: Li was initially arrested on suspicion of ‘inciting subversion of state power’ for his critical articles. The charge was changed to the more serious ‘subversion of state power’ on 22 October 2010. He was sentenced to 10 years in prison by the Wuhan Intermediate People’s Court on 18 January 2012. The evidence against him included membership of the banned political group, the China Social Democracy Party, and a series of critical online essays and writings, in particular an article entitled ‘Human Beings: Heaven Is Human Dignity’. According to reports, his trial was not conducted in accordance with due process or international fair trial standards, and Li was prevented from appealing the verdict. At a hearing on 18 April 2011, his lawyer was rejected by the court and two court-appointed lawyers were assigned.

Health concerns: Li’s health is reported to have deteriorated over the course of his imprisonment.

Other information: Li has written many online articles promoting democracy, constitutional government, and direct local elections. He has also organised activities to honour the memory of the prominent dissident Lin Zhao; Zhao’s criticisms of the Communist Party of China, beginning during her studies at Beijing University, led to her imprisonment in the 1950s and subsequent execution by the government in 1968. Li is also a signatory of Charter 08.

Honorary Member: ICPC

PEN Action: [RAN 07/12](#) – 1 February 2012

LIU Tianyi (pen name: Tianyi)

Gender: Female

Profession: Writer

Sentence: 10-and-a-half years in prison

Expiry of sentence: 2028

Type of legislation: Other

Details of trial: On 31 October 2018, Tianyi was reportedly sentenced to 10-and-a-half years in prison by the People’s Court of Wuhu, Anhui province, for making and selling ‘obscene material’ for profit. Her self-published erotic novel, entitled *Gongzhan (Occupy)*, about a forbidden love affair between a teacher and a

student, [according to media reports](#). Liu appealed to the [Intermediate People’s Court of Wuhu](#), which was reportedly denied on 17 December 2018.

Professional background: Liu is said to have sold over 7,000 copies of Occupy and other erotic novels and made 150,000 yuan (US\$ 21,604) in profit, [reported state news outlet the Global Times](#).

LIU Xianbin

Gender: Male

Profession: Dissident writer and activist

Date of birth: 25 August 1968

Sentence: 10 years in prison and four months’ deprivation of political rights

Expiry of sentence: 7 June 2020

Type of legislation: National security

Date of arrest: 28 June 2010

Details of arrest: According to reports, 14 police officers from the Suining City Public Security Bureau (PSB) arrived at Liu’s home on 28 June 2010. Liu was taken to the PSB station for police interrogation and a search of his residence was carried out. Hard drives, USB devices, Liu’s bank card, and six notices from his editors regarding remuneration for several articles he published on overseas web sites were reportedly confiscated following the search.

Current place of detention: Chuanzhong Prison, Nanchong City, Sichuan Province.

Details of trial: Liu was formally arrested on 5 July 2010 and he was sentenced on 25 March 2011 by the Suining Intermediate People’s Court. He was convicted of ‘inciting subversion of state power’, a charge relating to a series of articles which he wrote calling for political reform that were published in overseas Chinese-language websites from August 2009 to June 2010. Liu’s trial reportedly did not comply with international fair trial standards.

Background: Liu previously served nine years of a thirteen-year jail sentence from 1999 to 2008 for his part in organising the Sichuan branch of the outlawed China Democratic Party. After his release, he was one of the first signatories of Charter 08.

Award: Recipient of the 2011 Hellman/Hammett Award and the ICPC 2010 Liu Xiaobo Courage to Write Award

Honorary Member: ICPC

LÜ Gengsong

Gender: Male

Profession: Dissident writer and activist, member of ICPC

Date of birth: 7 January 1956

Sentence: 11 years in prison and five years’ deprivation of political rights

Expiry of sentence: July 2024

Type of legislation: National security

Date of arrest: 8 July 2014

Details of arrest: Lü was arrested from his home in Hangzhou after approximately 20 police officers raided his house. Lü had recently posted online comments about alleged corrupt officials, as well as cases of petitioners in Jiangsu province.

Current place of detention: Zhanghu Prison, Huzhou City, Zhejiang Province

Conditions of detention: [According to the Network of Chinese Human Rights Defenders reporting in 2016](#), Lü’s family are not allowed to give him clothing or food. Authorities reportedly threatened Lü’s daughter, warning her not to speak of her father’s detention conditions.

Details of trial: On 29 September 2015, Lü was tried before the Hangzhou Intermediate People’s Court for ‘incitement to subvert state power’. At Lü’s trial, prosecutors reportedly cited articles published by Lü overseas, as well as his attendance at a meeting with other activists. On 17 June 2016, the Hangzhou City Intermediate People’s Court sentenced Lü to 11 years in prison. His sentence was [reportedly upheld](#) on appeal in November 2016.

Health concerns: In 2015, Lü’s wife told [Radio Free Asia](#) that he suffers from high blood pressure and diabetes. Lü’s daughter [reported in 2016](#) that her father’s health had deteriorated due to a lack of medical care; visiting her father for the first time, she learnt that he had lost weight due to poor-quality food, had difficulty eating due to dental problems, and had lost teeth after developing an oral ulceration. In September 2017, [Radio Free Asia reported](#) that Lü’s application to be released on medical parole had been denied despite his deteriorating health.

Update: [According to CPJ](#), Lü was scheduled for gallbladder surgery and transferred to Zhejiang Qingchun Hospital on 26 October 2018; no further information as of 31 December 2019.

Professional background: Lü is an ICPC member who has published several books on political reform, including *A History of Chinese Community Party Corrupt Officials* in 2000. Lü is known for his reporting on human rights violations and his political commentaries published on the internet. He is also an active member of the banned China Democracy Party (CDP). In November 2013, he was briefly arrested under similar charges, but was released. Previously, he served a four-year prison sentence for ‘incitement to subvert state power’. He was released in August 2011 (see 2010 [Case List for further details of that detention](#)).

Awards: Recipient of 2008 ICPC Writer in Prison Award

LU Jianhua (pen name: Wen Yu)

Gender: Male

Profession: Writer and academic

Date of birth: 3 July 1960

Sentence: 20 years in prison

Expiry of sentence: April 2025

Type of legislation: National security

Date of arrest: April 2005

Current place of detention: Yancheng Prison, Sanhe City, Hebei Province

Details of trial: According to reports, Lu was arrested in April 2005 on suspicion of ‘leaking state secrets’. On 18 December 2006, he was sentenced to 20 years in prison. This conviction reportedly relates to research articles that Lu sent to a Hong Kong reporter, **Ching Cheong**, who is alleged to have subsequently sent these articles to a Taiwan-based foundation. Cheong was sentenced to five years in prison for spying and was a main case of PEN International (see previous Case Lists). Human rights groups questioned the evidence used in both cases, and found it especially concerning that Lu’s trial was held in secret and reportedly only lasted for 90 minutes.

Professional background: Lu is a prominent sociologist; he was a research professor at the Chinese Academy of Social Sciences, Deputy Director of Public Policy Research, and Executive Director of the China Development Strategy. Lu has authored several books examining Chinese society and latterly produced much research focusing on official corruption.

Honorary Member: ICPC

QIN Yongmin

Gender: Male

Profession: Dissident, activist, and co-founder of Democratic Party of China, member of ICPC

Date of birth: 11 August 1953

Sentence: 13 years in prison and three years’ deprivation of political rights

Expiry of sentence: May 2028

Type of legislation: National security

Date of arrest: 6 May 2015

Details of arrest: In January 2015, Qin Yongmin was reportedly detained by authorities alongside his wife, Zhao Suli. The [ICPC](#) and [Chinese Human Rights Defenders](#) state that he was initially forcibly disappeared on 9 January 2015, placed under residential surveillance on 19 January, officially detained on 30 March, and finally arrested on 6 May 2015.

Current place of detention: No. 2 Detention Centre of Wuhan City, Huibei Province

Details of trial: Qin was initially held on suspicion of ‘[inciting subversion of state power](#)’. According to reports, Qin’s case was [twice](#) sent back to police for further investigation before he was indicted on charges of ‘subversion of state power’ in June 2016. Authorities reportedly did not reveal to Qin’s lawyer the reason for the change in the charges. Qin’s family claim they neither knew of Qin’s whereabouts nor received any notification of his detention until [June 2016](#), when his lawyer made a speculative application to meet with his client at Wuhan No. 2 Detention centre. The indictment is said to cite Qin’s circulation of writings about democracy and involvement in a ‘series of activities with the aim to

subvert state power,' including writing online essays and organising advocacy for the China Democracy Party (CDP), among other reasons. On 10 July 2018, Wuhan City Intermediate Court found Qin guilty of 'subversion of state power' sentencing him to 13 years in prison and three years' deprivation of his political rights. Qin reportedly refused to cooperate with the court and remained silent throughout the duration of the trial . According to ICPC, his conviction was upheld by the Hubei Provincial High People's Court on 26 September 2018.

Professional background: Since the late 1970s, Qin has been involved in pro-democracy activism, beginning with his role in editing and publishing a pro-democracy journal, 'The Bell'. In 1980, he helped to found the CDP, and in 1981 was arrested and the next year sentenced to eight years' imprisonment for 'counter-revolutionary propaganda and incitement'. In 1989, he was released and returned to activism, participating in the 1993 launch of the 'Peace Charter' calling for democracy in China, redress for the victims of the Tiananmen Square Massacre, and the release of political prisoners. For this, Qin received two years in a labour camp for re-education. Qin again returned to pro-democracy activities and in 1998 was convicted of subversion, receiving 12 years' imprisonment and 3 years' deprivation of political rights. Whilst in prison, Qin was named as one of the CDP's chairmen. Upon his release, he was placed under police surveillance and other restrictions, but did not give up his activism. According to ICPC, Qin has published three novels and many short stories, as well as political essays.

XU Lin

Gender: Male

Profession: Poet, singer and songwriter, and member of ICPC

Sentence: Three years in prison

Expiry of sentence: 26 September 2020

Type of legislation: National security

Date of arrest: 26 September 2017

Details of arrest: Xu was reportedly detained along with fellow singer-songwriter Liu Sifang (see 'Conditional release' in Case List 2017) relating to his social media posts. Xu was formally charged on 2 November 2017. According to Radio Free Asia, Xu refused to meet with a lawyer as he did not want to monopolise resources needed by others. However, doubts have been raised as to whether this rejection was made voluntarily.

Details of trial: On 7 December 2018, the Nansha District People's Court found Xu guilty of 'picking quarrels and provoking trouble' and sentenced him to three years' imprisonment, according to Radio Free Asia. When delivering its decision, the court said that Xu Lin had caused serious public disorder by repeatedly posting false information online that insulted the national leaders of China, according to media reports.

Place of detention: Nansha Detention Centre in Guangzhou, Guangdong

Background: Xu Lin is reportedly an active democracy activist who has written essays, poems, and songs about social injustices such as forced eviction, the 1989 Tiananmen Square crackdown, and, most recently, the death of Liu Xiaobo, a writer, democracy activist, and 2010 Nobel Peace Prize laureate who died in custody in 2017 (see Case list 2017). Many of these songs have been distributed online. Xu's wife claims to have faced increased surveillance since Xu's detention. He has reportedly regularly faced harassment in connection with his activism.

YAO Wentian (also known as Yiu Man-tin)

Gender: Male

Profession: Publisher

Date of birth: 11 July 1941

Sentence: 10 years' imprisonment

Expiry of sentence: 2023

Type of legislation: Other

Date of arrest: 27 October 2013

Details of arrest: Yao was reportedly arrested at a friend's house in Shenzhen whilst he was delivering industrial paint. Initially accused of 'carrying prohibited items' he was later charged with the more serious offence of 'smuggling ordinary items' for 70 alleged deliveries of paint since 2010. While the paint itself is legal, there is an import duty required for industrial usage of which Yao was reportedly unaware. Friends and associates believe he was set up.

Current place of detention: Dongguan Prison, 523299 Dongguan, Guangdong Province

Details of trial: Yao was convicted of 'smuggling prohibited items' on 7 May 2014 and sentenced to 10 years in prison by the Shenzhen Intermediate People's Court. On 18 July 2014, his appeal was rejected.

Health concerns: Yao suffers from asthma and a heart complaint; according to the International Publishers Association, Yao has repeatedly fainted during his time in custody due to his heart disease. Applications for medical parole were rejected. According to the Hong Kong Free Press in May 2017, 17 lawmakers wrote a letter urging the authorities to release Yao on medical parole, claiming that he has suffered five heart attacks in prison.

Professional background: Yao Wentian is a publisher and former chief editor of the Hong Kong-based Morning Bell Press. According to Yao's son, Yao had previously been harassed for his collaboration with dissident writer **Yu Jie** and his publication of *Hu Jintao: Harmony King*, a critique of the former president's concept of 'harmonious society'. He reported that his Gmail account was hacked while he was preparing to print the book. Since 2007, Yao has worked closely with dissident writers, including many members of the ICPC, to publish books that have been banned in mainland China. His publications include an ICPC Membership Literature Series, of which more than a dozen volumes have been published. More of his publications can be found at <http://morningbellpress>.

blogspot.se/. His current arrest is thought to be connected to his latest collaboration with Yu Jie, as he was preparing to publish the book *Chinese Godfather Xi Jinping*.

Honorary Member: Danish PEN and ICPC

PEN Action: RAN 02/14 – 28 January 2014; RAN 02/14 Update #1 – 12 May 2014

ZHOU Yuanzhi

Gender: Male

Profession: Writer, ICPC member, former tax official

Date of birth: 22 February 1961

Type of legislation: Defamation & Other

Sentence: Four-and-a-half years in prison

Expiry of sentence: May 2021

Date of arrest: 10 November 2017

Details of arrest: According to ICPC, Zhou was detained on 10 November 2017 at a local tax bureau. He was placed under administrative detention for fifteen days for 'violating law and order regulations'. On 18 November, police reportedly searched his flat and confiscated his iPad. On 24 November 2017, Zhou was placed under criminal detention at Jingmen Detention Centre on suspicion of 'organising illegal gatherings'. He was formally arrested on 28 December 2018.

Details of trial: Following a trial marred by alleged procedural irregularities – including the harassment of his legal representatives – Zhou was sentenced to four-and-a-half years in prison by the Duodao District People's Court in Jingmen City, Hubei Province, on 4 July 2019. According to Chinese Human Rights Defenders, Zhou's prison term was calculated based on conviction for three separate crimes; the court issued a two-year punishment for 'organising illegal gatherings,' three years for 'picking quarrels and provoking trouble' and 18 months for 'libel,' due to his social media posts.

Place of detention: Jingmen City Detention Centre, Hubei Province

Conditions of detention: His family were reportedly unable to visit him during his administrative detention. ICPC states that Zhou's lawyer has been unable to meet with his client because the case involves acts that endangered national security.

Professional background: According to ICPC, Zhou has published two books in Hong Kong as well as numerous pieces of writing under several pen names for overseas Chinese-language magazines and websites, including political commentaries, reportages, essays, and short stories. Much of his work deals with social issues and corruption. In 1992, Zhou wrote an article for the US government-funded news outlet *Voice of America* in defiance of a ban. For this, he was dismissed from his post as deputy chief of the Downtown Branch of the Taxation Bureau of Zhongxiang City and expelled from the Communist Party of China. In May 2008, Zhou was arrested on suspicion of 'inciting subversion of state power', in a detention reportedly connected to

his writings' exposure of corruption and human rights violations, and held for two weeks before his release on bail (see January-June 2008 Case List). After his release, Zhou was reportedly placed under surveillance by the authorities.

Imprisoned: Investigation

WANG Yi

Gender: Male

Profession: Christian pastor, writer, former university lecture, and member of ICPC

Date of birth: 1 June 1973

Type of legislation: other

Date of arrest: 9 December 2018

Details of arrest: According to Independent Chinese PEN Centre, Wang Yi, his wife Jiang Rong and over 100 others gathering in their church were taken away for questioning and then two days later both of Wang and his wife were detained for suspicion of 'inciting subversion of state power' on 9 December 2018. Wang was formally arrested 18 December 2018

Details of trial: On 30 December 2019, it was reported that the Chengdu Intermediate Peoples' Court had sentenced Wang to nine years' imprisonment. In addition to the jail term, Wang will be stripped of his political rights for three years and personal assets valuing 50,000 yuan (c. US\$ 7,000) would be confiscated. According to media reports, Wang was convicted on counts of 'inciting subversion of state power' and 'illegal business operations'.

Current place of detention: Detention Centre of Chengdu City, Sichuan Province

Background: Wang Yi was ICPC's Deputy Secretary-general when Liu Xiaobo was its President in 2003-2007, as well as a board member in 2005-2009. In 2005, he was converted, baptized, and started to serve in the house church. He was among the few Christian human-rights attorneys in China. In 2008, he founded and started to serve the Chengdu Early Rain Reformed Church, later renamed as the Early Rain Covenant Church. In October 2011, he was ordained and became the senior pastor of the church. The church now has a membership of about 700. Wang has published nine collections of poetry, prose, thesis, review, contemporary and criticism.

Detained: Main Case

GUI Minhai (Swedish national)

Gender: Male

Profession: Writer, publisher, and former Independent Chinese PEN Centre (ICPC) Board member

Date of birth: 5 May 1964

Type of legislation: Unknown

Date of arrest: 20 January 2018

Details of arrest: On 20 January 2018, Gui Minhai was seized by plainclothes police officers whilst in the company of two Swedish diplomats on his way to Beijing for medical testing, after showing symptoms of amyotrophic lateral sclerosis, a neurodegenerative disease. His whereabouts were once again unknown until a statement on 6 February 2018 by a spokesperson from the Chinese foreign ministry declared that Gui Minhai was subjected to ‘criminal coercive measures’, a term generally used to mean detention. Gui Minhai [also appeared in a video](#) in which he confessed to wrongdoing and accused Sweden of manipulating him. The statement is thought to have been made under duress.

Place of detention: Gui Minhai is thought to be being held in a detention centre in Beijing. On 13 August 2018, the Chinese authorities [reportedly allowed a Swedish physician to examine Gui](#) for his disorder. No further details were provided on his condition.

Professional Background: Gui Minhai is a writer, publisher and former Board member of ICPC. He is the owner of Mighty Current Media and its retail arm, Causeway Bay Books. Mighty Current Media is a Hong Kong-based publishing company best known for its sensational books about Chinese leaders’ private lives. Such books are banned in mainland China but are legal in Hong Kong. Causeway Bay Bookstore was similarly well-known as a bookstore offering such banned books.

Other information: Gui Minhai is one of the ‘Causeway Bay Bookstore Five’ – a group of five individuals associated with the bookshop who disappeared between October and December 2015 (see 2015 Case List for more information). When Gui Minhai disappeared from his holiday home in Thailand in October 2015, there was no trace of him until he appeared on state-controlled TV in the People’s Republic of China three months later, where he said that he had voluntarily returned to China to turn himself in for a traffic-related offence dating back to 2003. It is believed that this confession was forced. In several subsequently televised confessions of other members of the Causeway Bay Bookstore Five, it was revealed that Gui Minhai might be under investigation for running an illegal business operation, in connection with distributing unlicensed books in mainland China. Gui Minhai was released from prison on 24 October 2017 and placed under strict surveillance in a flat in Ningbo. Although there is no indication that he was ever convicted of a crime, he was reportedly released as he was considered to have served his sentence for the alleged traffic incident (see 2017 Case List for more information).

PEN Action: [12 November 2015 statement](#); [6 January 2016 statement](#); Empty Chair at PEN’s 82nd International Congress; [Day of the Imprisoned Writer 2016](#); [RAN 24/16 – 7 December 2016](#); [World Press Freedom Day Action – 3 May 2017](#); [Statement – 13 February 2018](#); [Resolution 2018](#)

Detained: investigation

YANG Hengjun
(Australian-Chinese national)

Gender: male

Profession: writer and blogger

Date of birth: c. 1965

Type of legislation: Other - espionage

Date of detention: 19 January 2019

Details of detention: Yang was reportedly detained upon his arrival in Guangzhou. According to media reports, at the time of his detention the Foreign Ministry in Beijing said Yang was being investigated for ‘criminal activities endangering national security.’ He was formally charged with espionage on 23 August 2019. While the precise nature of the allegations of espionage allegations remains unclear, his lawyer has said they could relate to his promotion of democracy online. The investigative phase of his case could last up to seven months.

Place of detention: Beijing

Conditions in detention: In September 2019, the [Guardian reported](#) that Yang was regularly being interrogated for up to four hours at a time while shackled. Investigators from the ministry of state security have reportedly told him he is shackled because of the seriousness of the crimes he is alleged to have committed. He has been told he potentially faces the death penalty. He is reported to be allowed to shower once a week and has access to a small enclosure outside his cell – with access to fresh air and natural light – for one hour, twice a day. Reports also indicate that Yang has been denied access to his lawyer of choice. He is visited by Australian embassy staff once a month.

Professional background: According to reports, after earning his first degree in politics from Fudan University in China in 1987, Yang was assigned to work in the Ministry of Foreign Affairs with connection to the Chinese secret police. The role has informed his writing of spy fiction. Between 2002-2005, he published a trilogy of spy novels, *Fatal Weakness*, *Fatal Weapon* and *Fatal Assassination*, in print and online, which tell the story of a China-US double agent who ultimately serves neither side but works on his own inspiration and conviction to serve the real interests of the people. The books were reportedly banned in mainland China. Upon the completion of his PhD at the University of Technology Sydney in 2005, he began blogging and promoting constitutional democracy. He has published collections of his online articles, such as *Family*, *State and the World* (2010), *Seeing the World with Black Eyes: The World in the Eyes of a Democracy Pedlar* (2011), *Talking about China* (2014), and *Keeping You Company in Your Life Journey* (2014).

Background: In 2011, Yang was reportedly briefly detained by the Chinese authorities, but was released following the intervention of the then Prime Minister of Australia [Julia Gillard’s visit to China](#). Having moved to the US in 2017, Yang had frequently travelled back to

China.

Harassed

CUI Haoxin (pen name: An Ran)

Gender: Male **Profession:** Poet

Date of birth: c. 1979

Date of harassment: January 2019

Perpetrator: State

Details of harassment: On 12 January 2019, Cui [reported on his blog](#) that the police had called him to discuss his latest novel, *Dozakh*. The book recounts what he describes as ‘a series of little-known stories about the resistance of Chinese Muslims’ during the Cultural Revolution (1966-1976). According to his blog post, the police questioned him about the novel and claimed that it was about the Chinese Communist Party’s policies towards the Uyghurs in the Xinjiang Uyghur Autonomous Region, which Cui refutes.

Professional background: An Ran is a poet and writer from the majority-Muslim Hui ethnic group whose work includes the 2017 collection *Black Gobi*. He regularly blogs at <http://www.ismaelan.com/>.

Other information: Over the course of 2018, Cui – a Hui Muslim – was subjected to repeated harassment because of his condemnation of the repression of religious freedom in China and his outspoken criticism of China’s political re-education camps (for more information see Case List 2018).

YANG Shaozheng

Gender: Male

Profession: Academic

Date of harassment: November 2017

Perpetrator: Non-state

Details of harassment: According to [Radio Free Asia](#), Yang was informed that his undergraduate classes at Guizhou University were to be cancelled. Yang reportedly believes that the suspension is likely linked to his questioning by Guizhou city police on two occasions in October 2017 regarding his submission of alleged sensitive material to a publishing house in the south-western megacity of Chongqing. On 15 August 2018, Yang was [reportedly expelled from the university](#).

Update: According to [Radio Free Asia](#), Yang went into hiding in July 2019 after escaping from a detention centre where he was being held for questioning. Yang had reportedly been detained on 2 July 2019 on suspicion of ‘picking quarrels and stirring up trouble’ in connection with posts on social media platform Wechat relating to the number of civilians killed by the People’s Liberation Army on 3 June 1989; he was reportedly questioned for eight hours while shackled to a chair.

Background: Yang was a professor at the Institute of

Economics at Guizhou University. The precise nature of the writings leading to his harassment is unclear.

ZHU Yufu

Gender: Male

Profession: Poet

Date of birth: 13 April 1953

Date of harassment: 29 December 2019

Perpetrator: State

Details of harassment: On 29 December 2019, authorities in Huangzhou reportedly [detained](#) Zhu along with four other activists. They were released following their interrogation. The group had reportedly had dinner with an individual who had attended a meeting of liberal-minded activists held on 13 December. At least seven other individuals had been detained across the country in connection with the meeting by 1 January 2020.

Background: Zhu has been imprisoned on several occasions previously. Following his March 2018 release, having served a seven-year term following his conviction for ‘inciting subversion of state power’ through his writings, in particular his poem ‘It’s Time’, Zhu was summoned for questioning on suspicion of ‘subversion of state power’; PEN is seeking an update. Zhu previously spent seven years in prison for subversion after being convicted in 1999 for helping to found the banned opposition group, the China Democracy Party. In 2007, a year after his release, he was detained and sentenced to a further two years in prison after allegedly pushing a police officer while being arrested.

Awards: Recipient of the 2011 Hellman/Hammett Award and ICPC’s 2017 Liu Xiaobo Courage to Write Award.

PEN Action: [RAN 05/12 – 25 January 2012](#); [RAN 05/12 Update #1 – 14 February 2012](#); [Open petition to President Xi Jinping – 8 December 2016](#)

Released

JIN Andi

Gender: Male

Profession: Freelance writer

Date of birth: 23 May 1953

Sentence: Eight years in prison and one-year deprivation of political rights

Type of legislation: National security

Date of arrest: 19 September 2010

Date of release: 14 January 2019

Details of arrest: According to reports, Jin was initially taken into custody on 19 September 2010. He was placed under residential surveillance before being formally arrested on 17 January 2011 and charged with ‘inciting subversion of state power’ in relation to articles critical of former Chairman of the Chinese Communist

Party, Jiang Zemin, published between 2000 and 2010. These articles were primarily written by **Lü Jiaping** (see previous Case Lists). Jin allegedly assisted Lü with the writings by providing background information, revising drafts, and disseminating the articles.

Details of trial: Jin was sentenced to eight years in prison on charges of ‘subversion of state power’ by the Beijing First Intermediate Court on 13 May 2011. Three articles were used as evidence to convict both Jin and Lü, in particular an article published in 2009, ‘Two Traitors Two Fakes’, discussing Jiang’s historical background.

Details of release: Jin was reportedly released upon the expiry of his sentence on 14 January 2019

XIE Fengxia (pen name: Xie Wenfei)

Gender: Male
Profession: Internet writer, poet, and activist
Sentence: Four-and-a-half years’ imprisonment to be followed by three years’ deprivation of political rights
Expiry of sentence: 3 March 2019
Type of legislation: National security
Date of arrest: 3 October 2014
Date of release: 1 March 2019

Details of arrest: Xie was reportedly detained on 3 October 2014 on suspicion of ‘inciting subversion of state power’ and ‘causing a disturbance’ after he held banners on the streets of Guangzhou in support of Hong Kong’s Umbrella Movement.

Place of detention: Heyuan Prison, Heyuan City, Guangdong Province

Details of trial: On 8 April 2016, Xie was sentenced to four-and-a-half years in prison by the Guangzhou Intermediate People’s Court following his conviction of ‘inciting subversion of state power’.

Professional background: According to ICPC, Xie has published poems as well as articles on political and social issues online under his pen name Xie Wenfei.

Honorary member: ICPC

YANG Maodong (aka Guo Feixiong)

Gender: Male
Profession: Dissident writer, independent publisher, and civil rights activist
Date of birth: 2 August 1966
Sentence: Six years in prison
Expiry of sentence: August 2019
Type of legislation: Other
Date of arrest: 8 August 2013
Date of release: 7 August 2019
Details of arrest: Yang’s arrest followed his involvement in anti-censorship and anti-corruption protests.
Details of trial: On 31 December 2013, it was reported

that Yang had been formally charged with ‘incitement to disturb public order’ and on 27 November 2015, Yang was sentenced to six years in prison by the Guangzhou Municipal Tianhe District People’s Court on charges of ‘gathering crowds to disrupt order in public places’ and ‘picking quarrels and provoking troubles’. On 16 January 2016, reports indicated that Yang’s appeal was rejected and his conviction and six-year sentence upheld.

Details of release: Yang was released on 7 August 2019, upon the expiry of his sentence.

Awards: 2015 Front Line Defenders Award for Human Rights Defenders at Risk

Honorary Member: ICPC



On trial

CHAN Kin-man

Gender: male
Profession: academic
Type of legislation: National security
Sentence: 16 months in prison, suspended for two years
Date of sentence: 24 April 2019

Details of trial: On 9 April 2019 Chan was reportedly convicted of conspiracy to commit public nuisance by West Kowloon Court as well as inciting others to commit public nuisance. On 24 April 2019, he was sentenced to two years in prison; 16 months for one charge and eight months for the other, to be served concurrently. Owing to his ill-health, Chan’s sentence was suspended for two years. He is reported to be appealing his sentence and conviction.

Other information: Chan is among a group known as the ‘Umbrella 9’ who spearheaded the 2014 pro-democracy Umbrella Movement in Hong Kong, which got its name from the umbrellas used by protestors against the police’s use of pepper spray and tear gas. The movement was also known as the ‘Occupy Movement’. The demonstrations lasted for 79 days, with protesters calling for the right for the city’s population to choose its own leader rather than selecting from a Beijing-prepared shortlist. Many leaders of the movement, including student activist Joshua Wong, have faced prosecution. Chan, along with Benny Tai (see ‘imprisoned: main case’) and Reverend Chu Yiu-ming – collectively referred to as the ‘Occupy Three’ – reportedly called for civil disobedience during the demonstrations.

Professional background: Chan is a sociology professor who has published articles on topics including social

protest in Hong Kong.

Benny TAI Yiu-ting

Gender: male
Profession: academic
Type of legislation: National security
Sentence: 16 months in prison
Date of sentence: 24 April 2019

Details of trial: On 9 April Tai was reportedly convicted of conspiracy to commit public nuisance by West Kowloon Court as well as inciting others to commit public nuisance. On 24 April 2019, he was sentenced to two years in prison; 16 months for one charge and eight months for the other, to be served concurrently. On 15 August 2019, the Court of Appeal approved Tai’s request for bail pending his appeal, which is due to be heard in February 2020.

Conditions in detention: While serving his sentence in Shek Pik Prison, a high-security facility on Lantau Island, Tai was reportedly transferred into solitary confinement after participating in a general strike in August 2019.

Other information: Tai is among a group known as the ‘Umbrella 9’ who spearheaded the 2014 pro-democracy Umbrella Movement in Hong Kong, which got its name from the umbrellas used by protestors against the police’s use of pepper spray and tear gas. The movement was also known as the ‘Occupy Movement’. The demonstrations lasted for 79 days, with protesters calling for the right for the city’s population to choose its own leader rather than selecting from a Beijing-prepared shortlist. Many leaders of the movement, including student activist Joshua Wong, have faced prosecution. Tai, together with academic Chan Kin-man (see ‘conditional release’ below) along with Reverend Chu Yiu-ming – collectively referred to as the ‘Occupy Three’ – reportedly called for civil disobedience during the demonstrations.

Professional background: Tai is a legal scholar who has published several books and chapters on politics in China and Hong Kong, including: *Constitutionalism and China: From Modernization and Cultural Change to see the Development of Constitutionalism in China* (Hong Kong: Hong Kong University Press, 2011) (in Chinese); ‘Rule of Law and Civil Disobedience’ in Michael H.K. Ng and John D. Wong eds., *Civil Unrest and Governance in Hong Kong: Law and Order from Historical and Cultural perspectives* (NY, London: Routledge, 2017); ‘From past to future Hong Kong’s democratic movement’ in Luke Cooper and Wai-Man Lam (eds.) *Citizenship, Identity and Social Movements in the New Hong Kong* (Routledge, 2018). He reportedly drafted the initial manifesto of Occupy Central, appealing for greater democratic reforms towards universal suffrage in Hong Kong. Chan is a sociology professor who has published articles on topics including social protest in Hong Kong.

Harassed

Dan GARRETT

Gender: male
Profession: author, photographer
Perpetrator: state
Date of harassment: 26 September 2019

Details of harassment: Garrett was prevented from entering Hong Kong. According to the *Hong Kong Free Press*, Garrett had given evidence before US Congressional-Executive Commission on China (CECC) in Washington DC regarding protests that had erupted in the city in June and were ongoing at the time, the week prior. Immigration officials did not provide a reason.

Professional background: Garrett is the author of *Counter-hegemonic Resistance in China’s Hong Kong: Visualizing Protest in the City*, as well as several chapters in other academic texts and journals. As a protest photographer, he documented over 600 demonstrations with his work often published by the *Hong Kong Free Press*. He previously served in the US Defense Intelligence Agency, National Security Agency, and in the Air Force.



Imprisoned: Main Case

Kunchok Tsephel GOPEY TSANG

Profession: Writer, co-founder and editor of the Tibetan language website Chomei <http://www.tibetcm.com>, and environmental officer for the Chinese government
Date of birth: 1970
Sentence: 15 years in prison
Expiry of sentence: 2024
Date of arrest: 26 February 2009

Details of arrest: Gopey Tsang was arrested by Chinese security officials at his home in the town of Nyul-ra, Gannan Tibetan Autonomous Prefecture, Gansu Province. At the time of his arrest, Gopey Tsang’s house was searched and his computer confiscated.

Current place of detention: Dingxi Prison, Gannan Tibetan Autonomous Prefecture, Gansu Province

Details of trial: On 12 November 2009, he was sentenced for ‘disclosing state secrets’. His family was not told of his whereabouts until he was summoned to court to hear the verdict. The trial was held at the Intermediate People’s Court of Kanlho in a closed hearing.

Health concerns: Gopey Tsang is reported to be in poor health.

Background: The Chomei website, which promotes Tibetan culture and literature, was created by Gopey Tsang and Tibetan poet Kyab-chen De-drol in 2005 and since then it had been closely monitored by the authorities. According to reports, the site was shut down several times during 2007 and 2008. In 1995, Gopey Tsang was held for two months by Public Security Bureau (PSB) officials on unknown charges and was reportedly ill-treated in detention.

Honorary Member: ICPC and Catalan PEN

PEN Action: RAN 16/09 – 17 March 2009; RAN 16/09 Update #1 – 23 November 2009; 2013 Day of the Imprisoned Writer case

Jo Lobsang JAMYANG (pen name: Lomig or ‘Eye of Awareness’)

Gender: Male

Profession: Writer

Date of birth: c. 1988

Sentence: Seven-and-a-half years in prison

Type of legislation: National security

Date of arrest: 17 April 2015

Expiry of sentence: October 2022

Details of arrest: Jamyang was reportedly arrested in Ngaba, eastern Tibet. His whereabouts and condition remained unknown until his May 2016 trial.

Details of trial: On 9 May 2016, Jamyang was reportedly sentenced to seven-and-a-half years in prison by the Wintren People’s Court. According to reports, Jamyang was convicted of leaking state secrets and organising separatist activities between 2009 and 2015, accusations he denied. Jamyang was reportedly denied access to a lawyer during the trial.

Conditions of detention: According to Jamyang’s brother, the writer is in poor health.

Professional background: Jamyang is reported to have written articles on freedom of speech, the environment, and self-immolation in Tibet. In 2010, he published a book entitled *Surge of Yellow Mist*. The Tibetan Center for Human Rights and Democracy has alleged that local authorities held Jamyang for more than a year without informing his family of his whereabouts, in violation of Chinese law, and that he was tortured during this time.

Imprisoned: Investigation

Trinley TSEKAR

Gender: Male

Profession: Singer and songwriter

Sentence: Nine years in prison

Expiry of sentence: November 2022

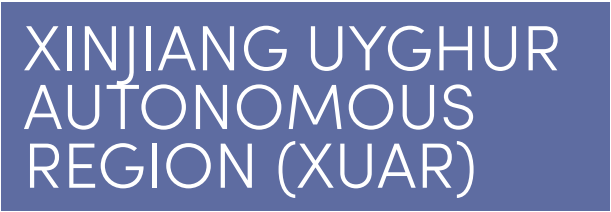
Type of legislation: Other

Date of arrest: 20 November 2013

Details of arrest: Tsekar was reportedly arrested in Nagchu town following a public protest against Chinese mining in a sacred site in May 2013. Tsekar is said to have gone to Nagchu in order to apply for a driver’s license.

Details of trial: Tsekar was reportedly accused of ‘attacking the local public security organ, assaulting policemen, smashing offices, damaging properties and objects [and] gravely disturbing social order due to his participation in the protests’. According to a 13 January 2014 news report, Tsekar was convicted and sentenced to nine years in prison in late December 2013. No further information as of 31 December 2019.

Background: Tsekar has reportedly written many songs on Tibetan themes and has recorded works including an album entitled, ‘Links of Unity’. PEN International is seeking further details.



Imprisoned: Main Case

Gulmira IMIN

Gender: Female

Profession: Uyghur poet and moderator for the Uyghur language website Salkin.

Date of birth: 1978

Sentence: Life imprisonment

Type of legislation: National security

Date of arrest: 14 July 2009

Details of arrest: According to reports, Imin was arrested for her alleged involvement in protests which took place in Urumqi, the regional capital, on 5 July 2009.

Current place of detention: Xinjiang Women’s Prison in Urumqi

Details of trial: Imin was handed down a life imprisonment sentence for ‘splittism, leaking state secrets and organising an illegal demonstration’ by the Urumqi Intermediate Court on 1 April 2010. According to reports, this sentence relates to allegations that she used Salkin to disseminate information leading up to protests on 5 July 2009, and of leaking state secrets over the telephone to her husband, who lives in Norway. **Conditions in detention:** According to reports, Imin was tortured and ill-treated in a police detention centre. She was reportedly coerced into signing a document without knowing the content. She is allowed to receive family visits once every three months.

Professional background: Imin published poems and

short stories on various Uyghur websites. She became the moderator for the Uyghur language website Salkin; after Imin’s arrest the website was reportedly shut down and all of its content was deleted.

Other information: In 2012, the UN Working Group on Arbitrary Detention ruled that the deprivation of liberty of Ms. Imin is ‘...arbitrary and in contravention of Articles 8, 9, 10 and 19 of the Universal Declaration of Human Rights’.

Awards: Recipient of 2012 Hellman/Hammett Award

Honorary Member: ICPC

Hailaite NIYAZI (aka Hairat or Gheyret Niyaz)

Gender: Male

Profession: Freelance journalist and former editor of the website Uyghur Online (www.ughurbiz.net).

Date of birth: 14 June 1959

Sentence: 15 years in prison

Expiry of sentence: 2024

Type of legislation: National security

Date of arrest: 1 October 2009

Details of arrest: Niyazi was arrested from his home in Tianshan District. It is believed that his arrest stems from critical interviews given to foreign media following the unrest, which broke out on 5 July 2009 in Urumqi, the regional capital, about which he had tried to warn the authorities.

Current place of detention: Changji Prison, Changji Hui Autonomous Prefecture, Xinjiang Uyghur Autonomous Region (XUAR), PR China

Details of trial: Niyazi was convicted by the Urumqi Intermediate People’s Court on charges of ‘endangering national security’ on 23 July 2010. Essays written by Niyazi highlighting mounting ethnic tension in the region prior to the riots and interviews he gave to Hong Kong media after the violence were reportedly used by the prosecution as evidence. His appeal was rejected. The state of Niyazi’s health and the conditions under which he is being held were unknown as of 31 December 2019.

Professional background: Niyazi is a former reporter and columnist for *Xinjiang Economic Daily* and *Xinjiang Legal News*. Until June 2009, he edited and managed ughurbiz.net, the website owned by the academic, writer, and Uyghur PEN member **Ilham Tohti**, himself arrested in July 2009, when he was held for six weeks for allegedly ‘promoting separatism’ and, most recently, in January 2014 (see below).

Other information: A week after Niyazi’s sentencing, a group of 51 Chinese lawyers and intellectuals, including Wang Lixiong, Mao Yushi, and Cui Weiping, published an open letter expressing their concern about the ‘criminalisation of free speech’ that occurred in the case. An English translation of the letter may be read [here](#).

Honorary Member: ICPC

PEN Action: RAN 56/09 and updates

Iminjan SEYDIN

Gender: male

Profession: writer, academic, publisher

Date of birth: c.1966

Sentence: 15 years in prison

Type of legislation: National security

Date of arrest: May 2017

Details of arrest: According to [Radio Free Asia](#) (RFA), Seydin was reportedly called back from a trip to Hotan (Hetian) prefecture, where he was part of a working group with the XUAR Bureau of Religious Affairs. Upon his return to Urumqi, he was reportedly detained by the Public Security Bureau.

Reason for arrest: His arrest and subsequent sentence is likely to be for the publication of the book *A Teacher of Arab Tongue, the Science of Rhetoric* (also reported to be called *Arabic Grammar*) through his publishing house in 2014. According to [media reports](#), Seydin received authorisation to publish the Arabic-language teaching book, which reportedly [contains references to Islam](#).

Details of trial: Seydin was reportedly subjected to a closed trial. According to RFA, in February 2019, Urumqi’s Tengritagh (Tianshan) District Court found Seydin guilty of ‘inciting extremism’ and sentenced him to 15 years in prison, five years’ deprivation of political rights, and a fine of 500,000 yuan (c. US\$ 7,000).

Professional background: Seydin reportedly began teaching courses on Chinese history at the Xinjiang Islamic Institute in the XUAR capital Urumqi in 1988 upon graduating from Xinjiang University. In 2012, he formed the Imin Publishing House, which within five years had issued around 50 books on topics that included technology, education, psychology, and women’s issues.

Ilham TOHTI

Gender: Male

Profession: Writer, academic, member of Uyghur PEN, and founder of the website Uyghur Online

Date of birth: 25 October 1969

Sentence: Life imprisonment

Type of legislation: National security

Date of arrest: 15 January 2014

Details of arrest: Tohti was arrested at his home on 15 January 2014 and held incommunicado, without access to his lawyer. He was formally arrested in February. A statement, released by the Public Security Bureau (PSB) at the time of Tohti’s arrest, alleged that Tohti was under investigation for the promotion of separatism and recruiting followers through his website.

Details of trial: Tohti was formally charged with ‘splittism’ in July 2014; he was sentenced to life imprisonment and confiscation of all his property on 23 September 2014 after a two-day trial. Tohti denied the charges. There are reports that during the trial, materials were shown representing Tohti’s views on the Uyghur minority

and China’s policies. Some of the material had been downloaded from his website and teaching papers. The prosecutor also reportedly added that Tohti had ‘internationalised’ the Uyghur issue by translating articles and essays about the Xinjiang region for his website, and by providing interviews to international media. On 21 November 2014, the Xinjiang’s high court rejected Tohti’s appeal against the conviction and upheld the life sentence. In October 2015, Tohti reportedly called on his family to engage lawyers and lodge an appeal for him through the Chinese judicial system.

Place of detention: Usu Prison, 833006 Usu City, Tacheng Prefecture, Yili Kazakh Autonomous Prefecture, Xinjiang Uyghur Autonomous Region

Conditions in detention: On 19 December 2019, when accepting the European Parliament’s Sakharov Prize for Freedom of Thought on behalf of her father, Jewher Tohti is reported as having expressed concern for Tohti’s well-being, informing the audience that her family has had no news of him since 2017.

Professional background: An economics professor, Tohti is known as an outspoken critic of the government’s policies in the Xinjiang Uyghur Autonomous Region (XUAR). In 2009, Tohti spent over six weeks in detention after he spoke out about the ethnic unrest, which broke out in Urumqi, the regional capital, on 5 July 2009 (see 2009 Case List).

Other information: A number of people associated with Uyghur Online, a website dedicated to the promotion of understanding between ethnic Uyghurs and Han Chinese, have faced similar harassment. **Hailaite Niyazi** is serving a 15-year prison sentence for ‘endangering national security’ following his conviction on 23 July 2010 (see above). Tohti reportedly faced continued harassment on the part of the Chinese authorities over the course of 2013 (see 2013 Case List). Seven of his students, **Perhat Halmurat, Shohret Tursun, Abdukeyum Ablimit, Akbar Imin, Mutellip Imin, Atikem Rozi, and Luo Yuwei** were arrested around the same time as Tohti. Halmurat and Tursun were reportedly formally charged with ‘splittism’ while Ablimit was charged with ‘revealing state secrets’ on 24 February 2014. They are thought to be held in a detention centre in Urumqi, however their exact location, as well as the locations of Imin, Mutellip Imin, Rozi, and Yuwei remain unknown.

Awards: Recipient of 2014 PEN/Barbara Goldsmith Freedom to Write Award; Ismail Gaspirali Turkic World Freedom Award from the Bartın Province Journalists Association and International Journalism Association for Turkic-Speaking Countries; nominated for 2016 Sakharov Prize; recipient of 2016 Martin Ennals Award; recipient of Liberal International 2017 Prize for Freedom; recipient of 2017 Weimar Human Rights Award; recipient of 2017 ICPC Liu Xiaobo Courage to Write Award; 2019 Sakharov Prize; 2019 Vaclav Havel Prize **Honorary Member:** PEN American Center, Danish PEN, ICPC, and Japanese PEN.

PEN Action: Press statement 23 September 2014; [open letter](#) 28 February 2014; [RAN 03/14](#) – 31 January 2014; [RAN 03/14 Update #1](#) – 27 February 2014; Empty Chair at PEN’s 80th Congress in Bishkek, Kyrgyzstan; subject

of PEN [resolution](#) adopted at the 80th Congress; 2015 International Mother Language Day case; [statement 11 October 2016](#). ; [Open petition to President Xi Jinping](#) – 8 December 2016; [RAN 24/16](#) – 7 December 2016; [World Press Freedom Day](#) – 3 May 2017; [Mother Language Day](#) – 21 February 2018

Imprisoned: Investigation

Omerjan HASAN (HESEN) (pen name: Omerjan Hasan Bozqir)

Gender: Male

Profession: Uyghur writer, journalist, webmaster, and government official

Date of birth: February 1965

Sentence: 15 years’ imprisonment

Expiry of sentence: 2031

Type of legislation: Unknown

Date of arrest: April 2016

Details of arrest: Hasan was [reportedly](#) arrested in April 2016. According to [reports in Radio Free Asia](#) dated June 2016, Aksu (Akesu) prefecture’s Commission for Discipline Inspection announced on its website that Hasan had been expelled from the Communist Party and was under investigation. The Commission reportedly accused him of writing essays attacking the party and the government’s ethnic or religious policies in Xinjiang, distorting the history of Xinjiang, instigating ethnic hatred, and opposing China’s unity or territorial integrity. In September 2016, friends of Hasan reportedly contacted the World Uyghur Congress to say that neither they nor his family members had been informed of his whereabouts or any charges laid against him.

Details of trial: According to the [Uyghur Human Rights Project](#), Hasan, along with fellow web editor **Tursun Memet Marshal**, was reportedly sentenced to 15 years in prison in 2016. PEN is seeking clarification on the charges.

Place of detention: Aksu Prison, Aksu prefecture, [according to CPJ](#)

Background: According to the [World Uyghur Congress](#), Hasan has published books and articles aimed at the promotion of equal civil and political rights for Uyghurs in China. He also owned and edited a Uyghur-language website and discussion forum ‘Bozqir,’ which was blocked shortly after his arrest. In addition, Hasan has served as a journalist for both broadcast and print media.

Yalqun ROZI

Gender: Male

Profession: Writer

Sentence: 15 years

Type of legislation: Sedition

Date of arrest: October 2016

Details of arrest: According to PEN’s information, Rozi was arrested without charge in October 2016 and held in an undisclosed location until, on 30 December 2016, he was formally arrested on charges of ‘inciting splittism’.

Details of trial: On 3 January 2018, Rozi was reportedly convicted of ‘inciting subversion of state power’ by the Intermediate People’s Court of Urumqi City, Xinjiang Uyghur Autonomous Region. Although it was [initially reported](#) that Rozi had been sentenced to life imprisonment, PEN’s information indicates that he was actually sentenced to 15 years in prison. It is thought that the charges stem from concerns around the ideology presented in the literature textbooks that Rozi produced.

Place of detention: Unknown

Health concerns: Prior to his arrest, Rozi was reported to be suffering from several health complaints, including diabetes.

Professional background: Rozi is an outspoken Uyghur scholar, writer, literary critic, educator, orator, publicist, and historical researcher. Rozi has published several books, articles of literary criticism, and research papers. Between 2001-2011, he served as a member of the textbook compiling committee of the Xinjiang Education Press, for which he also worked as an editor until his retirement due to ill-health in 2015.

Tashpolat TIYIP (also written ‘Teyip’)

Gender: male

Profession: Geographer and former president of Xinjiang University (XJU)

Sentence: Death, suspended for two years

Type of legislation: National security

Date of arrest: 2017

Details of arrest: According to the [Office of the High Commissioner for Human Rights](#) (OHCHR), Dr Tiyip was arbitrarily detained at Beijing Airport in 2017 when he was making his way to a conference in Germany.

Details of trial: According to [Amnesty International](#), Dr. Tiyip was convicted of separatism in closed and ‘grossly unfair’ proceedings.

Place of detention: unknown.

Sentence: Dr. Tiyip was reportedly sentenced to death, suspended for two years, with the possibility of commutation thereafter if no other criminal offences had been committed. It remains unclear whether his sentence has been commuted.

Professional background: According to [Scholars at Risk](#), Dr. Tiyip has published five books and over two hundred scholarly articles and has led national and international research projects. Before serving in his position as president of XJU and deputy secretary of the Communist Party from 2010, Dr. Tiyip was the dean of the university geography department.

Detained: main case

Chimengül AWUT

Gender: Female

rofession: Poet

Date of birth: c. 1973

Type of legislation: Unknown

Date of arrest: July 2018

Details of arrest: Awut was [reportedly arrested](#) in July 2018 and sent to a political re-education camp in connection with her involvement in editing *Golden Shoes*, a 2015 novel by Uyghur writer Halide Isra’il. She is thought to still be under investigation. No further information as of 31 December 2019.

Professional background: Awut is a poet who, according to Uyghur PEN, gained fame through poems including ‘Flower of Revenge’, ‘Stone Leaves’, ‘The Road of No Return’, and her epic ‘The Other Side of The Shor River’, which won the 14th Hantengri Literature award. In recognition of her work, she was reportedly given an award for being one of the 10 most famous female writers in Xinjiang during the first Women’s Literature Conference in 2004. Her poem, ‘The Road of no Return’, received the Tulpar Literature Award during a ceremony held in November 2008. She was working as a senior editor at Kashgar Publishing House at the time of her arrest.

Other information: According to Radio Free Asia, a further 13 individuals who worked for Kashgar Publishing House have also been sent to re-education camps.

Ablajan Awut AYUP (popularly known as Ablajan)

Gender: Male

Profession: Musician

Date of birth: 1984

Type of legislation: Unknown

Date of arrest: 15 February 2018

Details of arrest: Ablajan was [reportedly taken into custody](#) by state security agents on 15 February 2018 on his way home following a recording trip in Shanghai. No reason was given for his detention and his family are not thought to have been informed of any charges against him. No further information as of 31 December 2019.

Professional background: Ablajan has written over 400 songs and is known for promoting Uyghur culture and identity, as well as building a cultural bridge with Chinese through his bilingual songs. In 2017, the BBC portrayed him as a model of integration for his appeal to both Uyghur and Chinese audiences. However, he has faced hostility from both the religious conservatives and the Chinese state. He is a recipient of the Star of the Silk Road Award 2013 by the Xinjang Cultural Bureau.

PEN Action: [RAN 04/18](#) – 21 June 2018

Rahile DAWUT

Gender: Female

Profession: Academic

Date of birth: c. 1966

Type of legislation: Unknown

Date of arrest: Thought to be January 2018

Details of arrest: Dawut was reportedly last heard from in December 2017 when she informed a relative of her intention to travel to Beijing from Urumqi, according to the *New York Times*. She has not been heard from since. She is thought to be being held in a political re-education camp. No further information as of 31 December 2019.

Professional background: Dawut is a Professor of Folklore at the School of Humanities at Xinjiang University and Director of Xinjiang Folklore Research Center. Her research mainly focuses on the folklore and local Islamic sacred sites of Uyghurs in Xinjiang. Dawut has published two books and more than 30 articles in Uyghur, English, and Chinese on Uyghur culture. According to the *New York Times*, She had written extensively and lectured across China and the world to explain and celebrate Uyghurs’ varied traditions. Her research was funded by Chinese government ministries and praised by other scholars.

Abduqadir JALAEDDIN

Gender: Male

Profession: Poet and academic

Type of legislation: Unknown

Date of arrest: 29 January 2018

Details of arrest: According to Radio Free Asia, Jalaeddin was arrested by Urumqi State Security Police from his home on 29 January 2018. The authorities are reported not to have provided a reason for his arrest or laid any charges against him.

Place of detention: Jalaeddin is thought to be being held in a political re-education camp. No further information as of 31 December 2019.

Professional background: Jalaeddin is a poet and professor of literature at Xinjiang Pedagogical University in Urumqi.

Qurban MAHMUT (Chinese name: Kuerban Mamuti)

Gender: male

Date of birth: c.1950

Profession: journalist and poet

Type of legislation: unknown

Date of arrest: December 2017

Details of arrest: Mahmut has reportedly not been heard from since his return from a trip to the US in December 2017, where he visited family members. No reasons have been provided for his detention; his son is reported

to believe that his detention is being used as leverage against the family living in the diaspora to prevent them from speaking out against the treatment of Uyghurs. **Place of detention:** Mahmut is thought to be being held in a political re-education camp. No further information as of 31 December 2019.

Professional background: Mahmut graduated from Xinjiang University in 1976, then worked as a reporter and editor at Xinjiang Radio Station from 1976 to 1984, and Vice Editor-in-Chief at one of the most well-known cultural magazines, *Xinjiang Civilization*, from 1985 to 2011 and was known for selecting works by the region’s most influential writers on Uyghur culture, history, politics and social development for publication. Following his retirement, aged 61, he worked part time as a requested Editor-in-Chief at Xinjiang Science Publishing house. According to *Radio Free Asia*, he is also a poet.

Abdukerim RAHMAN

Gender: Male

Profession: Academic

Date of birth: c. 1941

Type of legislation: Unknown

Date of arrest: January 2018

Details of arrest: *Media reports indicate* that Rahman was arrested some time in January 2018 and sent to a political re-education camp. Little is known about his current whereabouts or wellbeing. No further information as of 31 December 2019.

Professional background: Rahman is a renowned academic who has dedicated his career to the study of Uyghur folklore. Over the course of his career his book *Uyghur Folk Literature* was reprinted more than ten times. He published more than 20 books such as *Theories of Literature*, *Uyghur Folklore*, *History of Uyghur Culture*, *Uyghur Folk Tales*, *Uyghur Ballads*. He also published more than 150 articles and oral tradition collections in numerous widely read journals. After many years, he published a 12-volume work, *Encyclopaedia of Uyghur Folk Literature*, which contains thousands of legends, folk tales, epic poems, ballads, and proverbs.

Perhat TURSUN

Gender: male

Profession: poet, writer, screen-writer

Date of birth: c.1969

Type of legislation: unknown

Date of arrest: 30 January 2018

Details of arrest: Owing to the Chinese authorities’ restrictions on communications in and out of the XUAR, little is known about Tursun’s arrest except that he was detained on 30 January 2018, according to *Uyghurvictims.org*. He is thought to have been taken to a re-education camp.

Place of detention: unknown

Background: According to friend and colleague Joshua Freeman, Tursun was born and raised in Atush, a city in the southwest of China’s Xinjiang Uyghur Autonomous Region. Having begun his writing career as a poet, Tursun turned increasingly to prose in the 1990s, publishing a succession of short stories and novellas. In 1998, he brought out a well-received poetry collection, *One Hundred Love Lyrics*, as well as a volume of novellas, *Messiah Desert*, which attracted some amount of controversy for its unconventional themes and imagery. In 1999, he published *The Art of Suicide*, which Freeman describes as ‘one of the most widely discussed and debated novels ever published in Uyghur, *The Art of Suicide* combines a modernist prose style with themes of sexuality, suicide, and mental illness that had hitherto been largely taboo in Uyghur literature.’ The book was denounced as ‘anti-Islamic’ and he faced death threats as a result, according to *Foreign Policy*.

Detained: Investigation

Gheyret ABDURAHMAN

Gender: Male

Profession: academic and translator

Date of birth: c.1966

Date of arrest: March 2018

Details of arrest: Abdurahman was reportedly *arrested in March 2018* in connection with the his translation of *The Red Sorghum Clan*, a novel written by Chinese 2012 Nobel Literature laureate Mo Yan, which was published in 2013 by the Kashgar Publishing House.

Place of detention: unknown

Professional background: Abdurahman is the deputy head of the Linguistics Department at the Academy of Social Sciences of Xinjiang

Other information: According to Radio Free Asia, Kashgar Publishing House has published over 600 of whose titles are now considered politically sensitive by the Chinese authorities. At least 14 staff members of the publishing house located in the XUAR’s Kashgar city have also been arrested since 2017.

Abdurahman ABEY

Gender: Male

Profession: Publisher and Communist Party official

Date of birth: c. 1953

Date of arrest: July 2018

Details of arrest: Abey was arrested in July 2018 on suspicion he was involved in ‘separatism and religious extremism activities’, according to *Radio Free Asia*. His current whereabouts are unknown. PEN is seeking more information.

Professional background: Abdurahman Abey reportedly had a 40-year career in writing and publishing in the

Xinjiang Uyghur Autonomous Region (XUAR), serving as director of the official Xinhua Bookstore, and from 2005-2015 as director and Communist Party deputy secretary of the Xinjiang People’s Publishing House.

INDIA

Killed: Impunity

Dr Malleshappa Madivalappa KALBURGI

Gender: Male

Profession: Epigraphist and former Vice Chancellor of Hampi University in Kamataka

Date of birth: 28 November 1938

Date of death: 30 August 2015

Perpetrator: Unknown

Details of death: Kalburgi, aged 78, was shot at close range by two men on his doorstep in the Dharwad district. Kalburgi died en route to hospital.

Details of investigation: The Central Bureau of Investigation continues to investigate the case. According to *31 August 2017 reports*, Dr Kalburgi’s family had lost all faith in the ongoing investigation. The family reportedly told the *New Indian Express* that they had not been contacted by investigators in seven months. *According to Scroll.in*, the chief minister of Karnataka asked the crime investigation department to fast-track the investigation. On 11 December 2018, the Karnataka police were *given permission to investigate* whether there is a link between Kalburgi’s murder and that of Lankesh.

Update: According to *media reports*, the Supreme Court transferred responsibility for the investigation to the same team investigating the murder of Gauri Lankesh on 26 February 2019. On 18 August 2019, police *filed charges* against six individuals, including the man accused of killing Lankesh.

Background: Kalburgi had, through his writings and speeches, upset groups within the Lingayat community, a middle-caste group, as well as right wing Hindutva groups. In June 2014, Kalburgi dismissed the sanctity of religious idols, which brought protesters to his doorstep, and he was placed under police detention.

Awards: Recipient of 2006 Sahitya Akademi Award

PEN Action: *PEN statement* – 2 September 2015; *PEN Writers’ Statement of Solidarity* – 81st PEN International Congress, Quebec City; mentioned in PEN’s report, *Fearful Silence: The Chill on India’s Public Sphere* (2016).

Govind PANSARE

Gender: Male

Profession: Politician and author

Date of birth: 24 November 1933

Date of death: 20 February 2015

Perpetrator: Non-state

Details of death: According to reports, on 16 February 2015, Pansare and his wife were shot by assailants outside their home in Maharashtra. Pansare sustained injuries to his neck and chest, while his wife sustained injuries to the head. Having been taken to hospital, Pansare regained consciousness the following day but succumbed to his injuries on 20 February 2015. His wife has since recovered.

Details of investigation: On 28 February 2015, the police reportedly announced a reward for information in relation to the killing; this monetary incentive was subsequently increased in March 2015. Similarities were highlighted between this case and that of the 2013 killing of rationalist and editor of the weekly Marathi-language magazine *Sadhana* (*Spiritual Devotion*), **Narendra Dabholkar** (see previous [Case Lists](#)). In September 2015, a member of the right-wing group Sanatan Sanstha and four associates were arrested. However, due to a lack of evidence, the investigative team did not pursue their enquiry. According to reports in early 2017, the investigation team began re-questioning the leader of Sanatan Sanstha. This is part of an ongoing search for two individuals who are believed to be connected with the group and the killings of Pansare and Dabholkar. In June 2017, Samir Gaikwad, alleged to be a member of Sanatan Sanstha, was reportedly accused of being a co-conspirator and actor in the death of Pansare along with other Sanatan Sanstha activists. He was granted bail two days later on 17 June. In July 2017, the local state government and Pansare's daughter-in-law [reportedly](#) filed applications in the high court challenging the lower court's decision to grant bail to Gaikwad. In December 2017, a [special search operation was reportedly set up](#) to apprehend two others suspected of involvement in Pansare's murder. In December 2018, police in Maharashtra reportedly [arrested two more individuals](#) in connection with Pansare's killing. One of the individuals has also been under investigation for the killing of journalist [Gauri Lankesh](#).

Update: In September 2019, three more suspects were reportedly [arrested](#) in relation with Pansare's murder, bringing the number of those arrested to twelve. In November 2019, Pansare's family reportedly [filed an application seeking change of investigating officer](#) due to their dissatisfaction with the manner in which he was handling the investigation. No further information as of 31 December 2019.

Professional background: Pansare is a politician of the Communist Party of India. He is also the author of 21 books, predominantly offering commentaries on social injustice, especially the complexities of religious and political mobilisation that face left-wing forces in the country. Among his works is the 1988 best-selling Marathi language biography of 17th Century ruler Shivaji, *Shivaji Kon Hota (Who was Shivaji?)*.

Detained: Investigation

P Varavara RAO

Gender: Male

Profession: Poet, writer, activist

Date of birth: c. 1940

Type of legislation: National security

Date of arrest: 28 August 2018; 17 November 2018

Date of release: 29 August 2018

Details of arrest: Rao was reportedly one of several writers and activists [arrested](#) under the Unlawful Activities (Prevention) Act (UAPA) and several sections of the Indian Penal Code as part of a coordinated nationwide raid led by the Pune police. The charges reportedly arose from evidence of their 'involvement in inciting violence' on 31 December 2017. Initial reports suggested that the group had been arrested in connection with an alleged plot to assassinate the Prime Minister Narendra Modi; however, no charges are thought to have been made against them in connection with such allegations. Rao [denied any involvement](#) in such a plot and sought to have the case dismissed.

Details of trial: The Hyderabad High Court dismissed his petition on 16 November 2018. Rao was reportedly [rearrested by Pune police](#) on 17 November 2018.

Update: According to [media reports](#), Rao was reportedly taken into the custody of the Karnataka police in July 2019 in connection with his alleged involvement in an attack that resulted in the deaths of eight people in 2005. On 6 November 2019, a court in Pune rejected the bail applications of Rao and five others stating that there was sufficient evidence to indicate that they were active members and 'doing everything to achieve the objectives of the banned organisation,' according to the *Times of India*.

Details of release: Rao was released on 29 August 2018 and [placed under house arrest](#), until his re-arrest in November 2018. Throughout 2019, several requests for bail have been denied.

Conditions in detention: According to *The Hindu*, Rao's wife expressed concerns for his well-being in July 2019.

Professional background: An important figure in Telugu literature, Rao is a founder of the Virasam – the Revolutionary Writers Association – and is considered a Marxist poet and activist. Between 1966-1992, Rao ran *Srujana* (*Creation*), a monthly journal focussing on modern Telugu literature. Rao has faced several stints in prison in connection with his writing and activism.

Publications: Rao's poetry collections include: *Chali Negallu* (*Camp Fires*, 1968), *Jeevanaadi* (*Pulse*, 1970), *Ooregimpu* (*Procession*, 1973), *Swechcha* (*Freedom*, 1978), *Samudram* (*Ocean*, 1983), *Bhavishyathu Chitrapatam* (*Portrait of the Future*, 1986), *Muktakantam* (*Free Throat*, 1990), *Aa Rojulu* (*Those Days*, 1998), *Unnadado Unnattu* (*As it is*, 2000), *Dagdhamauthunna Bagdad* (*Burning Bagdad*, 2003), *Mounam Oka Yuddhaneram* (*Silence is a War Crime*, 2003),

Antassootram (*Undercurrent*, 2006), *Telangana Veeragatha* (*Legend of Telangana*, 2007) *Palapitta Paata* (*Song of Palapitta*, 2007) and *Beejabhoomi* (*Field of Seeds*, 2014).

Other information: The violence in question occurred during [Elgar Parishad](#), a Dalit commemoration of the anniversary of a battle the Dalits had won 200 years previously against the Peshwas (upper caste rulers). The commemoration had turned violent at Bhima Koregaon (near Pune) on 1 January 2018. The Battle of Bhima Koregaon is controversial in India, with right-wing groups claiming that it was a battle between British and Indian rulers, and left-wing groups maintaining that the battle was a victory against caste-based oppression.

On trial

G. BALAKRISHNAN (aka G. Bala)

Gender: Male

Profession: Cartoonist and journalist

Type of legislation: Defamation/insult

Date of arrest: 5 November 2017

Date of release: 6 November 2017

Details of arrest: G. Bala was reportedly arrested by the Tamil Nadu police on 5 November 2017.

Details of trial: G. Bala was accused of 'obscene representation' and defamation under [Sections 67 of the Information Technology Act](#) and [501](#) of the Indian Penal Code in connection with a cartoon published on social media. On 6 November 2017, the Tirunelveli District Court granted bail to G. Bala. On 5 April 2018, the [Madras High Court threw](#) out what appears to be a separate defamation suit filed against G. Bala in relation to his political cartoons. In its observations, the court stated that a cartoonist must be able to work without any inhibition and he is entitled to greater latitude. No further information as of 31 December 2019; PEN is seeking an update on the original case.

Professional background: G. Bala has worked as a journalist for Tamil weekly newspaper *Kumudam* and previously served as editor of the digital media platform LinesMedia. As a freelance cartoonist, he has built a following of over 40,000 on social media, largely due to his political cartoons, which have sparked debate on social media platforms.

Other information: The [cartoon in question](#) depicts the Chief Minister, the Police Commissioner and the District Collector of the city of Tirunelveli, who are shown nude, covering their genitals with bundles of cash, watching as a child's body burns in the foreground. According to media reports, G. Bala sought to criticise the authorities for failing to prevent the [death](#) by self-immolation of a family facing large debts.

Arun FERREIRA

Gender: Male

Profession: Writer, cartoonist, lawyer

Type of legislation: National security

Date of arrest: 28 August 2018

Date of release: 29 August 2018

Details of arrest: Ferreira was reportedly one of several writers and activists [arrested](#) under the Unlawful Activities (Prevention) Act (UAPA) and several sections of the Indian Penal Code as part of a coordinated nationwide raid led by the Pune police on charges arising from evidence of their 'involvement in inciting violence' on 31 December 2017. Ferreira is said to have been [reportedly arrested at his home](#) in Mumbai during a raid in which his wife's laptop and pen drives were seized.

Details of trial: According to Amnesty India, Ferreira's petition for bail was rejected by the Pune Sessions Court on 26 October 2018; his request to extend his house arrest was also rejected, as such he was [remanded into custody until 6 November 2018](#). **Update:** On 16 October 2019, the Bombay High Court [denied Ferreira's application for bail](#). No further information as of 31 December 2019.

Details of release: Ferreira was released on 29 August 2018 and [placed under house arrest](#).

Professional background: Ferreira is author of the prison memoir *Colours of the Cage: A Prison Memoir* (Aleph, 2014), which details his five-year incarceration in Nagpur Central Jail. Ferreira is also a cartoonist whose drawings on social and political issues have appeared in various publications, as well as in student and worker magazines. Ferreira is a human rights lawyer who has been a member of the Committee for Protection of Democratic Rights and the Indian Association of People's Lawyers. As a lawyer, Ferreira is [part of the legal team](#) representing five human rights defenders arrested on 6 June 2018, who are currently facing charges in connection with the [Bhima Koregaon violence](#).

Vernon GONSALVES

Gender: Male

Profession: Writer and academic

Type of legislation: National security

Date of arrest: 28 August 2018

Date of release: 6 November 2018

Details of trial: Gonsalves was reportedly one of several writers and activists [arrested](#) under the Unlawful Activities (Prevention) Act (UAPA) and several sections of the Indian Penal Code as part of a coordinated nationwide raid led by the Pune police on charges arising from evidence of their 'involvement in inciting violence' on 31 December 2017. Gonsalves was said to have been arrested at his home in Mumbai.

Details of trial: [According to Amnesty India](#), Gonsalves's and Arun Ferreira's petition for bail was rejected by the Pune Sessions Court on 26 October 2018; his request to extend his house arrest was also rejected, as such he was [remanded into custody until 6 November 2018](#).

Update: In August 2019, the Pune police reportedly informed the Bombay High Court that it had found no evidence on Gonsalves' laptop linking him with unlawful activity; however, they stated that they had found incriminating evidence in the form of books and CDs in his home. Books deemed incriminating reportedly included Marathi-language books such as *Maovadyanche yuddha konasathi aani kashasathi* and *Aamhala dusara desh dya*. His application for bail was denied by the Bombay High Court on 15 October 2019. No further information as of 31 December 2019.

Details of release: Gonsalves was released on 29 August 2018 and placed under house arrest.

Professional background: Gonsalves is an academic and writer who, along with Arun Ferreira (above), writes extensively on Dalit and Adivasi rights, the conditions of prisons in India, and the rights of prisoners. In 2013, *Caravan* magazine published his story 'Jailbird Jabbar', written while he was being held in Arthur Road Jail, Mumbai. He has also advocated for scrapping the Unlawful Activities (Prevention) Act, the draconian anti-terror legislation under which he has been charged.

Gautam NAVLAKHA

Gender: Male

Profession: Writer, journalist, and human rights activist

Type of legislation: National security

Date of arrest: 28 August 2018

Date of release: 1 October 2018

Details of arrest: Navlakha was reportedly one of several writers and activists arrested under the Unlawful Activities (Prevention) Act (UAPA) and several sections of the Indian Penal Code as part of a coordinated nationwide raid led by the Pune police on charges arising from evidence of their 'involvement in inciting violence' on 31 December 2017. Navlakha was reportedly arrested at his home in New Delhi. According to Front Line Defenders, Navlakha was charged under the Unlawful Activities (Prevention) Act, along with Sections 153A, 505, 117, and 120 of the Indian Penal Code.

Update: In September 2019, the Bombay High Court reportedly rejected Navlakha's appeal to have the charges against him quashed. The court however gave him until 4 October before he could be arrested. Navlakha appealed the decision to the Supreme Court on 30 September. By mid-October 2019 five Supreme Court justices had recused themselves from hearing Navlakha's case without providing reasons for doing so. On 2 December 2019, the Bombay High Court reportedly extended Navlakha's protection from arrest until 6 December. No further information as of 31 December 2019.

Details of release: The Delhi High Court released Navlakha from house arrest on 1 October 2018. The Bombay High Court reportedly prevented the police from re-arresting Navlakha until 1 November 2018. No further information as of 31 December 2019.

Professional background: Navlakha is the author of

Days and Nights in the Heartland of Rebellion (Penguin, 2012). He worked for the *Economic and Political Weekly* until 2012. He was the Secretary of the People's Union for Democratic Rights, a non-governmental organisation committed to legally defending civil liberties and democratic rights. He has also served as the convener of the International People's Tribunal on Human Rights and Justice in Kashmir.

S. SIVIDAS (pen name: Kovan)

Gender: Male

Profession: Folk singer

Date of birth: c. 1963

Type of legislation: Other

Date of arrest: 13 April 2018

Date of release: 13 April 2018

Details of arrest: Kovan was reportedly arrested by the Tiruchi City Police on charges of promoting enmity between groups (153A of the Indian Penal Code) and criminal intimidation (506 of the IPC) for denigrating the prime minister through a song. Kovan's song – performed at a protest on 24 March 2018 – reportedly mocked a recent pilgrimage dedicated to supporting the construction of a temple on disputed land in Ayodhya. The song is reported to have gone viral on social media. No further details as of 31 December 2019.

Details of release: Kovan was released on bail on 13 April 2018.

Professional background: Kovan is a member of the Makkal Kalai Ilakkiya Kazhagam (People's Art and Literary Association), which has long used art, music, and theatre to educate marginalized communities and raise issues of corruption. In his recent songs, he blamed the government for choosing revenue from liquor sales over people's welfare.

Other information: In October 2015, he was briefly detained and charged with sedition, promoting enmity between social groups, criminal intimidation and insulting the state government, in connection with two of his songs critical of the government (see under 'brief detention' in Case List 2015).

Anand TELTUMBDE

Gender: Male

Profession: Academic and writer

Type of legislation: National security

Details of trial: According to media reports, Teltumbde's home was raided on 28 August 2018 in his absence; the same time that several writers and activists (see **Vernon Gonsalves**, **Arun Ferreira**, **Gautam Navlakha**, **P Varavara Rao** above) were arrested. According to Teltumbde's account?, the police had threatened a security guard to get the keys enabling them to enter the house, disconnect landlines and take away the mobile phones of security personnel. He was not arrested at the time of the incident. According to PEN Delhi,

Teltumbde's name was added to a First Information Report implicating him in inciting violence during Bhima Koregaon meetings. On 14 January 2019, the Supreme Court reportedly rejected Teltumbde's appeal to have the case against him dropped and gave him four weeks to apply for anticipatory bail. On 2 February 2019, Dr Teltumbde was reportedly arrested at Bombay Airport; that same day a Pune sessions court ordered his release on the basis that the Supreme Court's dictate had given him protection from arrest until 11 February; no further information as of 31 December 2019.

Professional background: Teltumbde is a leading public intellectual and civil rights activist. He regularly contributes to progressive journals like *Mainstream*, *Frontier*, *Seminar*, and most leading English and Marathi newspapers.

Publications: Among his significant books are *The Republic of Caste* (2018), *Dalits: Past, Present and Future* (2016), *Mahad: The Making of the First Dalit Revolt* (2016), *The Persistence of Caste* (2010), *Khairlanji: A Strange and Bitter Crop* (2008), *Anti-Imperialism and Annihilation of Castes* (2005), and *Hindutva and Dalits: Perspectives for Understanding Communal Praxis* (ed., 2005).

Aseem TRIVEDI

Gender: Male

Profession: Cartoonist

Date of birth: 17 February 1987

Type of legislation: National security/defamation

Details of trial: Trivedi has been on trial since 2012 on charges of sedition and defaming national symbols in his cartoons. On 12 November 2017, Trivedi was reportedly notified by police that his presence was required in court that day. He later received a phone call informing him that his presence was in fact not required and that the court would be filing a charge sheet relating to the ongoing case. In a tweet, Trivedi later stated that he was being charged under the National Emblem Act 1971, and that a hearing was scheduled for 22 January 2018. On 27 August 2018, Trivedi tweeted that little progress had been made in the trial and that his next hearing was scheduled for 27 March 2019. No further information as of 31 December 2019.

Background: In 2011, Trivedi launched the campaign Cartoons Against Corruption in support of the broader anti-corruption movement, India Against Corruption. Trivedi's cartoons attack corruption and censorship in India. In January 2012, Trivedi was charged with sedition and defaming national symbols in connection with his cartoons. Trivedi reportedly spent the majority of the next three years in court.

Other information: Trivedi was a 2012 co-recipient of Cartoonists Rights Network International's Courage in Editorial Cartooning Award for Cartoons Against Corruption and Save Your Voice, a campaign promoting free speech in India of which Trivedi was a founding member.

Swathi VADLAMUD

Gender: Female

Profession: Journalist and cartoonist

Type of legislation: Other

Date of arrest: Vadlamud was reportedly charged with hurting religious sentiments under Section 295(a) of the Indian Penal Code on 16 April 2018. The charge relates to a cartoon, posted on Twitter on 10 April 2018, that alluded to recent far-right Hindu demonstrations calling for the release of Hindu activists and a member of the ruling Bharatiya Janata Party (BJP) held on suspicion of involvement in the rape of a minor and the gang-rape and murder of an eight-year-old girl from a Muslim nomadic community, through the depiction of a conversation with Ram and Sita, who are commenting on the cases. The publication of the cartoon also led to Vadlamud receiving threats, including death threats, on social media.

Update: According to an article published in *Redlines* on 5 March 2019, the case against Vadlamud remains open, although the police have not formally charged her.

Professional background: Vadlamud is a journalist and cartoonist who works at the bureau of *The Hindu* newspaper in Hyderabad, the capital of the southern state of Telangana.

Harassed

Hafiz AHMED

gender: male, **profession:** poet

Abdul Kalam AZAD

gender: male, **profession:** poet, researcher

Forhad BHUYAN

gender: male, **profession:** poet

Banamallika CHOUDHURY

gender: female, **profession:** social worker

Karishma HAZARIKA

gender: female, **profession:** poet

Ashraful HUSSAIN

gender: male, **profession:** poet

Kazi Sharowar HUSSAIN (alias Kazi Neel)

gender: male, **profession:** poet and student

Shalim M HUSSAIN

gender: male, **profession:** poet

Abdur RAHIM

gender: male, **profession:** poet

Rehna SULTANA

gender: female, **profession:** poet, activist

Profession: poets

Date of harassment: 11 July 2019

Details of harassment: On 11 July 2019, a First

Information Report (FIR) was filed against the ‘Miya’ poets under Section 153A of the Indian Penal Code for promoting enmity between groups on religious and regional grounds in connection with a video of Ahmed’s ‘I am Miya’ poem uploaded on social media. Within four days, at least three other police stations in Assam had reportedly received similar complaints. Additionally, public outcry reportedly led to the poets facing online threats; Sultana received several messages threatening rape and Kazi Hussain faced multiple death threats, according to *The Caravan*. In response, Ahmed released a public apology for any offense caused. On 17 July, the Gauhati high court granted anticipatory bail to nine of the ten persons named in the first FIR. No further information as of 31 December 2019; PEN is seeking an update.

Other information: According to Scroll.in, Miya poetry - in which poets of Muslim Bengali origin describe the discrimination they face in the state in their native dialects – emerged as a new genre in Assam in 2016 after Ahmed published his poem ‘I am Miya’. The poem went viral when it was first circulated online, in 2016, and inspired other Bengal-origin Muslims to write poetry, according to *The Caravan*. The word ‘miya’ has been used by Muslims in south Asia to mean ‘gentleman,’ but in Assamese, it has become an ethnic slur to describe Muslims in Assam who migrated from Bengal. In his poem, Ahmed reclaimed the word ‘miya’. The genre has reportedly generated anger among Assamese speakers not only because they draw attention to the oppression that Bengali-origin Muslims face in Assam, but also because they are not written in Assamese. According to *The Caravan*, Hazarika and Choudhury are neither members of the Bengal-origin Muslim community, nor have they written any poetry in the dialect; they are friends of the poets who had expressed support for them on social media, which included Hazarika sharing an Assamese poem that she had written.

Professional background: According to *The Wire*, Ahmed is the president of Char Chapori Sahitya Parishad, which has been promoting the Assamese language and literature among the residents of

Srijato BANDYOPADHYAY

Gender: male

Profession: poet

Date of harassment: 12 January 2019

Perpetrator: non-state

Details of harassment: On 12 January 2019, a group of individuals reported to be led by member of the All Assam Bengali Hindu Association stormed an event in Silchar, Assam, where Calcutta-based poet Bandyopadhyay was a guest. The police were reportedly forced to lock in the audience for three hours after the group began throwing stones at the building. The group were protesting against Bandyopadhyay’s poem ‘Abhishap’ (‘Curse’), alleging it had insulted Hindu gods.

Other information: In 2017, a First Information Report was filed against Badyopadhyay in connection with the same poem (for more information, see PEN’s 2017

Case List)

Feroz KHAN

Gender: male

Profession: academic

Date of harassment: 7 November 2019

Perpetrator: non-state

Details of harassment: On 7 November 2019, members of the Akhil Bharatiya Vidyarthi Parishad – a right-wing student organisation with a Hindu nationalist ideology – reportedly staged a campus protest demanding that Khan be moved to a different faculty in Banaras Hindu University (BHU) in Varanasi, Uttar Pradesh, claiming that Khan should not be allowed to teach Sanskrit or the Hindu scriptures owing to the fact that he is a Muslim. According to the *Guardian*, the protest led Khan to go into hiding. The BHU administration reportedly came out in support of Khan stating that his appointment was made in accordance with the BHU Act and the guidelines issued by the University Grants Commission; they indicated that his appointment had been made by unanimous decision. On 10 December 2019, it was reported that Khan had resigned from his post in the Sanskrit Vidya Dharma Vigyan (SVDV) faculty and had transferred to the Sanskrit department of Arts faculty following ongoing and deepening protests, which included students boycotting his class and threatening to go on hunger strike.

Other information: On 5 November 2019, Feroz was appointed as assistant professor in faculty of SVDV.

Priyanka PATHAK-NARAIN

Gender: Female

Profession: Writer

Date of harassment: 4 August 2017

Perpetrator: Non-state

Details of harassment: On 4 August 2017, the Karkardooma District Court in Delhi approved an order prohibiting the publication and sale of *Godman to Tycoon: The Untold Story of Baba Ramdev*, without hearing the defence of either the book’s publisher or author, in order to avoid ‘the delay which would be caused during the process of serving the notice and hearing the defendants’, according to the book’s publisher, Juggernaut. On 28 April 2018, a Delhi court lifted the ex-parte interim injunction on the publication and sale of *Godman to Tycoon: The Untold Story of Baba Ramdev*. However, the injunction was promptly restored by the Delhi High Court. Following an appeal by Juggernaut to the Supreme Court, the Supreme Court asked the Delhi High Court to decide on the plea. The Delhi High Court ruled to prohibit the publication on 29 September 2018, stating that portions of the book were defamatory, according to media reports.

Update: According to reports, on 23 October 2019, the Delhi High Court approved a far-reaching judgement that Indian courts can issue global take down orders to

Internet intermediaries such as Facebook, Google and Twitter for illegal content published by users of their platforms. The judgement follows a petition made by Ramdev seeking the removal of videos about Pathak-Narain’s book. All platforms reportedly agreed to take down the content in question from their India specific domains and use geo-blocking to ensure refusal of access to content published abroad.

Background: The book includes over 50 interviews, and traces the trajectory of a prominent public figure, Ramdev, from proponent of yoga to proprietor of a vast business empire.

PEN Action: Statement – 17 August 2017; featured in PEN’s publication *India: Pursuing truth in the face of intolerance* (2018)

Arundhati ROY

Gender: female

Profession: writer

Date of harassment: 7 August 2019

Perpetrator: state

Details of harassment: On 7 August 2019, Roy reported that a court had issued an order for the Delhi police to file a First Information Report against her in connection with her statements on Kashmir.

Professional background: Roy, who won the Man Booker Prize for *The God of Small Things*, has also been involved in human rights and environmental causes for many years. Among the other books she has written are *Kashmir: The Case for Freedom*, *The Hanging of Afzal Guru and the Strange Case of the Attack on the Indian Parliament*, and *The Ministry of Utmost Happiness*.

Other information: On 5 August 2019, the Indian government voted to revoke the special autonomous status provided to Jammu and Kashmir under Article 370 of India’s Constitution, and to split the province into two separate federally-governed territories. In anticipation of unrest, the national government implemented sweeping restrictions on the freedom of movement, banning public meetings, as well as imposing a shut down on internet and telephone services.

Nayantara SAHGAL

Gender: female

Profession: writer

Date of harassment: 6 January 2019

Perpetrator: non-state

Details of harassment: Sahgal, a prominent Indian writer, was due to deliver the inaugural address at the Akhil Bharatiya Marathi Sahitya Sammelan – an annual Maharashtra-based literary event that celebrates Marathi literature – in Yavatmal on 11 January 2019. However, on 6 January, the organisers of the event rescinded her invitation, reportedly capitulating to external pressure, including threats of protest and disruption to the event.

Professional background: Sahgal’s distinguished

literary career includes works of both fiction and non-fiction grounded in India’s political landscape. Committed to social justice, she has previously worked with the People’s Union for Civil Liberties and was among the first of the writers to return the prestigious Sahitya Akademi Award following the *Akademī’s* apparent inaction in the wake of the killing of M. M. Kalburgi (see above under ‘killed: impunity’). In recognition of her contribution to literature and commitment to free expression, Sahgal was elected as a Vice President of PEN International during its 84th annual Congress, held in Pune, India, in 2018.

PEN Action: Statement – 10 January 2019

Aatish TASEER

Gender: male

Profession: writer and journalist

Date of harassment: 8 November 2019

Perpetrator: state

Details of harassment: According to Taseer, he received a letter (dated 13 August 2019) from the Indian Ministry of Home Affairs on 3 September 2019 informing him that his Overseas Citizenship of India (OCI) would be revoked, and offering him 21 days to respond to their allegations that he had concealed his Pakistani parentage. Taseer reports only receiving the letter on day 20 and emailing with his response immediately.

Other information: Taseer, a U.K. citizen who holds a U.S. Green Card, has had documentation registering his overseas Indian status since 2000, which allows foreign citizens of Indian heritage to live and work in India indefinitely. Although the OCI regulations stipulate that the status is not granted to an individual whose parent or grandparent is of Pakistani or Bangladeshi origin, Taseer grew up in India with his Indian mother and Indian grandparents, and his parents were estranged when Taseer moved as a child to India with his mother. In his application for the OCI status, Taseer listed his father’s name and never tried to hide his identity; a number of his books and articles have extensively covered his heritage and past. Taseer believes that the revocation of his OCI status is politically motivated and in connection with a cover story that he wrote for TIME magazine headlined ‘India’s Divider in Chief’ which was critical of the Indian Prime Minister and ruling party (as well as of the opposition) in May 2019 in the midst of India’s election season. The article reportedly provoked sustained online harassment and statements from the ruling party and the Prime Minister which sought to discredit Taseer.

Professional background: Taseer is both a novelist and journalist. He has written articles for *TIME*, *The Sunday Times*, the *Financial Times* and the *Sunday Telegraph* among others. His books include *Stranger to History: A Son’s Journey through Islamic Lands* (2008); *The Temple-Goers* (2010); *Noon* (2011); *The Way Things Were* (2014); *Twice-Born: Life and Death on the Ganges* (2019)

PEN Action: Joint public statement – 14 November 2019

Released

Nandini SUNDAR

Gender: Female

Profession: Writer, academic and activist

Archana PRASAD

Gender: Female

Profession: Author and academic

Date of harassment: 7 November 2016

Perpetrator: Non-state

Details of harassment: According to Sundar, Bastar police filed a First Information Report accusing her, Prasad, and nine others, including former journalist Vineet Tiwari, of the murder of Shamnath Baghel, a resident of Nama village in Chhattisgarh's insurgency-hit Bastar region. According to news reports, Baghel was killed on 4 November 2016. The group were reportedly charged under sections 120B (criminal conspiracy), 302 (murder), 147 (punishment for rioting), 148 (rioting armed with a deadly weapon), and 149 (unlawful assembly) of the Indian Penal Code. Baghel is reported to be one of a number of people who spearheaded protests against armed Maoists. He had reportedly filed a complaint against Sundar and Prasad, among others, in May 2016, for allegedly inciting tribal groups against the government and supporting Maoists – charges that Sundar denied. In a statement, the National Human Rights Commission of India reportedly stated that the naming of the human rights activists was part of a police vendetta against activists, lawyers and journalists who had been critical of the security forces violence. (For details of this case, see 2018 Case List)

Update: On 12 February 2019, it was reported that Sundar, Prasad and others were acquitted of all charges in connection with the murder of Baghel.

Professional backgrounds: Sundar is a professor of sociology at Delhi University and the author of several books, including her most recent, *The Burning Forest: India's War in Bastar* (Juggernaut Press, 2016), about the Maoist conflict in the region, is reported to shed light on alleged police atrocities. According to news reports, Sundar has faced threats from vigilantes and harassment at the hands of the police since 2005. **Prasad** is a professor at the Centre for Informal Sector and Labour Studies at the Jawaharlal Nehru University and the author of *Environmentalism and the Left* (Leftword, 2004), among many other books. Sundar and Prasad had been part of a fact-finding team that was examining the impact of Maoist violence and state excesses on villagers in Bastar earlier in the year.

MALAYSIA

Harassed

Maryam LEE

Gender: Female

Profession: writer and blogger

Date of harassment: 24 October 2019

Perpetrator: state

Details of harassment: On 24 October, Lee reported on her blog that she had received a summons for questioning by JAIS – (Jabatan Agama Islam Selangor), the State of Selangor's religious authority – under Section 10 (a) of the Syariah Criminal Enactment (Selangor) 1995, which criminalises 'any person who by words which are capable of being heard or read or by drawings, marks or other forms of representation which are visible or capable of being visible or in any other manner: (a) insults or brings into contempt the religion of Islam'.

Professional background: Lee is the author of *Unveiling Choice*, a work of non-fiction in which she explores her decision to stop wearing the hijab. The book argues that Malay Muslim women should have the right to decide if they wish to wear a headscarf, known as *tudung*, a controversial proposition in a country where cultural practices require Malay Muslim women to wear the headscarf. The discussion at the launch of the book on 13 April garnered backlash on social media from individuals who had not attended the session, including the Minister for the Department for Religious Affairs. According to media reports, this backlash prompted JAIS to launch an investigation.

PEN Action: 25 April 2019 – Statement; 1 November 2019 - Statement

MYANMAR

Imprisoned: main case

Kay Khine Tun gender: female

Zay Yar Lwin gender: male

Paing Pyo Min gender: male

Paing Ye Thu gender: male

Zaw Lin Htut gender: male

Su Yadanar Myint gender: female

Profession: poets

Sentence: various

Date of sentence: 18 November 2019

Date of arrest: April and May 2019

Type of legislation: national security

Details of arrest: The six poets were reportedly arrested along with another colleague –**Nyein Chan So** (m) – following a performance of a *Thangyat*, a traditional performance akin to slam poetry. During the performance they were reportedly wearing military uniforms while they criticised the army's influence over parliament, and showed the audience pictures of a dog wearing a military jacket.

Details of trial: On 18 November 2019, Yangon's Botahtuang Township Court convicted six members of the group – excluding Nyein Chan So, who was acquitted and released – under Section 505(a) of the Penal Code that criminalises making, publishing or sharing 'any statement, rumour or report' that might induce any military service member 'to mutiny or otherwise disregard or fail in his duty.' They were sentenced to one year in prison.

Additional sentences: On 30 October 2019, Kay Khine Tun, Zay Yar Lwin, Paing Pyo Min, Paing Ye Thu and Zaw Lin Htut were sentenced to one year in prison on similar charges relating to an earlier performance in a different township in Yangon. On 11 December 2019, Zay Yar Lwin, Paing Pyo Min, Paing Ye Thu and Su Yadanar Myint were sentenced to an additional six months in prison after they were found guilty of defamation under Section 66(d) of the Telecommunications Act.

Possible further charges: All seven face further charges of online defamation under Section 66(d) of the Telecommunications Act in connection with photos and videos of their performances that they are alleged to have uploaded to Facebook brought by another township in Yangon.

Other information: According to Amnesty International, *Thangyat* is a traditional art form that blends poetry, comedy, and music and is typically performed during Myanmar's New Year water festival in April. Public performances of *Thangyat* were banned by the military between 1989 – 2013. In March 2019, authorities in Yangon reportedly required *Thangyat* lyrics to be submitted for prior approval.

Professional background: The six poets are members of a satirical poetry performance troupe known as the *Daung Doh Myo Sat* (Peacock Generation).

Min Htin Ko Ko Gyi

Gender: male

Profession: filmmaker

Date of arrest: 12 April 2019

Type of legislation: defamation

Sentence: one year's imprisonment with hard labour
Details of arrest: According to reports, Min Htin Ko Ko Gyi was arrested after a military officer filed charges against him under Section 66(d) of the Telecommunications Law and subsequently under section 505(a) of the Penal Code, which criminalises making, publishing or sharing 'any statement, rumour or report' that might induce any military service member 'to mutiny or otherwise disregard or fail in his duty.' The charges were reportedly

brought by a military officer 15 February and 23 March 2019 for Facebook posts in which he expressed concern regarding the 2008 Constitution, which was drafted by the military.

Details of trial: Min Htin Ko Ko Gyi's trial commenced on 25 April. The second hearing took place on 9 May. On 29 August 2019, Insein Township Court sentenced Min Htin Ko Ko Gyi to one year in prison with hard labour after finding him guilty of violations under section 505(a) of the Penal Code; his appeal was dismissed on 9 September. According to *Frontier Myanmar*, the court has yet to decide whether to proceed with the case against Min Htin Ko Ko Gyi under Section 66(d); if the authorities do proceed with the case, he could face an additional two years in prison.

Place of detention: Insein Prison

Health concerns: Min Htin Ko Ko Gyi is reported to be in poor physical health; he reportedly underwent surgery to treat liver cancer three months prior to his arrest. He is reported to be receiving medical check-ups in prison.

Professional background: Min Htin Ko Ko Gyi is a prominent filmmaker and the co-founder of the Human Rights Human Dignity Film Festival in Yangon. He has directed at least eight feature films and two documentaries since 2003. His films explore human rights, indigenous life, and environmental justice in Myanmar, and he has garnered international acclaim for fostering a new generation of young Burmese filmmakers.

Other information: according to *Frontier*, Min Htin Ko Ko Gyi had posted criticism of the Tatmadaw in previous years but was never charged.

On trial

Saw Win (pen name: Saw Wai)

Gender: male

Profession: poet

Date of arrest: 31 October 2019

Type of legislation: defamation

Details of arrest: On 17 October 2019, a lieutenant colonel reportedly filed charges against Saw Wai and two others under Section 505(a) of the Penal Code, which prohibits the circulation of statements and reports with 'intent to cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty.' According to PEN Myanmar, the charges followed Saw Wai delivering a speech in Kawthaung township, Tanintharyi region, southern Myanmar, in which he advocated in support of the Union of Myanmar Constitutional Amendment Joint Committee, which was formed in February. The Kawthaung Township Court reportedly accepted the military's case on 31 October 2019. No further information as of 31 December 2019.

Professional background: Saw Wai previously served

two years in prison after publishing a poem in the popular weekly *Achit Journal (Love Journal)* in 2008; disguised as a love poem, Saw Wai described the then-head of the military government Senior General Than Shwe as power crazy.

Other information: According to Amnesty International, during the rally in Kawthaung township, the three accused made speeches in which they criticised the military and its role in politics and called for constitutional reforms. Saw Wai reportedly recited a poem, asking the audience to chant ‘reject evil laws’.

Released

Wa Lone

Gender: Male
Profession: Journalist and author

Kyaw Soe Oo

Gender: Male
Profession: Journalist and poet
Date of arrest: 12 December 2017
Date of release: 7 May 2019
Type of legislation: Other (official secrets)

Details of arrest: Wa Lone and fellow Reuters journalist Kyaw Soe Oo were arrested on 12 December 2017. Prior to their arrest, the pair had been investigating the ethnic violence in Myanmar’s Rakhine state, which contributed to a [Reuters exposé](#) released in February 2018.

Details of trial: On 3 September 2018, Wa Lone and Kyaw Soe Oo were sentenced to seven years in prison for breaching [section 3.1.c of the Official Secrets Act](#) by allegedly obtaining confidential documents during their reporting.

Update: On 11 January 2019, the Yangon Regional Court rejected Wa Lone and Kyaw Soe Oo’s appeal; their appeal to the Supreme Court was denied on 22 April 2019.

Details of release: Wa Lone and Kyaw Soe Oo were released from Insein Prison alongside over 6,000 prisoners as part of a presidential amnesty on 7 May 2019

Professional background: Wa Lone is the author of several books for children, including *The Gardener* (2015) and *Jay Jay the Journalist* (2018), which he wrote from his prison cell. In 2014, he reportedly founded Third Story Project, a social enterprise with the purpose of producing and distributing books to disadvantaged children across Myanmar free of charge. Each of his books has been [published through the Third Story Project](#). Prior to becoming a journalist, Kyaw Soe Oo composed poetry. Both Wa Lone and Kyaw Soe Oo are journalists with Reuters who worked on a story covering the conflict in Rakhine state and resulting [humanitarian crisis](#). A UN fact-finding mission found evidence that [crimes against humanity](#) had been carried out against

the resident ethnic communities, including the Rohingya.

Awards: [2018 PEN/Barbey Freedom to Write Award](#); Guillermo Cano Press Freedom Prize 2019; 2019 Pulitzer Prize in Investigative Journalism.

PEN Action: [Statement – 7 May 2019](#)

PAKISTAN

Harassed

Mohammed HANIF

Gender: male
Profession: writer and journalist
Date of harassment: 26 December 2019
Perpetrator: non-state

Details of harassment: On 26 December 2019, Hanif received a legal notice under Defamation Ordinance, 2002, filed by the son of the former president of Pakistan, General Muhammad Zia ul Haq, in which he was accused of defaming General Zia and his son in his book, *A Case of Exploding Mangoes*, the Urdu-language translation of which had recently been published in Pakistan. The notice also implicated the book’s translator, editor and publishers. Under the ordinance, Hanif and his lawyers were given 14 days to respond to the complaint.

Other information: Hanif’s award-winning satirical novel *A Case of Exploding Mangoes* explores one of the many conspiracy theories surrounding the death of General Zia ul Haq in 1988. Published originally in English in 2008, it has been translated into more than 18 languages. It finally became available for sale in Urdu in 2019.

Professional background: Mohammed Hanif is the author of three novels, as well as plays and scripts. He has written for stage, film and BBC Radio. He has written for the *Guardian*, *Newsline*, *India Today*, *The Washington Post*, the *New York Times* and *Counter Punch*. He was the head of the BBC Urdu Service in London and now works as their special correspondent based in Karachi.

PHILIPPINES

On trial

Maria RESSA

Gender: female
Profession: journalist and writer
Date of arrest: 13 February 2019
Type of legislation: libel

Details of arrest: Ressa was [arrested](#) by four plainclothes officers on 13 February and taken to the National Bureau of Investigations, which is under the Department of Justice, where she was to be held overnight before being [released on bail](#). She was charged under Section 4(c)(4) of the Cybercrime Prevention Act 2012.

Details of trial: On 26 February 2019, Ressa’s lawyers filed a motion to quash the case; the motion was rejected by the court on 12 April. The trial commenced on 23 July. The case was filed against Ressa and the Philippines online news site, Rappler, in October 2017. On 18 October 2019, Ressa and her co-defendants reportedly [petitioned the Manila Regional Trial Court](#) Branch 46 to dismiss the cyber-libel charges against them. A verdict is expected on 3 April 2020.

Other information: The cyber-libel case was based on a [story](#) published in Rappler in 2012, which alleges corruption between a businessman and a judge. The case is widely believed to be politically motivated and part of a wider government campaign to stifle critical media outlets. Ressa and Rappler are facing charges under a law enacted four months prior to the publication of the article in question. Rappler has continued to [fight](#) the Securities and Exchange Commission’s (SEC) order in January 2018 to revoke Rappler’s license for alleged violation of the Constitutional ban on foreign ownership of Philippine media, as well as for alleged tax evasion.

Professional background: Writer and journalist Maria Ressa was named a *TIME* person of the year in 2018. She is the author of two books concerning the rise of terrorism in Southeast Asia: *Seeds of Terror: An Eyewitness Account of Al-Qaeda’s Newest Center* (2011) and *From Bin Laden to Facebook: 10 Days of Abduction, 10 Years of Terrorism* (2013). She is the founder and CEO of Rappler, an online news platform.

PEN Action: Included in PEN’s Philippines Report, [A Carnival of Mirrors](#) (2019)

SRI LANKA

On trial

Shakthika SATHKUMARA

Gender: male
Profession: writer and poet
Date of arrest: 1 April 2019
Date of release: 8 August 2019
Type of legislation: defamation of religion

Details of arrest: On 1 April 2019, Sathkumara was arrested on suspicion that he had committed offences under Section 291B of the Penal Code and Article 3(1) of Sri Lanka’s ICCPR Act (2007), in connection with a short story that he had published on his Facebook page. According to media reports, a complaint filed by the Buddhist Information Centre claimed that the story was derogatory and defamatory to Buddhism.

Details of trial: Owing to the nature of the charges, Sathkumara was not granted bail until the Kurunegala High Court made its ruling on 5 August; he was released on 8 August. As of 31 December 2019, the Attorney General was yet to decide whether to press charges against Sathkumara, who has appeared regularly before the Polgahawela Magistrate Court. His next hearing before the Polgahawela Magistrate Court is scheduled for 19 May 2020. **Other information:** The short story, ‘Ardha’ (‘Half’), has provoked hostility from Buddhist groups in Sri Lanka who [allege that it is derogatory and defamatory](#) to Buddhism owing to its [indirect references](#) to homosexuality within the Buddhist clergy and also due to a different rendering, told by the characters of the short story, of the legendary story of ‘Siddhartha’ in Buddhist literature.

Professional background: Sathkumara is the author of seven short story collections, four poetry anthologies, a novel and at least 17 non-fiction books on literary theory, theatre art and Buddhism. He has earned recognition at local and national levels for his short stories and poetry anthologies. Sathkumara is a regular contributor to the literary supplements of various Sinhala-language newspapers.

PEN Action: [RAN 02/19 – 20 June 2019](#); [Update 1 to RAN 02/19 – 30 August 2019](#); [Day of the Imprisoned Writer 2019 – 15 November 2019](#)

Harassed

Malaka DEWAPRIYA

Gender: male
Profession: playwright and filmmaker
Date of birth: 30 March 1979

Date of harassment: 17 October 2019

Perpetrator: state

Details of harassment: Dewapriya was reportedly interrogated for four hours on 17 October by police from the Organized Crimes Prevention Division (OCPD). His interrogation followed a complaint made by Buddhist monk accusing him of distorting Buddhist terminology.

Other information: Dewapriya’s radio series ‘Kanata Parak’ (Earful of Visuals) was reportedly aired on national radio in 2018. According to the *Sunday Observer*, individual titles of episodes of the show were deemed to have caused offence.

Professional background: Dewapriya is an award-winning filmmaker, artist, and playwright in Sinhala. He has won several national awards for his radio plays.

THAILAND

Killed: Impunity

Kamol DUANGPHASUK
(pen name: Mainueng K. KUNTHEE)

Gender: Male

Profession: Poet

Date of death: 23 April 2014

Perpetrator: Unknown

Details of death: Kunthee was shot several times by unknown assailants who had approached his car at a restaurant parking lot in northern Bangkok. The gunmen escaped on a motorcycle. Kunthee, aged 45, died in hospital. The motive for Kunthee’s murder is not known, although it is thought that he may have been targeted for his activism amidst the escalating political violence in the country at the time.

Details of investigation: On 24 July 2014, police issued arrest warrants for two individuals suspected of his killing. No further information as of 31 December 2019.

Background: Kunthee was widely known for his poetry since the late 1980s and was popular for his direct style and for voicing strong political messages. His poems call for social justice, the rights of the rural poor, and for challenging the forces of oppression and were published in a number of magazines, including the *Matichon Weekly* in the 1990s. Kunthee strongly opposed the 2006 military coup and the subsequent crackdown on critics of the monarchy. He took part in many rallies of the United Front for Democracy against Dictatorship (UDD), known as the ‘Red Shirts,’ becoming known as a ‘Red Shirts poet’. He was also very active in the campaign against Article 112 of the Penal Code, or lèse majesté law, which has been widely used to criminalise free expression and imprison writers, journalists, and publishers. His murder

is one of a string of violent attacks on activists and academics known to be critical of the monarchy and the lèse majesté law.

PEN Action: RAN 10/14 – 10 June 2014

On Trial

SIRAPHOP Kornaroot (Pen name: Rung Sila)

Gender: Male

Profession: Poet

Date of birth: c. 1963

Type of legislation: Defamation/insult

Date of arrest: 24 June 2014

Details of arrest: On 1 June 2014, the National Council for Peace and Order (NCPO) listed Siraphop’s name among those who should present themselves to military camps for ‘attitude adjustment’ under order No. 44/2557. Siraphop refused and attempted to flee the country and claim asylum. He was arrested on 24 June 2014 after his car was intercepted by armed men in plainclothes.

Details of trial: Siraphop was charged with violating the NCPO’s order on 1 July 2014. The following day he was granted bail; however, he was immediately re-arrested by the Technology Crime Suspension Division office and interrogated for violating Article 112 of the Criminal Code (lèse majesté) and Section 14 of the Computer-related Crime Act. Siraphop pleaded not guilty. If convicted, he faces up to 45 years in prison. On 13 November 2014, the court ruled that the case would be tried in a closed court. Siraphop and his lawyers sought in late 2015 to have the trial transferred to a civilian court, a claim that was supported by the Criminal Court’s ruling that it had jurisdiction over the case in September 2015. However, on 20 January 2016, the Military Court of Bangkok determined that the case would be heard by the Military Court, as the online content in question was still accessible when the military junta issued Announcements No. 37/2014 and 38/2014 on 25 May 2014, which transferred jurisdiction over lèse majesté and national security cases to the Military Court. Trial in a civilian court allows for the possibility of appeal; a military court’s verdict is final.

First sentence: On 25 November 2016, Bangkok Military Court found Siraphop guilty of breaching a junta order and delivered an eight-month jail sentence, a 12,000 baht (c. US\$ 343) fine, and suspended the jail term for two years.

Continuing trial: Siraphop continues to be detained and on trial in relation to the lèse majesté charge. On 15 November 2017, the Military Court in Bangkok again postponed trial as a witness failed to appear in court. On 5 November 2018, the Bangkok Military Court reportedly denied Siraphop’s bail petition.

Update: Siraphop was reportedly released on bail on 11 June 2019. His trial reportedly continues in a closed

military court.

Background: The arrest on charges of violating Article 112 of the Criminal Code (lèse majesté) and the Computer-related Crime Act relate to a report filed to the police on 30 June 2014 alleging that three writings Siraphop had posted on Facebook and a poem published on *Prachathai* newspaper’s webpage were considered offensive to the late Thai King Bhumibol Adulyadej, who died on 13 October 2016. Siraphop regularly wrote articles critical of the government. He continues to write poetry in prison.

VIETNAM

Imprisoned: Main Cases

TRAN Anh Kim

Gender: Male

Profession: Writer, dissident and former army officer.

Date of birth: 15 August 1949

Sentence: 13 years in prison

Type of legislation: National security

Date of arrest: 21 September 2015

Expiry of sentence: September 2028

Type of legislation: national security

Details of arrest: Authorities are thought to have charged Tran under Article 79 of the Criminal Code (carrying out activities aimed at overthrowing the people’s administration). Reports state that his laptop, mobile phone, and some files were taken from his residence.

Place of detention: Prison No. 5, Thanh Hoa province

Details of trial: On 16 December 2016, Tran was reportedly sentenced to 13 years in prison to be followed by four years of house arrest by the Thai Binh People’s Court. In May 2017, an appeals court reportedly upheld Tran’s sentence. In August 2017, it was reported that Tran had been transferred to a prison far from home and without prior notice to his relatives.

Health concerns: In December 2017, Tran’s wife reported her husband to be ‘very thin and weak’ due to severe prostatitis and chronic headaches. She stated that he was waiting for approval to be transferred to a hospital from prison. In May 2018, Amnesty International reported that Tran’s health had deteriorated considerably. Although it was reported that he had received surgery to address his prostate infection, his condition had not improved. In addition, his wife also reported that his ongoing headaches have worsened whilst imprisoned, he has lost almost all sight in one of his eyes, and lost most of his teeth, causing him difficulty when eating.

Background: Tran is the author of more than 85 articles and essays focusing on government corruption, human rights abuses, and social injustice. His most prominent works include the essays ‘Letter of confidence’ and ‘A wise leader’. He was a member of the editorial board of the underground journal *Fatherland*. Tran was first arrested in 1991: he was briefly detained and accused of ‘abuse of power to steal public wealth’. He was arrested again in 1994 and sentenced to two years in prison. He was released after one year. Tran was also arrested in July 2009 for his pro-democracy activities: on 7 January 2015, he was released from prison under a probationary detention of three years after completing a five-and-a-half-year prison term.

Other information: Tran is secretary of the banned Vietnamese Democratic Party and member of the banned democracy movement known as Bloc 8406.

Awards: Recipient of the 2009 Hellman/Hammett Award

PEN Action RAN 49/09 - 15 September 2009

TRAN Huynh Duy Thuc
(pen name: Tran Dong Chan)

Gender: Male

Profession: Businessman, poet, and internet writer

Date of birth: 29 November 1966

Sentence: 16 years in prison and three years of probationary detention.

Expiry of sentence: 23 May 2025

Type of legislation: National security

Date of arrest: 24 May 2009

Details of arrest: According to reports, Tran was arrested at his home by the Security Agency and was originally charged with ‘conducting propaganda against the Socialist Republic of Viet Nam’ under article 88-1(c) of the Criminal Code. There are reports that in August 2009, Tran was compelled to make a public ‘confession’.

Current place of detention: On 7 May 2016, Tran was reportedly moved from Xuyên Mộc Labour camp to another detention facility about 1,500 kilometres away, known as Camp No. 6 in central Nghe An province. No explanation was provided for the move.

Details of trial: On 17 January 2010, Tran was tried and convicted for ‘carrying out activities aimed at overthrowing the people’s administration’ under article 79 of the Criminal Code. The trial lasted one day, and neither Tran’s relatives nor the press were allowed into the courtroom. He was reportedly convicted for his dissident activities and writings. In March 2016, Tran, along with other inmates at Xuyên Mộc prison, reportedly submitted written complaints and went on a 13-day hunger strike to protest misconduct by prison guards, including arbitrary restrictions on their rights to receive documents from and send documents to their family members, as well as the frequent use of solitary confinement. The hunger strike earned international coverage and reportedly ended after prison authorities

acknowledged staff members had violated the rules of conduct and the authorities agreed to meet the prisoners’ demands. In May 2016, it was reported that Tran had been offered and rejected his freedom in exchange for exile in the US.

Conditions in detention: In March 2017, Tran’s family stated that he was being kept in a dark cell and had been denied reading materials. His family expressed fear that his eyesight was failing and repeated concerns about a lack of electricity at the prison. In April 2017, Tran’s family were reportedly permitted to visit him in prison. They were allowed to see him for one hour in a special room through a thick glass screen, communicating through a speakerphone. Their conversations were monitored and recorded under the supervision of about 10 superintendents. They stated that torches, reading materials, and letters from family they had sent to Tran had been returned, often without explanation. Tran was reported to be in good health.

Background: Tran began his career running several IT businesses. Reportedly he gained an awareness of the corruption endemic in the country’s economic environment which fed into his activism, advocating democratic reform and promoting respect for human rights in Vietnam. He is the founder of the Studies Group for Improving and Promoting Vietnam. Tran also had various online blogs, the most prominent being ‘Change we need’, where he publishes his articles on the social and political situation in Vietnam, as well as his poems. He is said to be the co-author of the clandestine book *The Way for Viet Nam*. At the time of his 2009 arrest, Tran was reportedly in the process of writing a book entitled *Hewing Quest for Democracy and Prosperity*.

Awards: Recipient of the 2013 Viet Nam Human Rights Network Prize

Detained: Main Case

DANG Phuc Tue
(religious name: Thich Quang Do)

Gender: Male

Profession: Buddhist monk, writer, scholar. Secretary General of the outlawed Institute for the Propagation of the Dharma, United Buddhist Church of Viet Nam (UBCV).

Date of birth: 27 November 1928

Type of legislation: Unknown

Date of arrest: 9 October 2003

Details of arrest: Thich Quang Do was part of a delegation of nine UBCV leaders who were all arrested on 9 October 2003. The delegation had left Binh Dinh on 8 October 2003 en route to Ho Chi Minh City when security services blocked their departure. After a protest in which over 200 monks formed a human shield around their vehicle, the delegation was allowed to continue its journey, only to meet another police barricade on the following day, when all nine UBCV leaders were arrested

and taken away for interrogation. Thich Quang Do, now in his early 90s, was placed under house arrest. Although he has not been formally convicted of any charge, he remains under house arrest. In May 2017, it was reported that his telephone was being monitored by police. In September 2018, Thich Quang Do was reportedly expelled from the monastery in which he had been placed under house arrest by the monastery’s superior monk. The Vietnamese authorities had reportedly been exerting pressure to have Thich Quang Do moved to a state-sponsored pagoda. After staying for a short while in Northern Vietnam, he took up residence in a UBCV owned monastery in Ho Chi Minh City.

Background: On 27 June 2003, Thich Quang Do was released from a 27-month detention order. He has spent most of the last 20 years in detention or under residential surveillance because of his campaign for religious freedom and free expression. In August 2008, Thich Quang Do was appointed as the new Patriarch of the UBCV.

Other information: The UN Working Group on Arbitrary Detention declared his imprisonment as ‘arbitrary’ in May 2005.

Awards: Recipient of 2001 Hellman/Hammet Award; 2002 Viet Nam Human Rights Award; 2002 Homo Homini Award for his ‘outstanding merits in promoting human rights, democracy, and the non-violent resolution of political conflicts’ by the Czech group People in Need; 2006 Norwegian Thorolf Rafto Human Rights Prize; 2006 Democracy Courage Tribute by the World Movement for Democracy

Honorary Member: French PEN, German PEN, and Swedish PEN

Pham Chi DUNG

Gender: male

Profession: writer, journalist, activist

Date of arrest: 21 November 2019

Type of legislation: other

Details of arrest: Dung was reportedly arrested at his home in Ho Chi Minh City on 21 November 2019 on charges of ‘producing, possessing and spreading anti-state information and documents’ under Article 117 of the Criminal Code. According to Radio Free Asia, Dung is accused of writing articles critical of the state and cooperating with foreign media to disseminate distorted information.

Other information: According to the Committee to Protect Journalists (CPJ), his arrest came soon after he issued a 10 November petition calling on EU member states to postpone ratifying a bilateral trade agreement until Vietnam improves its press freedom and human rights situation.

Conditions in detention: According to Radio Free Asia, Dung is being denied access to his lawyer until such time as the police have finished their investigation.

Professional background: According to PEN Vietnamese Writers Abroad, Dung is a novelist and journalist, who co-founded and currently is President of the Association of Independent Journalists (Hội Nhà báo độc lập). His novels include ‘Những bông hoa hoang dã’ (1993), ‘Tự thú’ (1994), ‘Những chiếc bồn tắm định mệnh’ (2005), ‘Cuộc phiêu lưu của linh hồn cầm cố’ (2005), ‘Ngài nghị sĩ’ (2006), ‘Tự sự chứng Khoán - Những gam màu ám ảnh’ (2007). He has published articles on the BBC, Voice of America and Radio Free Asia, as well as independent blogs including *Dan Luan* and *Dan Lam Bao*, exposing corruption in Vietnam. According to the International Federation for Human Rights (FidH), Dung was arrested on similar charges in 2012, and released six months later without being tried. He has also been frequently harassed by the authorities and was banned from traveling abroad in 2014.

Conditional release

NGUYEN Van Ly

Gender: Male

Profession: Priest, scholar, essayist, and co-editor of the underground online magazine *Tu Do Ngon luan* (*Free Speech*).

Date of birth: 1946

Sentence: Eight years in prison and five years of probationary detention.

Date of arrest: 19 February 2007

Date of release: 20 May 2016

Details of arrest: Nguyen was reportedly arrested on 19 February 2007 during an ‘administrative check’ at the archdiocesan building where he lives in the city of Hue. Two other editors of *Tu Do Ngon luan*, Father Chan Tin and Father Phan Van Loi, were reportedly also placed under house arrest. **Details of release:** Nguyen was released from the labour camp on 20 May 2016, one month early. He is currently under five years of probationary detention as part of the original sentence. No further updates as of 31 December 2019

Details of trial: On 30 March 2007, a People’s Court in Hue (Central Vietnam) sentenced Nguyen under Article 88 of the Criminal Code for ‘conducting propaganda against the Socialist Republic of Viet Nam’. Video footage of his sentencing is available here.

Other information: In September 2010, the United Nations Working Group on Arbitrary Detention called for the immediate and unconditional release of Nguyen, who it said had been arbitrarily and illegally detained and denied access to legal counsel by the Vietnamese authorities.

Background: Nguyen is a leading member of the pro-democracy movement ‘Bloc 8406’. He was previously detained from 1977-1978, and again from 1983-1992 for his activism in support of freedom of expression and

religion. He was sentenced again in October 2001 to 15 years in prison for his online publication of an essay on human rights violations in Vietnam and was a Main Case of PEN International. The sentence was commuted several times and he was released under amnesty in February 2005.

Awards: Recipient of 2002 Homo Homini Award for human rights activism by the Czech group People in Need; 2008 Hellman/Hammett Award in recognition of his work in the face of persecution; nominated for the 2009 and 2010 Sakharov Prize for Freedom of Thought

Honorary Member: Sydney PEN

PEN Action: RAN 12/07 - 28 February 2007; update #1 - 7 March 2007; updates #2 – 3 April 2007; RAN 06/14; RAN 06/14 Update #2 – 26 May 2016

CLOSED CASES – ASIA AND PACIFIC

The following cases in the Asia and Pacific region which featured in previous PEN International case lists have been closed as there has been no further reported attacks or because PEN has received new information on their present situations. For details of these cases, please refer to the PEN International Case List 2018:

Afghanistan:

Sushmita BANERJEE

Bangladesh

Shafik REHMAN

Rezaul Karim SIDDIQUE

China

WANG Jianmin

Inner Mongolia Autonomous Region

LIU Chengkun

Europe and Central Asia Regional Overview 2019

Aurélia Dondo, Europe and Central Asia Programme Coordinator

Freedom of expression remained under threat in Europe and Central Asia in 2019. Two journalists were killed and scores were subject to police violence during protests. Writers, journalists and academics continued to be harassed and intimidated, including through arbitrary detentions and unfair prosecutions. Authorities across the region showed a disregard for the rule of law, and enacted legislation that imposed excessive restrictions on freedom of expression and further undermined media freedom. On a positive note, PEN International members celebrated the long-awaited release of several writers and journalists.

Safety of Writers and Journalists

Two journalists were killed in Europe and Central Asia in 2019. In April, Lyra McKee was shot while reporting on rioting in **Northern Ireland** and Vadym Komarov died in June following an earlier attack by unknown assailants that left him in a coma in **Ukraine**. Those behind the killings have yet to be brought to justice.

Impunity remained a concern across the region. July saw the ten-year anniversary of the unsolved murder of Russian journalist and human rights activist Natalia Estemirova, who was abducted and killed by armed men in Grozny, **Chechnya**. October marked two years since the assassination of **Malta's** best-known investigative journalist and anti-corruption campaigner, Daphne Caruana Galizia. A long-advocated public inquiry into the circumstances surrounding her killing opened in December amid a string of high-profile resignations, including that of the Prime Minister.

Progress was made with regard to the 2018 killing of journalist Ján Kuciak in **Slovakia**, where a man was sentenced to 15 years in prison in December for his role in facilitating the murder. Five suspects were detained in **Ukraine** in December in connection to the 2016 killing of journalist Pavel Sheremet.

Journalists covering public protests were subject to police violence, including in **France**, where dozens of journalists were beaten by police during 'Yellow vests' and anti-pension reform protests and **Spain**, where excessive force was used during demonstrations in Catalonia following the Supreme Court's decision in

October to sentence 12 Catalan political leaders and activists to jail. Presidential elections held in **Kazakhstan** in June saw thousands – including scores of journalists – arbitrarily arrested during peaceful protests against an election widely seen as unfree and unfair.

Arbitrary Detentions and Unfair Prosecutions

Turkey retained the dubious accolade of being the world's biggest jailer of journalists; at least 113 were behind bars at the end of the year. They included news editor, poet and reporter Nedim Tüfent, whose sentence was upheld by Turkey's Supreme Court of Cassation in October despite blatant violations of his right to a fair trial. In a shocking move, the Turkish authorities re-arrested writer and journalist Ahmet Altan a mere eight days after he was released pending appeal in November. He had already spent over three years in pre-trial detention. Writer and opposition politician Selahattin Demirtaş and publisher, civil society leader and philanthropist Osman Kavala remained behind bars despite landmark rulings from the European Court of Human Rights (ECtHR) ordering their immediate release.

In July, a court in northern Kyrgyzstan upheld the life sentence of journalist and human rights activist Azimjon Askarov, whose case PEN has been advocating for since 2014. His trial exposed once again the country's broken judicial system; Askarov was reportedly prevented from attending his own hearing and his lawyer was briefly denied access to the court.

Defamation laws were used as a means to silence writers and journalists. In **Poland**, Professor Wojciech Sadurski faced criminal and civil defamation lawsuits for criticising the ruling party and a state broadcaster, while in the **United Kingdom**, investigative journalist Carole Cadwalladr was taken to court in a case directly linked to her reporting into data, disinformation and democracy.

In the **United Kingdom**, publisher Julian Assange was arrested by British police in April at the Ecuadorian embassy in London – where he had been granted asylum for almost seven years – for breaching his bail conditions in 2012. He was further arrested on behalf of the US authorities under an extradition warrant, and subsequently charged with violating the US Espionage Act for his role in obtaining and publishing classified military and diplomatic documents, thereby sending a dangerous signal to journalists and publishers worldwide. Assange remained behind bars at the end of the year; his extradition hearing has been set for February 2020.

Restrictive Legislation and Erosion of the Rule of Law

Russia enacted legislation that unduly restricts freedom of expression, notably two bills in March criminalizing 'insult' to the state and the dissemination of 'fake news', and a bill expanding the status of 'foreign agents' to private persons, including bloggers and independent journalists, in December. A bill on Internet 'sovereignty' enacted in May, which was likened by expression groups to an attempt to duplicate the Great Firewall of China, prompted thousands in Moscow to march in protest against the bill.

In **Albania**, parliament approved a so-called 'anti-defamation package' in December, which would replace the current self-regulation of online media by state-regulation. Free expression groups have urged the President of Albania not to enact it.

There were attempts to undermine the rule of law across the region, with severe repercussions for freedom of expression. In **Poland**, nationwide protests took place in December against a proposed law that could make it easier for the government to dismiss judges if they dare criticise its judicial reforms. In **Turkey**, a new judicial reform package failed to address the lack of independence of the judiciary, with the courts continuing to indict, detain and convict journalists on bogus charges.

Good News

The year saw the long-awaited release of several wrongfully imprisoned writers and journalists. They included Rashad Ramazanov and Mehman Huseynov, who were both freed in March after spending years behind bars in **Azerbaijan**, and Zehra Doğan and Ayşe Düzkan, who were released from prison in **Turkey** in February and June respectively. High-profile prisoner exchanges involving the **Russian** and **Ukrainian** authorities led to the release of Oleg Sentsov in September, and Stanislav Aseyev in December. PEN members across the world had actively campaigned for their release.

Solidarity also played a crucial role in **Russia**, where the authorities dropped a case against investigative journalist **Ivan Golunov** in June following a public outcry that saw hundreds taking to the streets in protest at his arrest. Golunov had alleged that police planted drugs on him and beat him before arresting him.

In July, **Turkey's** Constitutional Court ruled that the rights of 10 academics who signed a peace petition in 2016 had been violated; hundreds of signatories on trial were subsequently acquitted. In December, the Court ruled that the two-year long country's ban on Wikimedia was unlawful and that it should be lifted immediately.

Finally, in a welcome move, the President of **Kazakhstan** announced in December his intention to decriminalise defamation, which at present provides for a prison sentence of up to three years.

Emblematic Cases

Turkey: Osman Kavala

Publisher and civil society leader arbitrarily detained since November 2017

Osman Kavala is facing life in prison on trumped-up charges of 'attempting to overthrow the government' for his alleged role in the Gezi Park protests in Istanbul in 2013. His trial began on 24 June 2019. He remains behind bars despite several applications to end his lengthy detention, and a December 2019 ruling by the European Court of Human Rights ordering his immediate release.



Italy: Roberto Saviano

Writer and journalist facing up to three years in prison for defamation

Roberto Saviano stands accused of defaming Italy's then Deputy Prime Minister and Interior Minister Matteo Salvini, over a speech that described him as 'Ministro della Mala Vita' – minister of the underworld – a phrase borrowed from early 20th-century anti-fascist Gaetano Salvemini. In his speech, Roberto Saviano accused Matteo Salvini of ignoring the mafia stranglehold on Italy's south in favour of stirring up resentment against immigrants.



Europe and Central Asia Case List

AZERBAIJAN

Killed – impunity

Rafiq TAĞI

Gender: Male

Profession: Journalist and short story writer

Date of birth: 5 August 1950

Date of death: 23 November 2011

Perpetrators: Unknown

Details of death: Died in hospital after being attacked while returning home from work on 19 November 2011. Although the motive for the attack remains unknown, Taği stated in an interview held a day prior to his death that it may have been related to an article published on 10 November 2011, entitled 'Iran and the Inevitability of Globalisation', in which he criticised the Iranian government and described threats made against Azerbaijan by Iran as 'ridiculous'.

Details of investigation: A criminal investigation was launched by the Khatai District Prosecutor's Office in November 2011. In February 2012, media reports stated that the authorities ruled out medical negligence as a contributory factor, which was criticised by Taği's family members. The investigation was reportedly suspended on 8 January 2014, owing to the 'non-establishment of the person subject to prosecution'. On 8 January 2015, Taği's lawyer announced on Facebook that the Prosecutor-General's Office had informed him in writing that the probe into the death had ended. No further information was given.

Professional background: Taği, a former PEN main case, was previously arrested in November 2006 for an article entitled 'Europe and Us' published in *Sanat* newspaper, for which he was accused of insulting the Prophet Muhammad. Following the publication of the article, the then Grand Ayatollah Fazil Lankarani of Iran issued a fatwa calling for Taği's death. Taği was sentenced to three years in prison under Article 283 of Azerbaijan's Criminal Code for 'inciting national, racial and religious enmity'. Following significant international pressure, Taği was granted amnesty on 28 December 2007.

Additional information: On 17 May 2017, the European Court of Human Rights accepted an application from Taği's widow, alleging violations of Article 2 (right to life) and Article 10 (freedom of expression) of the European Convention on Human Rights. The Court had yet to rule on the case as of 31 December 2019.

On trial

Akram AYLISLI

Gender: Male

Profession: Author, poet, playwright

Date of birth: 6 December 1937

Type of legislation: Other – resisting authorities with violence

Date of harassment: 30 March 2016

Details of harassment: Aylisli was detained at Heydar Aliyev airport in Baku on the morning of 30 March 2016, after attempting to travel to Venice, Italy, where he was due to speak at the Incroci di Civiltà literary festival. He was detained by border guards at 4am and held for five hours after being told that he could not travel, although no reason was given at the time. He says that his bags were taken off the plane and searched several times over the course of the day. At 9:30am he was taken into custody by the airport police after being accused of creating a public disturbance, hindering the work of border officials and disturbing other passengers. He was then held for over 10 hours and interrogated. Later in the evening, a border official accused Aylisli of having punched him in the chest hard enough to bruise in a room without security cameras during a brief period when Aylisli's son had stepped outside. Aylisli stated that the alleged punch was used as justification to deny him the right to leave the country. Aylisli was charged with hooliganism under Article 221.1 of the Criminal Code on 6 April 2016; on 22 April 2016, charges were upgraded to resisting the authorities with violence under Article 315.1 of the Criminal Code. This came after he wrote a letter to Azerbaijan's president, suggesting that it was absurd that a 78-year-old man could assault a young border control guard, and asking for charges against him to be dropped. He faces up to three years in prison if convicted.

Details of investigation: According to Aylisli’s lawyer, the alleged incident qualifies as a minor offence and as such, the preliminary investigation should have been concluded within nine months, in line with Article 218.10.2 of Azerbaijan’s Code of Criminal Procedure. Shortly after being detained, Aylisli signed a document compelling him to remain in Baku, thereby subjecting him to a local and international travel ban. Since then, he has been unable to attend scores of cultural and literary events and to promote his books, including his latest opus *Farewell, Aylis*, published in the USA on 21 November 2018. As part of the investigation, the Prosecutor General’s office confiscated Aylisli’s identity documents, which prevents him from accessing health care services. In September 2018, Aylisli wrote an open letter to the Prosecutor General, calling on him to drop the charges against him, and to lift his travel ban so he can seek medical treatment abroad. As of December 2019, he had yet to receive a response.

Health concerns: According to his family, Aylisli is in poor health and in need of medical care.

Background: Aylisli is a popular writer in Azerbaijan. His 2013 novel *Stone Dreams*, tackles the tense issue of Azeri-Armenian relations and included depictions of pogroms allegedly carried out by Azeris against Armenians in 1990. He had previously been awarded the official title of People’s Writer, as well as two of the highest state awards in Azerbaijan, the Shokrat and Istiglal medals. After the novel was published, he was stripped of his titles and medals and the President signed a decree also stripping him of his presidential pension; his books were also burnt, and a politician from a pro-government party reportedly offered a US\$ 13,000 reward to anyone who cut off one of his ears. His wife and son were both dismissed from their jobs. He was branded an apostate, expelled from the Union of Azerbaijani Writers while people organised rallies against him. His books were withdrawn from school curriculum and his plays were banned. At the same time, members of the Azeri parliament discussed whether he should be expelled from Azerbaijan and his citizenship repealed, as well as whether he should undergo a DNA test to see if he is ethnically Armenian.

PEN Action: Statement, 19 December 2018

Arif YUNUS

Gender: Male

Profession: Historian, writer, and activist, head of the Department of Conflict and Migration of the Institute of Peace and Democracy

Date of birth: 12 January 1955

Sentence: Seven-and-a-half years in prison

Type of legislation: Other – tax evasion and fraud

Date of arrest: August 2014

Date of release: 12 November 2015

Details of arrest: Arif Yunus and his wife Leyla Yunus, an

outspoken political activist, were arrested in August and July 2014, respectively.

Details of trial: Arif Yunus was sentenced to seven-and-a-half years in prison in prison by the Baku Court of Grave Crimes on 13 August 2015. Leyla Yunus was sentenced the same day to eight years in prison. Both were convicted on politically motivated charges, including illegal entrepreneurship, tax evasion, and fraud, against which they lodged an appeal. On 17 May 2017, the Yunus’ lawyer asked the Baku Court of Appeals to ensure the couple’s participation in the proceedings via internet, as they were in the Netherlands at the time. However, the petition was rejected and they were ordered to return to the country to participate in subsequent hearings in their case. The following month, there was an attempt to use the court order to obtain the issuance of an INTERPOL notice for their extradition. In December 2017, a collected volume of personal correspondence and diary entries of Leyla Yunus was published, in an apparent attempt to discredit her. The book, *Splendor and Misery of Leyla Yunus*, was authored by her former defence lawyer. Excerpts were published on pro-government websites. The couple’s appeal is believed to be ongoing as of 31 December 2019.

Details of release: Leyla Yunus and Arif Yunus were released on medical grounds on 12 November and 9 December 2015, respectively. As part of the conditions of their release, they were placed under a travel ban. They said that doctors in Azerbaijan refused to treat them out of fear of reprisals from the authorities and filed a request to have their travel ban lifted on humanitarian grounds. The Court rejected their request on 11 February 2016. Following international pressure, they were eventually allowed to travel to the Netherlands in April 2016 to receive medical care, where they were granted refugee status and remain to date.

Other information: In August 2015, UN human rights experts issued a joint statement expressing concern at the sentencing of Arif and Leyla Yunus. They were also mentioned in a resolution of the European Parliament in September 2015. In June 2016, the European Court of Human Rights ruled that as a result of inadequate medical treatment, the couple had been exposed to prolonged mental and physical suffering amounting to inhuman and degrading treatment. It ordered the Azeri authorities to pay them 13,000 Euro (c. US\$ 14,500) in damages each and 4,000 Euro (c. US\$ 4,500) for costs and expenses. In May 2017, the co-rapporteurs of the Parliamentary Assembly of the Council of Europe for the monitoring of Azerbaijan expressed concerns over the court order to appear before the Baku Court of Appeals in person.

Professional background: Arif Yunus has published over 30 books and 190 articles related to Azerbaijani history and Armenian-Azerbaijani relations.

PEN Action: Resolution on the Republic of Azerbaijan, 80th PEN World Congress, October 2014, open letter 17 May 2016

Released

Rashad RAMAZANOV (pen name Rashad Hagigat Agaaddin)

Gender: Male

Profession: Writer and blogger

Date of birth: 1 January 1982

Sentence: Nine years in prison

Type of legislation: Other (narcotics-related)

Date of arrest: 9 May 2013

Date of release: 16 March 2019

Details of release: Ramazanov was among hundreds of prisoners pardoned by President Ilham Aliyev on 16 March 2019 to mark the Novruz Holiday. In total, 431 prisoners were pardoned or had their sentences commuted, including bloggers and journalists.

Details of arrest: Ramazanov was arrested in Azerbaijan’s capital by the Organized Crime Department of the Ministry of Internal Affairs. Police officers claimed to have discovered 9.05 grams of heroin in his trouser pocket. He denied the charges and insisted that the drugs had been planted on him during his arrest. He said that police officers beat him in the car on the day of his arrest and then during the interrogations on the first three days of his detention.

Details of trial: Ramazanov was charged under Article 234.4.3 of Azerbaijan’s Criminal Code (‘Manufacturing, purchase, storage, transfer, transportation or selling drug with a view of illegal manufacturing and processing of narcotics or psychotropic substances’). He was convicted and sentenced to nine years in prison on 13 November 2013. The Azeri authorities are not known to have carried out any investigations into his allegations of torture and other ill-treatment. His sentence was upheld by on appeal on 16 January 2014 and by Azerbaijan’s Supreme Court on 14 May 2014.

Details of detention: Ramazanov was punished with 15 days in solitary confinement beginning on 23 January 2017, allegedly for documenting the conditions of his detention in Baku Prison #2. His family said that he did not receive the medical treatment he required. He suffered from a number of health problems as a result of his imprisonment, most serious being tuberculosis, which he contracted when he was previously detained without charge for several months in 2005. Ramazanov was one of several Azerbaijani prisoners, activists, and opposition figures who went on hunger strike in January 2019 in solidarity with jailed anti-corruption blogger Mehman Huseynov, against whom new spurious charges had been brought against him in December 2018, just weeks before his scheduled release. Rashad Ramazanov was also protesting against his own continuous detention on politically motivated grounds.

Professional background: Ramazanov is the author of seven books and many articles. He has also been an active and outspoken political commentator on

social media, and has published articles critical of the government on his Facebook page. He reports receiving many warnings and threats from the authorities for his critical online writings and has also received death threats from Islamist extremists in Baku for his liberal views.

Other information: On 18 June 2018, the United Nations Working Group on Arbitrary Detention called on Azerbaijan to release Rashad Ramazanov immediately and to accord him an enforceable right to compensation and other reparations. On 17 January 2019, the European Parliament adopted a resolution calling on the Azerbaijani authorities to immediately and unconditionally release all those arbitrarily detained in Azerbaijan, including Ramazanov.

Honorary Member: PEN Canada

PEN Action: RAN 01/17 , update#1, update#2 and update#3 , statement, 19 March 2019, statement 2 April 2019

CROATIA

Sentenced

Ante TOMIĆ

Gender: Male

Profession: Writer, journalist, satirical writer for *Slobodna Dalmacija* and *Jutarnji List* national daily newspapers, and screenwriter

Date of birth: 22 April 1970

Sentence: Fine and legal costs

Type of legislation: Defamation

Details of trial: Zlatko Hasanbegović, then Croatia’s Minister for Culture, sued Ante Tomić for psychological damages up to 30,000 HRK (c.), following the publication of an article in the Serbian newspaper *NIN* on 28 January 2016, entitled ‘The Sorrows of a Political Minotaur’. Tomić referred to the minister in derogatory terms, including references to the minister’s Muslim background. In his defence, Tomić stated they were not intended to denigrate his religion but were questions about the Minister’s political affiliations. Court proceedings began on 6 July 2016. In March 2018, a first instance Court in Zagreb found Tomić guilty and ruled that either Tomić or his publisher should pay financial compensation to Hasanbegović. The sentence was reduced to 15,000 HRK (c. US\$ 4,300) on appeal in November 2019. The Court further ordered Tomić to pay all legal costs totalling 7,710 HRK (c. US\$ 1,100).

Professional background: Tomić’s debut novel *Što je muškarac bez brkova* (*What is a man without a moustache*) was published in 2000. In 2003 he published *Ništa nas ne smije iznenaditi* (*Nothing can*

surprise us) on the Yugoslav People’s Army. Both novels were adapted to film.

Other information: On 31 March 2016, two men physically assaulted Tomić and called him ‘Yugoslav Scum’ as he was on his way home from the Pričigin literary festival in Split. The Ministry of Culture released a statement saying it ‘condemns physical violence and attacks on all citizens. At the same time, this case reminds us about the importance of responsibility for words spoken and/ or written in public’. These comments were criticised by the European Federation of Journalists. The attack was photographed, and two men were arrested. Tomić has previously been attacked: his effigy was burned during the annual carnival in the municipality of Prolozac on 17 February 2015, and on 23 February 2014, an unknown man dumped a bucket of faeces over Tomić’s head in a cafe in the centre of Split.

DENMARK

Killed – motive unknown

Nedim YASAR

Gender: Male
Profession: Writer, radio host
Date of birth: 1987
Date of death: 20 November 2018
Perpetrators: Non-state actors

Details of killing: Nedim Yasar was shot on 19 November 2018 while getting into his car after a book launch at the offices of the Danish Red Cross youth branch in Copenhagen, Denmark’s capital. Yasar had been celebrating the release of a book about his life, *Rødder - En Gangsters Udvej* (*Roots: A Gangster’s Way Out*) written with his cooperation. He was taken to hospital in a critical condition but died of his injuries on 20 November 2018, the day his memoir was published. Yasar founded the gang *Los Guerreros*, with links to drug trade, but left it in 2012 to join a state-run exit programme after he discovered that he was going to be a father. He subsequently became a radio host on Radio24syv and spoke out against gang violence. In 2017, Yasar reported being the victim of an attempted assault at his home.

Details of investigation: Four men were initially arrested in December 2018; two of them were subsequently charged with Yasar’s murder. Both defendants, who are said to be associated with the Dutch motorcycle gang Satudarah, pleaded guilty to the murder. Trial is set to start in January 2020.

Professional background: Written by journalist Marie Louise Toksvig with Yasar’s cooperation, *Rødder* describes Yasar’s life as a gang member and his experience leaving Los Guerreros. Yasar also worked

on Radio24syv’s programme ‘Politiradio’ and acted as a mentor for young people.

ITALY

Judicial Harassment

Roberto SAVIANO

Gender: Male
Profession: Writer, journalist
Date of birth: 22 September 1979
Type of legislation: Defamation
Date of harassment: 19 July 2018
Perpetrator: State

Details of harassment: On 19 July 2018, Italy’s then Deputy Prime Minister and Interior Minister Matteo Salvini declared on Twitter that he was suing anti-mafia writer Roberto Saviano for defamation over a speech that described him as ‘il ministro della malavita’ – minister of the underworld – a phrase borrowed from early 20th-century anti-fascist Gaetano Salvemini. In his speech, Saviano accused Salvini of ignoring the mafia stranglehold on Italy’s south in favour of stirring up resentment against immigrants. Salvini is suing Saviano under Article 595 of the Italian Penal Code, which carries up to three years in prison. On 20 March 2019, Saviano announced that he had been summoned to stand trial; as of 31 December 2019, a date for his court hearing has yet to be set. Previously in June 2018, Salvini threatened to remove Saviano’s police escort. Saviano has been living under constant police protection since October 2006, after receiving threats from the mafia following the publication of his bestseller *Gomorrah*.

Professional background: Saviano is the author of *Gomorrah*, an international best seller that has sold over 10 million copies worldwide. Other books include *Beauty and the inferno* (2009), *La parola contro la camorra* (2010); *Come away with me* (2011) and *ZeroZeroZero* (2013). He wrote several screenplays and theatre scripts and regularly contributes to newspapers and magazines such as *La Repubblica*, *l’Espresso*, the *New York Times*, *Newsweek*, *El Diario*, *Die Zeit*, the *Guardian*, and *Le Monde*.

Awards: Winner of the 2011 PEN/Pinter International Writer of Courage Award and of the 2019 Oxfam Novib/ PEN International Award for Freedom of Expression
PEN Action: statement, April 2019, World Press Freedom Day, May 2019.

KAZAKHSTAN

Judicial Concern

Aron ATABEK (also known as Aron YEDIGHEEV)

Gender: Male
Profession: Poet, writer, newspaper publisher, and political activist
Date of birth: 31 January 1953
Type of legislation: Other (mass disorder, hostage taking, murder)
Sentence: 18 years in prison
Expiry of sentence: July 2024
Date of arrest: 17 July 2006

Details of arrest: Atabek was arrested following a July 2006 riot that broke out in the Shanyrak shantytown of Almaty, after local residents and activist groups clashed with security forces that had been brought in to clear the area for demolition.

Details of trial: Atabek was charged and convicted in 2007 of organising mass disorder, and of taking hostage and killing a police officer under disputed circumstances during those events, which he denied. After the conviction and shortly before a hearing of the case at the Supreme Court, the two main witnesses for the prosecution withdrew their testimony. They claimed that they had been tortured and blackmailed into testifying against Atabek. The Supreme Court declined their new testimony as unsubstantiated. In December 2015, a court in Astana dismissed Atabek’s appeal against his sentence.

Current place of detention: AP 162/1 in Pavlodar, north-eastern Kazakhstan

Conditions in detention: Atabek was held in a high security jail in Arkalyk, over 1,600 km away from his family, until October 2013. There he was placed in solitary as punishment for writing a book that criticised the president (the book, *Heart of Eurasia*, was written in prison, smuggled out, and published on the internet in 2012). He was reportedly denied access to natural light, communication with other prisoners and writing materials, and was kept under constant video surveillance. This was his second period in solitary confinement; he previously spent two years (2010-2012) there for refusing to wear a prison uniform. He was denied family visits from 2010 until the end of 2013, resulting in only one successful visit in December 2013. Atabek was transferred to another prison, AP 162/1 in Pavlodar, on 7 April 2014. In July 2014, Atabek’s son revealed that his father had suffered regular beatings to his head and neck during his incarceration in this new prison facility. In August 2015, local media reported that Atabek had been moved out of solitary confinement and

into a cell with three other inmates. In December 2015, there were reports that the conditions in the shared cell had become too difficult for Atabek due to his health issues, and that he had personally requested to be returned to solitary confinement. In July 2019, Atabek reportedly told human rights activists that his conditions of detention had improved after moving cells; although his family added that he was routinely being denied access to correspondence.

Professional background: Atabek has written several books of poetry and prose inspired by Tengri (a form of Central Asian shamanism), as well as a book about the Alash state that fought for autonomy between 1917 and 1920, and was eventually subsumed into the Kazakh Soviet Socialist Republic in 1936. In February 1992, he founded and organised the publication of the monthly newspaper *Khak* (*The Truth*).

Other information: On 28 May 2014, Catherine Ashton, then High Representative for Foreign Affairs and Security Policy for the European Union responded on behalf of the European Commission to a question in the European parliament about Aron Atabek. She said: ‘No evidence linking him explicitly to the death of the police officer or to violence was presented in court... The EU is and will continue to follow the developments in this case very closely and to encourage the Kazakh authorities to ensure that Mr Aron’s right to a fair trial has been respected, and that his treatment is in line with Kazakhstan’s international commitments and obligations.

Awards: Atabek was awarded the Almas Kylysh literary prize in 2004, as well as the Freedom to Create prize in 2010.

PEN Action: Call to action 5 August 2013; updates on 24 October, 29 October, 12 November 2013 and 6 January 2014. Shortly before PEN International’s World Congress in Bishkek, Kyrgyzstan (September 2014), a PEN delegation travelled to Kazakhstan where they raised Atabek’s ill treatment at a meeting with the Head of the Executive Office of the President of the Republic of Kazakhstan, the Chairman of the Committee of Criminal and the Executive System. World Poetry Day Action 2014, 2015 , 2016 and 2018.

POLAND

Judicial Harassment

Wojciech SADURSKI

Gender: Male
Profession: Constitutional law scholar, academic and writer
Date of birth: 5 June 1950
Type of legislation: Criminal and civil defamation

Details of harassment: Professor Sadurski faces three defamation suits based on two tweets he sent criticising Poland’s ruling Law and Justice party (PiS) and public broadcaster TVP. The [first tweet](#), published on 10 November 2018, characterised the PiS as ‘an organised criminal group’ and called for the boycott a so-called ‘Independence March’ organised by radical right-wing groups every year in Warsaw. PiS is suing Sadurski ‘for protection of personal rights’ under Articles 23 and 24 par. 1 of the Polish Civil Code. The first hearing took place on 27 November 2019; the verdict was expected in March 2020. In his [second tweet](#) published on 17 January 2019, Sadurski blamed TVP for an organised smear campaign that led to the assassination of the Mayor of Gdansk, Pawel Adamowicz, on 14 January 2019. TVP brought a criminal defamation suit and a civil defamation suit against Sadurski as a result, with the first hearings scheduled for 18 December 2019 and 28 January 2020 respectively. If convicted under the Criminal Code, Sadurski faces jail time or a fine, while the plaintiffs’ civil damages claims are clearly [excessive and disproportionate](#). The case has the hallmarks of a Strategic Litigation Against Public Participation (SLAPP) lawsuit aimed at intimidating and silencing those engaged in public interest advocacy. Abuse of defamation law, including through SLAPP lawsuits, has become a significant threat to media freedom and advocacy rights in a number of countries, including Poland.

Professional background: Wojciech Sadurski is a professor of law at the universities of Sydney and Warsaw who frequently publishes political opinions on his personal blog and Twitter account. He is known as a vocal critic of the PiS, as well as the crackdown on human rights and judicial independence in Poland. His most recent books include *Poland’s Constitutional Breakdown* (2019), *Constitutionalism and the Enlargement of Europe* (2012), *Equality and Legitimacy* (2008), and *Rights before Courts* (2005 and 2014).

PEN Action: [statement](#), November 2019.

Charges Dropped

Tomasz PIĄTEK

Gender: Male
Profession: Investigative journalist and writer
Date of birth: 16 March 1974
Type of legislation: Insult and other

Details of harassment: Piątek faced potential criminal charges for a book published in June 2017. In *Macierewicz and his Secrets*, Piątek examines political and financial links between the network of Defence Minister Antoni Macierewicz’s aides, collaborators, and political associates, and the Russian military intelligence services, entities close to the Kremlin and organised crime. On 11 July 2017, a spokesperson from the military department of Poland’s Office of the Prosecutor General

confirmed that the department was investigating Piątek pursuant to a notification from the defence ministry. The Minister alleged that Piątek’s publication constituted the use of force or unlawful threat to influence the official acts of government authority, public insult or humiliation of a constitutional authority, and unlawful attack on a public official because of their position, charges that carry up to three years’ imprisonment. In March 2018, prosecutors in Warsaw decided not to pursue the case. In [December 2018](#), a Warsaw-based district court ordered the Office of the Prosecutor General to investigate whether Macierewicz had committed a criminal offense by filing charges against Piątek. The Prosecutor’s Office [dismissed](#) the case in May 2019.

Professional background: Piątek writes for some of Poland’s most important media outlets and newspapers, including *Polityka* weekly, *Krytyka Polityczna* quarterly and portal, *Gazeta Wyborcza* daily and *TOK FM* radio among others, and has published in *La Stampa* (Italy) and *The Forward magazine* (USA). He has also published 19 mostly non-fiction books, some of which have been translated into Spanish, Italian, and Russian. In 2009, he was nominated for the European Union Prize for Literature for his novel *Pałac Ostrogskich*.

Award: Winner of the 2018 Reporters without Borders and TV5MONDE Press Freedom Prize

PEN Action: [RAN 15/17](#), 31 August 2017

RUSSIA

Killed: Impunity

Anna POLITKOVSKAYA

Gender: Female
Profession: Journalist and author
Date of birth: 30 August 1958
Date of death: 7 October 2006

Perpetrator: Non-state (possible State involvement)

Details of death: Shot dead in the elevator of her apartment on 7 October 2006. Politkovskaya covered the war in Chechnya and had been receiving threats since 1999 after she wrote articles claiming that the Russian armed forces had committed human rights abuses in Chechnya.

Details of investigation: On 27 August 2007, the prosecutor general announced that ten suspects had been arrested in connection with the murder, including Chechen criminals as well as former and serving members of the Russian Federal Security Services and police forces. On 18 June 2008, the Investigative Committee announced that it had charged three men, a former police officer and two ethnic Chechen brothers.

Trial of perpetrators: On 17 November 2008, the trial of Politkovskaya’s alleged murderers began, at first open to the public, and then behind closed doors. On 19 February 2009, the men accused of assisting Politkovskaya’s murder were acquitted for lack of evidence. After prosecutors appealed the not-guilty verdict, the Supreme Court overturned the decision and ordered a retrial. On 24 August 2011, Russian authorities arrested Lt. Col. Dmitry Pavlyuchenkov in connection with the case and named convicted criminal Lom-Ali Gaitukayev as the organiser of the murder. In December 2012, Pavlyuchenkov was found guilty and sentenced to 11 years in prison in a high security penal colony. Five other suspects, including three Chechen brothers – two of whom were acquitted by a jury previously in 2009 – were subsequently tried in separate proceedings. The three Makhmudov brothers – Rustam, Ibragim, and Dzhabrail Makhmudov – the criminal Lom-Ali Gaitukayev, and Sergei Khadzhikurbanov, a former police officer, were all convicted of Politkovskaya’s murder on 20 May 2014. On 9 June 2014, Lom-Ali Gaitukayev and Rustam Makhmudov were handed life sentences; Sergei Khadzhikurbanov, Dzhabrail and Ibragim Makhmudov were handed sentences of 20, 14, and 12 years in prison respectively. However, those who ordered her killing have never been brought to justice; Anna Politkovskaya’s family have said that they will continue to campaign for justice. On 17 July 2018, the European Court of Human Rights [ruled](#) that the Russian authorities had ‘failed to take adequate investigatory steps to find the person or persons who had commissioned the murder’. It found Russia in violation of Article 2 (right to life) of the European Convention on Human Rights and ordered it to pay 20,000 Euros in compensation.

Professional background: Despite continuous threats against her, Politkovskaya continued her investigative reporting and in 2003 published *A Dirty War: A Russian Reporter in Chechnya*. She was also a co-contributor to *A Small Corner of Hell: Dispatches from Chechnya*, published in 2003. Her last book, published in 2006, was *Putin’s War: Life in A Failing Democracy*. In 2002, Politkovskaya was one of the few outsiders allowed into a Moscow theatre in an attempt to negotiate with Chechen rebels the release of hundreds of hostages held there. In 2004, she fell seriously ill as she attempted to fly to Beslan to cover the hostage crisis there, leading to speculation that she had been deliberately poisoned to stop her from reporting on the crisis.

Awards: Politkovskaya was the winner of numerous international awards for her courage, including the 2004 Olaf Palme Award given to honour her work for the ‘long battle for human rights in Russia’.

Honorary member: PEN Canada

PEN Action: [RAN 8/11](#), 2 March 2011; PEN 50th anniversary campaign (case focus for 2006); [statement](#) 7 October 2011; [RAN 78/12](#) 21 December 2012; [PEN World Cup Campaign 2014](#); [statement](#) 22 May 2014; [statement](#) 7 October 2015, [statement](#) 7 October 2016, [report](#) October 2018.

Judicial Concern

Yuri Alexeyevich DMITRIEV

Gender: Male
Profession: Historian and human rights activist.
Date of birth: 28 January 1956
Type of legislation: Other (pornography and sexual assault)
Date of arrest: 13 December 2016.

Details of arrest: Dmitriev was initially accused of making pornographic images of his foster daughter firearm possession. He was released on 5 April 2018 after being cleared of the child pornography charges. He was subsequently arrested by traffic police and placed in pre-trial detention on 27 June 2018 on additional charges of ‘violent acts of a sexual nature in relation to a person who has not reached the age of fourteen’ under Article 132.4 of the Criminal Code.

Details of trial: Yuri Dmitriev was arrested on 13 December 2016 and charged with making pornographic images of his foster daughter under Article 242.2 of the Criminal Code (use of a minor for the production of pornographic materials or objects) and possessing an illegal firearm. He denied the charges, saying that the purpose of the photographs was to monitor the health of his weakly child. He spent more than a year in pre-trial detention. On 5 April 2018, the Petrozavodsk City Court in northwest Russia [cleared](#) him of the child pornography charges but sentenced him to two years and six months of probation (three months after deducting time spent in custody) and community service for illegally possessing components of a firearm. On 14 June 2018, the Karelian Supreme Court [overturned his acquittal](#) in what human rights groups in Russia are calling a trumped-up case. He was charged under Article 132.4 of the Criminal Code and underwent enforced psychiatric testing. Both criminal cases against him were merged in October 2018. The [first hearing](#) in the new case against him was held in Petrozavodsk on 19 October 2018. His pre-trial detention was extended until 25 March 2020; he faces up to 20 years in prison if convicted.

Professional background: Dmitriev has devoted his life to locating the execution sites of Stalin’s Purges and identifying its victims. As head of the Karelian branch of the human rights centre Memorial, he played an important role in the discovery and investigation of the killing fields of Sandarmokh and Krasny Bor and their transformation into memorial complexes. The Russian authorities have [repeatedly targeted](#) Memorial, which has been labelled a ‘foreign agent’ since 2014.

Current place of detention: Sledstvenny izolyator N1 Petrozavodsk, northern Russia

PEN Position: In light of the heinous nature of the charges, alongside concerns that they may be applied as a means of penalising Dmitriev for his work for Memorial, fair and transparent criminal proceedings before an independent and impartial tribunal are of the

utmost importance to ensure a fair trial for Dmitriev on the one hand and, on the other, that there be a full and proper judicial examination which can instil confidence that the alleged victim of assault has had their case fully and properly investigated and that due justice has been applied to all concerned.

Other Information: In 2018, the European Union expressed concern that Dmitriev was being targeted for his work, and notably called on the Russian authorities to release him immediately and drop the case against him. In October 2019, over 200 Russian writers, journalists, historians and activists signed a public appeal in support of Dmitriev.

Honorary Member: St Petersburg PEN

PEN Action: Report October 2018, statement November 2019

Kirill SEREBRENNIKOV

Gender: Male

Profession: Theatre and film director

Date of birth: 7 September 1969

Type of legislation: Other (fraud)

Date of arrest: 22 August 2017

Date of release: 8 April 2019 (trial ongoing)

Details of arrest: Serebrennikov was detained on 22 August 2017 on allegations of fraud and was placed under house arrest the following day. A Moscow Court ordered his release on 8 April 2019.

Details of trial: One of Russia’s most prominent theatre directors, Serebrennikov was placed under house arrest on 23 August 2017 on allegations of fraud regarding the use of state funds, which he denies. The Russian authorities accuse him of embezzling 133 million roubles (c. US\$ 2 million) awarded from 2011 to 2014 to the Seventh Studio theatre company for a project known as Platform, which aimed to make contemporary dance, music, and theatre popular. Investigators claimed that a part of this project, a production of Shakespeare’s play *A Midsummer Night’s Dream*, was never staged. Serebrennikov denies the accusation, claiming that the play has been performed several times. He faces up to ten years in prison under Article 159.4 of the Russian Criminal Code (large-scale fraud) if convicted. Although the spending of funding allocated for theatre productions is a notoriously murky process, many artists and intellectuals in Russia have expressed doubts about the grounds for the prosecution, and claim instead that it is politically motivated, framing it in light of the Russian authorities’ curbing of dissenting voices. Accused alongside Kirill Serebrennikov are Yuri Itin (executive director of the Seventh Studio theatre company), Aleksei Malobrodsky (general producer at the initial stage of the project), Sophia Apfelbaum (general producer following Malobrodsky’s departure), and Ekaterina Voronova (former Culture Ministry official in charge of the project on the Ministry’s side and current director of the Russian Academic Youth Theatre), who deny any wrongdoing. On

8 April 2019, a Moscow Court ordered Serebrennikov’s release from house arrest. In September 2019, the Court returned the case to prosecutors, a move said to be a key step toward the case being dismissed.

Professional background: Serebrennikov is the artistic director of the Gogol Center, a progressive, experimental theatre known for contemporary productions that often deal with political or sexual themes. He has also espoused views critical of the Russian authorities, which – as many believe – have made him a target of repression. **Other information:** On 4 September 2017, the European Union issued a statement raising concern about Serebrennikov’s arrest and freedom of expression in the arts in Russia.

Awards: Serebrennikov was awarded the 2017 Europe Theatre Prize by the European Commission.

PEN Action: Report October 2018, statement October 2018

Natalia SHARINA

Gender: Female

Profession: Former director of the state-run Moscow Library of Ukrainian Literature

Date of birth: 1957

Type of legislation: Anti-extremism

Date of arrest: 28 October 2015

Details of arrest: On 28 October 2015, law enforcement officials took Natalia Sharina into custody and searched her apartment, raided the library, and seized books and documents following a complaint by a former employee of the library who had been dismissed in 2010. In their search, officials found books they claimed were banned in Russia as ‘extremist’. Sharina denied that the books were from the library and claimed that they were not part of the library collection. While under interrogation, Sharina was told that she was being detained on suspicion of abuse of office, of inciting hatred between Russians and Ukrainians. On 30 October 2015, Sharina was put under house arrest pending trial.

Details of trial: Sharina was detained on 28 October 2015 after a former employee, who was dismissed in 2010, lodged a complaint against her. Investigators searched her house and took her to the Moscow Library of Ukrainian Literature where, after several hours of extensive search, they found banned works by Ukrainian nationalist Dmitry Korchinsky. Sharina denied that these belonged to the library and claimed they had been planted. She was held in police custody for two days, during which time she was denied access to emergency medical care and suffered a spinal compression fracture, a condition that affects her to this day. She was charged under Article 282 of the Russian Criminal Code – ‘Incitement of Hatred or Enmity’ – which carries up to five years in prison and placed under house arrest on 30 October 2015. On 5 April 2016, Sharina was also charged with ‘embezzlement on a particularly large scale’ under Article 160 of the Russian Criminal Code, which

carries up to 10 years in prison, after being accused of misappropriating library monetary funds to pay for her legal defence in a previous attempt to prosecute her, although all the sums paid by the library to the lawyers had been sanctioned by the Moscow Department of Culture. In 2011, Sharina had also been charged with distributing extremist literature under Article 282 of the Russian Criminal Code, but the case was dropped. Natalia Sharina’s trial opened on 2 November 2016. On 5 June 2017, the Moscow Meschanskiy District Court found her guilty of ‘incitement of hatred and hostility’ in connection with ‘keeping extremist literature’ and ‘embezzlement’ and handed-down a four-year suspended sentence. The time she spent under house arrest was counted as part of her sentence. On 20 April 2018, the press service of the Moscow City Court announced that the verdict had been upheld on appeal, even though it had yet to be announced in court. Natalia Sharina’s lawyers immediately appealed to the Presidium of the Moscow City Court.

PEN Position: PEN International believes that the case against Natalia Sharina is politically motivated and calls for her sentence and conviction to be quashed.

Health concerns: Natalia Sharina spent 19 months under house arrest throughout the investigation and trial, which had a serious impact on her health. She was denied access to the telephone and the internet, could only communicate with her lawyer and close relatives, and was not allowed to take walks outside her house for an entire year.

Other information: The Russian Memorial Human Rights Centre recognised Sharina as a political prisoner in November 2015; Amnesty International has adopted her as a prisoner of conscience.

PEN Action: Call to action July 2017, Report October 2018

Released

Oleg SENTSOV

Gender: Male

Profession: Filmmaker, writer

Date of birth: 13 July 1976

Sentence: 20 years in prison

Type of legislation: Anti-terror

Date of arrest: 10 May 2014

Date of release: 7 September 2019

Details of release: Sentsov was released as part of a prisoner exchange between Russia and Ukraine, the first to take place since Russia’s illegal occupation and ‘annexation’ of Crimea in March 2014. Seventy prisoners were released in total. They included Ukrainian activist Olexandr Kolchenko, who was sentenced to 10 years in prison alongside Oleg Sentsov, Ukrainian journalists

Roman Sushchenko and Stanislav Klykh as well as 24 Ukrainian sailors taken captive by Russia in 2018.

Details of arrest: Sentsov said he was arrested by the Russian Federal Security Service (FSB) at his apartment in Crimea on 10 May 2014, adding that the officers beat him and suffocated him with a plastic bag to the point where he lost consciousness, then threatened him with rape in an attempt to get a confession. To PEN International’s knowledge, the Russian authorities never investigated his allegations of torture and other ill-treatment. His arrest was officially recorded on 11 May 2014 on the grounds of ‘suspicion of plotting terrorist acts’ and membership of a terrorist group (the Ukrainian right-wing group *Pravyi Sektor* (Right Sector)), charges which he denies. In September 2014, his lawyer appealed to the European Court of Human Rights regarding Sentsov’s arrest, pre-trial detention, and ill treatment.

Details of trial: After spending over a year in pre-trial detention, Sentsov was eventually charged with the establishment of a terrorist group, politically motivated arson, and conspiring to blow up a statue of Lenin, all of which he denied. Following a trial that has been widely condemned outside of Russia for its irregularities – including where a key prosecution witness retracted his statement, saying it had been extracted under torture – Oleg Sentsov was found guilty of organised terrorist acts and sentenced to 20 years in prison by the military court of Rostov-on-Don on 20 August 2015. His sentence was upheld on appeal on 24 November 2015. In October 2016, the Russian authorities denied a request for extradition to Ukraine on the grounds that he had become a Russian citizen following Russia’s occupation and ‘annexation’ of Crimea. Prior to his release, Sentsov was being held in the ‘Polar Bear’ penal colony of Labytnangi in Siberia, thousands of kilometres away from his home and family in Crimea.

Health concerns: Oleg Sentsov began a hunger strike on 14 May 2018 to urge the Russian authorities to release all Ukrainian nationals imprisoned in Russia on politically-motivated grounds. He was taken to intensive care on 15 June 2018. On 5 October 2018, he wrote a letter stating that he felt compelled to end his hunger strike as he feared being force-fed. He said he had lost 20 kilos in bodyweight and suffered irreparable damages to his health.

Professional background: Best known for his film *Gaamer*, Sentsov is also the author of several short stories and a play and continued to write in prison.

Other information: Scores of international and regional officials and organisations have called for Sentsov’s immediate release, including United Nations experts, the European Parliament, and the Organization for Security and Co-operation in Europe.

Awards: Sentsov is the winner of the 2017 PEN/Barbey Freedom to Write Award and the 2018 European Parliament’s Sakharov Prize for Freedom of Thought.

PEN Action: Day of the Imprisoned Writer 2016, Call to Action May 2017, RAN 02/18, update#1 , update#2, publication of short stories June 2018, solidarity action

August 2018, [report](#) October 2018, [Day of the Imprisoned Writer](#) 2018, [statement](#) December 2018, [statement](#) September 2019, [panel event](#) November 2019.

SPAIN

Detained: Main case

Jordi SANCHEZ

Gender: Male P

rofession: Writer and civil society leader

Date of birth: 1 October 1964

Jordi CUIXART

Gender: Male

Profession: Writer, civil society leader, and member of PEN Català

Date of birth: 22 April 1975

Sentence: Nine years

Expiry of sentence: October 2026

Type of legislation: Other (sedition)

Date of arrest: 16 October 2017

Details of arrest: Sánchez and Cuixart were taken into custody on 16 October 2017 on charges of sedition. They were subsequently charged with rebellion in March 2018. They stood accused of calling on protestors to gather in front of governmental buildings in Barcelona on 20 and 21 September 2017 in order to obstruct searches for electoral materials, and for ‘encouraging, supporting and leading’ sedition through participation in Catalonia’s independence referendum on 1 October 2017, despite the Spanish Constitutional Court suspending the Catalanian referendum law. Prosecutors sought 17 years in prison for rebellion under Articles 472.1, 472.5, 472.7, 473.1, and 478 of the Spanish Penal Code, and eight years in prison for sedition under Articles 544 and 545 of the Penal Code against both men (sentences are not cumulative). Despite filing several petitions for release, Sánchez and Cuixart were remanded in custody for two years. In December 2018, Sánchez and three other imprisoned Catalan leaders embarked on a [hunger strike](#) to protest against their ongoing detention, accusing Spain’s Constitutional Court of deliberately rejecting their appeals to prevent their cases progressing to the European Court of Human Rights. Oral proceedings against Sánchez, Cuixart and 10 other Catalan politicians and activists opened on 12 February 2019 and lasted over four months. All asked for their acquittal, claiming that their actions were acts of civil disobedience and the exercise of fundamental rights. On 14 October 2019, Spain’s Supreme Court found Sánchez and Cuixart guilty of sedition through participation in Catalonia’s

independence referendum held on 1 October 2017 and sentenced them to nine years in prison.

Current place of detention: Lledoners Prison, near Barcelona

Professional background: Sánchez is the former president of the Catalan National Assembly. As former director of the Jaume Bofill Foundation, he co-authored several reports on social equality, migration, public policy and education, democratic values, and civil society participation, as well as a range of academic papers. Cuixart is the president of Òmnium Cultural. He is the author of a book of poems entitled *El plaer dels plaers*, published in 2007. Both men contributed to the 2018 book *Per la llibertat* and have written numerous press articles while in pre-trial detention.

Other Information: In May 2019, the UN Working Group on Arbitrary Detention [condemned](#) the detention of Sánchez and Cuixart. It called on the Spanish authorities to release them immediately and to accord them an enforceable right to compensation and other reparations.

PEN Position: PEN International believes that sedition charges against Sánchez and Cuixart are an excessive and disproportionate restriction on their right to freedom of expression and peaceful assembly and calls for their immediate release.

PEN Action: [Statement](#) January 2018, [statement](#) August 2018, [statement](#) January 2019, [statement](#) June 2019, [UPR submission](#) July 2019, [statement](#) October 2019

Sentenced

Josep Miquel ARENAS BELTRÁN (stage name Valtònyc)

Gender: Male

Profession: Musician

Date of birth: 18 December 1993

Sentence: Three years and six months in prison

Type of legislation: Anti-terror and insult

Details of trial: Valtònyc was first [arrested](#) on 23 August 2012 after Jorge Campos Asensi, President of the nationalist foundation Círculo Balear, complained that one of his songs, ‘Circo Balear’, incited violence against him and other members of the foundation. Valtònyc was released that same day. In the course of his investigation, the public prosecutor charged him with ‘grave insults to the Crown’, ‘glorification of terrorism and humiliation of its victims’, and ‘threats’. Campos Asensi offered to drop the charges if Valtònyc issued a public apology, a proposition which the rapper declined as he pleaded not guilty. The charges brought by Campos Asensi were eventually [dismissed](#) in 2015, but the additional charges went to the National Court, which on 22 February 2017 [sentenced](#) Valtònyc to three years and six months in prison for ‘grave insults to the Crown’, ‘glorification of terrorism and humiliation of its victims’, and ‘threats’ in

his songs. He was also ordered to pay a 3,000 Euro (c. US\$ 3,300) fine to Campos Asensi as compensation for the threats. On 20 February 2018, Spain’s Supreme Court upheld his sentence. Valtònyc fled to Belgium, where a court [ruled against the Spanish government’s request for his extradition](#) in September 2018. In November 2019, the general advocate of the Court of Justice of the European Union of Justice [concluded](#) that Spain did not apply adequate legislation to its request for Valtònyc’s extradition.

Professional background: A rapper from Mallorca, Valtònyc referred to himself as a [poet](#) and an artist, arguing that art should be provocative, and denied intending to threaten or humiliate anyone. In his songs, Valtònyc wished death upon Jorge Campos Asensi, claimed that he did not blame those who committed certain terrorist acts, made fun of members of the royal family, calling them a mafia, and said that he would like to show up at the Royal Palace carrying a weapon.

PEN Action: [Statement](#) February 2018, [UPR submission](#) July 2019

TURKEY

Killed: Impunity

Hrant DİNK

Gender: Male

Profession: Author and editor of the Armenian language magazine *Agos*

Date of death: 19 January 2007

Perpetrators: Non-state – possible links to state officials

Details of killing: Killed outside his office in Istanbul by an assassin on 19 January 2007.

Details of investigation: In July 2011, 17-year-old Ogün Samast was sentenced to 22 years and 10 months in prison for Dink’s murder. In January 2012 Yasin Hayal, a criminal with a previous conviction for a bomb attack on a McDonald’s restaurant, was sentenced to life in prison in solitary confinement and with no possibility of parole, for ‘soliciting another person to wilfully commit a murder’. Two others, Ersin Yolcu and Ahmet Iskender, were sentenced to 12 years and six months in prison each, for ‘assisting in a felonious murder’. The court at that time rejected the notion that there was a conspiracy behind the assassination and acquitted several other suspects. In May 2013, the Supreme Court of Appeal accepted Hrant Dink’s lawyers’ call for the case to be considered as an organised crime, which opened the way for the several new investigations and trials, involving law enforcement and security officials, members of the prosecutorial services as well as members of criminal organisations. Following a convoluted and meandering investigatory and judicial process, a consolidated trial

against 85 defendants started in 2017. They stand accused of running a criminal network, destroying evidence, dereliction of duty and official misconduct for their involvement in plotting Dink’s murder, which the prosecution now alleges is linked to a Gülenist conspiracy aiming to incite chaos in Turkey. On 1 July 2019, the İstanbul 14th Heavy Penal Court issued its [ruling](#) on nine defendants (Yasin Hayal, Erhan Tuncel, Ogün Samast, Zeynel Abidin Yavuz, Ersin Yolcu, Tuncay Uzundal, Ahmet Iskender, Salih Hacısalihoğlu and Osman Haya) whose files were separated from the main murder trial, on the grounds that the statute of limitation might expire. The court concluded that the murder ‘was an organised crime’ and sentenced seven defendants to prison, ranging from 99 years and six months to two years and nine months. The lawyers of Dink family have seized the Supreme Court of Appeals against the verdict, considering that defendants should be convicted of ‘membership of an armed terrorist organisation’, rather than ‘membership of an illegal criminal organisation.’ Two were defendants acquitted. The main murder trial was ongoing as of 31 December 2019.

Professional background: Dink had been convicted under Article 301 of the Penal Code for ‘insulting Turkishness’ for his writings on Armenian Genocide. In October 2005, he was given a six-month suspended sentence for a 2004 article entitled ‘The Armenian Identity’. Dink’s murder sparked debate on revision or repeal of Article 301, which many believe marked Dink out as a target for ultranationalists.

Honorary Member: PEN Belgium/Flanders, English PEN and Norwegian PEN.

PEN Action: From 2004, PEN International campaigned for the dropping of charges against Hrant Dink, with PEN members attending his trials. In 2006 he was awarded the PEN International Oxfam NOVB prize for free expression, where he attended the award ceremony in The Hague on 18 November 2006, two months before his murder. Following his death, PEN continues to campaign for justice.

Naji JERF (Syrian National)

Gender: Male

Profession: Founder and editor of opposition magazine *Henta* and documentary filmmaker

Date of death: 27 December 2015

Perpetrator: Non-state

Details of death: Jerf was shot dead in Gaziantep, south eastern Turkey, where he had worked for three years documenting atrocities by Islamic State and the Syrian government.

Details of trial: On 9 June 2017, a court in Gaziantep convicted Yusef Hamed Al-Shefreh, who is a member of Islamic State, passing two life sentences: for Naji Jerf’s murder and for ‘trying to overthrow the constitutional order’ by joining Islamic State. Three other suspects were acquitted for lack of evidence. The trial was held behind closed doors. Jerf’s family were not represented

by a lawyer, relative or representative of any Syrian organisation. They had no direct access to the case and had to follow it through media reports. As a result of the trial being held behind closed doors, it remains unclear what the motive for the murder was, how it was carried out, what was the convicted murderer’s profile and whether other individuals were involved.

Professional background: Originally from Salamiyah, Hama province of Syria, Jerf covered human rights abuses and coordinated the work of citizen-journalists after the start of the Syrian uprising in 2011. When government intelligence officers identified him and ransacked his office in October 2012 he went into hiding and fled Syria a month later. He had previously told Reporters Without Borders (RSF) that he had been receiving threats and had just obtained a visa for France where he planned to move to the following month. In his visa application letter, he said he feared for his safety and would like to live in a country that ‘respects human rights.’ In a letter to the French ambassador in Turkey sent in July 2015, in support of his application, he wrote: ‘I now live in the Turkish city of Gaziantep and my safety is more and more difficult after an increase in the threats to me and my family, above all because I am a secularist and belong to the Ismaili minority, which is targeted by the Jihadis.’ The threats against Jerf increased following his coverage of the atrocities by Islamic State, including film ‘[ISIL in Aleppo](#),’ which documented the Islamic State’s execution of many Syrian activists, released in December 2015. Jerf was also in contact with [Raqqa is Being Slaughtered Silently](#) (RBSS), a citizen-journalist collective whose members are being pursued by Islamic State, which has declared them to be ‘enemies of God.’

Imprisoned: Main case

Ahmet ALTAN

Gender: Male
Profession: Novelist, essayist and journalist
Date of birth: 2 March 1950
Type of legislation used: Anti-terror
Sentence: 10-and-a-half years in prison

Date of arrest: Ahmet Altan was arrested on 10 September 2016 with his brother, the economist and journalist **Mehmet Altan** (see below), on allegations of spreading ‘subliminal messages announcing a military coup’. Ahmet Altan was released on bail on 22 September, only to be rearrested later on the same day. He was subsequently released on 4 November 2019 but arrested again on 12 November 2019.

Detail of trial: **(1)** Ahmet Altan, Mehmet Altan and journalist Nazlı Ilıcak were charged with attempting to abolish the constitutional order under Article 309(1) of the Penal Code, attempting to overthrow the Turkish Grand National Assembly under Article 311(1) of the Penal Code and attempting to overthrow the government under Article 312(1) Penal Code, in relation to their

appearance on television together on the evening before the coup attempt of 15 July 2016, and several articles and columns they wrote. They were tried alongside 14 journalists. The trial was held before the 26th High Criminal Court of Istanbul and consisted of five hearings that took place between 19 June 2017 and 16 February 2018. That day, Ahmet Altan, Mehmet Altan, Nazlı Ilıcak and three co-defendants were convicted of ‘attempting to overthrow the Turkish constitutional order’ and sentenced to aggravated life sentences, or life without parole. PEN International, together with PEN Centres and free expression organisations, conducted trial observations. Proceedings were marred by violations of the defendants’ right to a fair trial, including extraordinary restrictions in their access to lawyers and in their ability to properly prepare for trial and defend themselves. Crucially, the lack of evidence showed the charges to be unfounded and amounting to arbitrary interference with the right to freedom of expression. On 5 July 2019, Turkey’s Supreme Court overturned the 2018 verdict. It ruled that Mehmet Altan, who was released from pre-trial detention in June 2018 following judgments by the Turkish Constitutional Court and the European Court of Human Rights, should be acquitted, while Ahmet Altan and Nazlı Ilıcak should be retried on lesser charges of ‘aiding a terrorist organisation without being its member.’ At the opening hearing of the retrial on 8 October 2019, the judge refused to release Ahmet Altan and Nazlı Ilıcak on bail, despite the lower charges and amount of time already served. On 4 November 2019, Ahmet Altan and Nazlı Ilıcak were found guilty and sentenced to 10-and-a-half and 8 years and 9 months years in prison, respectively. They were released pending appeal and subject to a travel ban. On 6 November, the prosecutor appealed against the court decision to release Ahmet Altan on the grounds that he was a flight risk. The Istanbul Heavy Penal Court No. 27 granted the prosecutor’s request on 12 November. Ahmet Altan was subsequently arrested at his home that evening and sent back to Silivri prison outside Istanbul, generating a global outcry. The case was ongoing as of 31 December 2019. It has been prioritised by the European Court of Human Rights but is still pending nearly three years after being lodged. **(2)** Ahmet Altan is also on trial in a separate case, together with **Mehmet Baransu** (see below) and others, related to his work as editor-in-chief of *Taraf* newspaper, in which he is accused of acquiring, destroying, and divulging documents concerning the security of the state and its political interests.

Current place of detention: Silivri Prison, Istanbul.

Professional background: Ahmet Altan is the author of several novels and essays. The English version of his new book *I Will Never See the World Again* was published in March 2019.

Honorary member: Danish PEN, PEN Belgium/Francophone, PEN Belgium/Flanders, German PEN, and Swedish PEN.

PEN Action: PEN International has been closely following the case since the initial arrest ([RAN 19/16](#)) and has been monitoring the criminal proceedings. With others, PEN International has submitted a third-party intervention

before the European Court of Human Rights. [Statement](#) February 2018, [statement](#) October 2018, [UPR](#) July 2019, [statement](#) October 2019, [report](#) November 2019, [statement](#) November 2019, [statement](#) November 2019, [statement](#) November 2019, [RAN](#) November 2019.

Mehmet BARANSU

Profession: Journalist for the daily *Taraf* and author of three books
Gender: Male
Date of birth: 7 March 1977
Type of legislation used: Anti-state, insult, and obtaining secret documents

Sentence: **(1)** 10 months in prison (also on trial for other charges) **(2)** 11 months and 20 days **(3)** 10 months in prison **(5)** 10 months in prison (also fined for social media activities) **(6)** 11 months and 20 days

Date of arrest: 2 March 2015

Details of arrest: Baransu was arrested along with journalist Murat Seki Çoban on charges of forming a criminal organisation and obtaining, distorting and stealing secret state documents. Baransu broke a story in 2010 about an alleged military coup plot in 2003 known as ‘Sledgehammer’ after having received CDs, tapes and documents from a source.

Details of trial: **(1)** Baransu is on trial together with former *Taraf* Editor-in-Chief **Ahmet Altan** (see above), former Executive Editor Yasemin Çongar and Managing Editor Yıldırım Oğur for ‘disclosing state secrets through publishing confidential documents’. Baransu is the only jailed defendant in the case. They face up to 52 years and six months in prison for ‘destroying, using outside the intended purpose of, and illegally acquiring documents related to the security of the state.’ Baransu remains in pre-trial detention despite his lawyers lodging several requests for his release. The case was ongoing as of December 2019. **(2)** The Istanbul chief public prosecutor’s office launched an investigation against Baransu and Çoban in November 2013 on the grounds that they ‘revealed confidential documents regarding Turkey’s national security interests’ in the article ‘Gülen’i Bitirme Kararı 2004’te MGK’de Alındı’ (‘The Decision to Ruin the Gülen Movement Made at the National Security Council Meeting in 2004’), which was written by Baransu and published by *Taraf* on 28 November 2013. Baransu and Çoban were officially charged on 22 May 2014, following a six-month investigation. On 10 May 2017, Istanbul’s 13th Court for Serious Crimes denied Baransu’s request that he be freed pending the conclusion of his trial on charges of ‘founding and running a terrorist organisation’, which he faces in connection with the alleged ‘Sledgehammer’ military coup conspiracy. The case was ongoing as of 31 December 2019. **(3)** On 30 June 2014 Baransu was reportedly questioned for the first time in an investigation started by Turkey’s National Intelligence Organization (MİT) in April. In that case, Baransu is reportedly being investigated over a series of articles and opinion columns published in *Taraf* in 2011

on the Roboski (Uldere in Turkish) airstrike in December of that year, in which 34 Kurdish villagers were killed by Turkish fighter jets in what the Turkish authorities later called an ‘unfortunate operational accident’. Details of the MİT investigation are limited because it has been declared a state secret. Baransu is said to be accused of ‘collecting secret official documents on state’s security and political interests’. **(4)** On 5 October 2015 Baransu was charged with staging a coup against the Turkish government via news articles he reportedly published about genetically modified rice. The Mersin 2nd High Criminal Court accepted the indictment. The prosecution argued that Baransu attempted to create a negative perception about some government officials in the reports by stating that those officials had overlooked those who imported genetically modified rice. They added that Baransu had intended to put pressure on the government to resign by alleging that it had covered up the corruption. The first hearing took place on 14 October 2015; a ban on reporting the trial was imposed on 13 October 2015. Biosecurity Law No. 5977 prohibits the production of Genetically Modified Organisms (GMO) foods in Turkey and makes it mandatory to secure permission from the ministry to transport these products through Turkey. The case was ongoing as of December 2019. **(5)** On 30 June 2015 Baransu was handed a 10-month jail sentence by the Anadolu 2nd Civil Court of First Instance for insulting the then Prime Minister, now President Erdoğan. The charges concerned Baransu’s Tweets, which he denied had contained any insults. Whilst the indictment accused Baransu of insulting and blackmailing President Recep Tayyip Erdoğan, seeking a seven-year sentence, the court decided that the Tweets did contain insults but imposed a 10-month prison sentence. According to the [CPJ](#), in 2018 the Turkish authorities reopened 15 trials related to Baransu’s social media presence, despite the Appeals Court already approving the final rulings of suspended sentences that a lower court handed down. In two of the retrials, the courts ordered Baransu to pay a fine of 20,000 Turkish lira (c. US\$ 3,000) or do 200 hours’ work in a prison. His lawyers filed a complaint to the Constitutional Court about the fines. **(6)** On 2 February 2016, Baransu was imprisoned for a further 11 months and 20 days for his criticism of the head of the National Intelligence Agency. The court case against him is ongoing as of December 2019.

Current place of detention: Silivri Prison, Istanbul

PEN Action: [Statement 5 March 2015](#).

Selahattin DEMIRTAŞ

Gender: Male
Profession: Writer, politician
Date of birth: 10 April 1973
Type of legislation used: Anti-terror
Date of arrest: 4 November 2016 **(1)**

Details of arrest: Former co-chair of the pro-Kurdish Peoples’ Democratic Party (HDP), Selahattin Demirtaş was arrested on 4 November 2016 on terrorism charges

alongside other HDP MPs. He has been held in pre-trial detention since then. He is accused of being a leading member of a terrorist organisation, of spreading terrorist propaganda, of praising crimes and criminals and of incitement of violence. The evidence against him consists largely of his political speeches and press statements and lacks any compelling evidence of criminal activity. He faces up a combined total of 142 years in prison if convicted. On 20 November 2018, the European Court of Human Rights (ECtHR) ruled that Turkey's repeated extensions of Demirtaş' pre-trial detention pursued the purpose of 'stifling pluralism and limiting freedom of political debate'. For the first time in Turkey's history, the Court found Turkey in violation of Article 18 (limitation on use of restrictions on rights) of the European Convention on Human Rights, in conjunction with Article 5(3) of the Convention (right to be brought promptly before a judge) and called on the Turkish authorities to 'take all necessary measures to put an end to [Demirtaş'] pre-trial detention.' Following the Court's ruling, Demirtaş' lawyers filed for his release. Under Article 46 of the European Convention on Human Rights, Turkey must abide by judgments of the ECtHR. Yet on 13 December 2018, the Ankara 19th High Criminal Court ordered the continuous detention of Demirtaş on the grounds that the judgment was not final as it had not been pronounced by the Grand Chamber (the parties have three months following the delivery of a Chamber judgment to request referral of the case to the Grand Chamber for fresh consideration. Requests are accepted on an exceptional basis. Grand Chamber judgments are final). On 19 February 2019, Demirtaş's lawyers appealed to the Grand Chamber to review the violations found by the Chamber's decision; the Turkish authorities also lodged an objection against the Court's decision. The ECtHR accepted the applications of both parties and the case was moved to the Grand Chamber to hold a hearing on 18 September 2019. A decision had yet to be announced as of 31 December 2019.

(2) Details of trial: In a separate case on 7 September 2018, Selahattin Demirtaş was sentenced to four years and eight months in prison for carrying out terrorist propaganda at a speech he gave in 2013. His sentence was upheld on appeal on 4 December 2018.

Current place of detention: Silivri Prison, Istanbul

Health concerns: On 26 November 2019, Demirtaş reportedly lost consciousness in prison after suffering chest tightness and breathing difficulties. His family complained he did not receive adequate medical care. Demirtaş was taken to hospital a week later for further examination before being sent back to prison.

Professional background: While in detention Demirtaş wrote a collection of short stories entitled *Seher* (Dawn), which instantly became a best-seller and was translated into many languages. He published *Devran* (Fate) in 2019; his third book *Leylan* is expected to be published in 2020. He ran for the June 2018 presidential elections as HDP candidate from his prison cell.

Note: although as a politician Demirtaş was not a writer prior to his arrest, nor is his conviction related to his writings, which he took up in prison and which

are published without restriction in Turkey and abroad, PEN International is making an exception in this case by campaigning on his behalf as a representative of the struggle for freedom of expression in general in Turkey.

Other information: It is the first time the ECtHR finds Turkey in violation of Article 18 of the European Convention on Human Rights. In doing so, the Court ruled that Demirtaş' continuous detention was politically motivated. It also found Turkey in violation of Article 5(3) (right to be brought promptly before a judge), Article 5 (4) (right to a speedy review of the lawfulness of detention) and Article 3 of Protocol No. 1 (right to free elections) of the European Convention on Human Rights.

Honorary member: German PEN, PEN Mexico and PEN Català.

PEN action: Written statement to the UN Human Rights Council May 2017, statement August 2017, oral statement to the UN Human Rights Council June 2018, statement June 2018, statement December 2018

Nedim TÜRMENT

Gender: Male

Profession: News editor, reporter and poet.

Date of birth: 8 February 1990

Type of legislation used: Anti-terror

Sentence: Eight years and nine months in prison

Expiry of sentence: 2026

Date of arrest: 12 May 2016

Details of arrest: Nedim Türment was arrested on 12 May 2016 after covering clashes between the Turkish army and the outlawed Kurdistan Workers Party (PKK) in the predominantly Kurdish southeast of Turkey.

Details of trial: Türment was formally charged with 'membership of a terrorist organisation' and 'spreading terrorist propaganda' 10 months after his arrest. Among the reasons listed in his indictment were his social media posts, his news reporting and 20 concealed witness testimonies. His first hearing was held in Hakkari on 14 June 2017, some 200 km away from Van where he was being detained. Nedim Türment was denied the right to appear physically in court seven times, and instead testified via the judicial conferencing system SEGBİS, experiencing severe connection and interpretation issues. Out of the 20 witnesses called, 19 retracted their statements, saying they had been extracted under torture. Despite such clear evidence of fair trial violations, Nedim Türment was sentenced to eight years and nine months in prison for 'membership of a terrorist organisation' and 'spreading terrorist propaganda' on 15 December 2017. The verdict was upheld by the Erzurum Regional Appeals Court on 19 June 2018 and by Turkey's Supreme Court of Cassation in October 2019. Nedim Türment's lawyers filed an application before the Turkish Constitutional Court in July 2018, and the European Court of Human Rights on 4 February 2019; both have yet to rule on the case.

Current place of detention: Van high security prison, eastern Turkey

Conditions of detention: Türment spent nearly two years in solitary confinement, during which time he was transferred to several prisons. In a letter addressed to Turkish columnists and dated 8 May 2017, he reported harrowing detention conditions in his four-meter-long prison cell, where he was denied access to TV, radio, books or newspapers and forced to read 'the back of detergent boxes' to pass time. According to the UN Standard Minimum Rules for the Treatment of Prisoners, prolonged solitary confinement amounts to torture or other cruel, inhuman or degrading treatment or punishment and must not be imposed under any circumstances. While waiting for his appeal, Nedim Türment spends his time studying Turkish, English and German and writing poetry.

Professional background: Türment worked as news editor and reporter at the pro-Kurdish Dicle News Agency (DİHA) prior his arrest. He started composing poetry while detained.

Awards: Türment received the prestigious Musa Anter journalism award for his coverage of a military operation in the Kurdish city of Yüksekova, where a group of soldiers reportedly handcuffed and pinned 50 villagers face down, yelling slurs such as 'you will witness the power of the Turk'.

PEN action: Statement June 2017, statement August 2017, statement February 2018, call to action December 2018, global appeal February 2019, World Poetry Day March 2019, UPR July 2019, statement October 2019, report November 2019, Day of the Imprisoned Writer November 2019.

Detained: Main case

Mehmet Osman KAVALA

Gender: Male

Profession: Civil society leader, philanthropist, publisher and human rights defender

Date of birth: 2 October 1957

Type of legislation used: Other (attempting to overthrow the government)

Date of arrest: 18 October 2017

Details of arrest: Mehmet Osman Kavala was first detained on 18 October 2017 at Istanbul's Atatürk airport upon returning from the city of Gaziantep, south eastern Turkey. Gaziantep houses about 350,000 Syrian refugees and Kavala was reported to be setting up a cultural centre aiming at integrating refugees with the local community. He was interrogated on 31 October 2017 by the Istanbul Police Department Anti-Terrorism Unit. The next day, a court in Istanbul ruled that he be remanded in custody, allegedly on suspicion that he organised the Gezi Park protests in Istanbul in 2013 and was involved the July 2016 coup attempt. Kavala's lawyers submitted

several applications for provisional release, to no avail. On 22 May 2019, Turkey's Constitutional Court rejected an application to end his lengthy pre-trial detention.

Detail of trial: Kavala was formally charged 16 months after his arrest. A 657-page long indictment, released on 19 February 2019 and accepted by Istanbul's 30th High Criminal Court on 4 March 2019, accuses him and 15 co-defendants of being responsible for crimes allegedly committed by protestors across Turkey during the Gezi Park protests and reframes the overwhelmingly peaceful protests as a conspiracy to overthrow the government. All defendants face life imprisonment on the charge of 'attempting to overthrow the government or partially or wholly preventing its functions' (Article 312 of Turkey's Criminal Code). The first hearing took place on 24 June 2019; Istanbul 30th High Criminal Court ruled for Kavala's continuing detention in subsequent hearings.

Update: On 18 February 2020, the Istanbul 30th High Criminal Court acquitted Osman Kavala and eight co-defendants present in court of all charges. The cases of the seven defendants residing outside Turkey were separated from the case file. Hours after the verdict, the Public Prosecutor announced that they were appealing the acquittal and opening a new investigation against Osman Kavala for 'attempting to overthrow the constitutional order through violence and force' under Article 309 of the Turkish Penal Code in connection with the 2016 coup attempt. Kavala remained in pre-trial detention at the time of writing.

Current place of detention: Silivri prison, Istanbul

Professional background: Kavala has dedicated his life to promoting open dialogue and peace, human rights and democratic values in Turkey. He helped establish a number of civil society organisations, including Anadolu Kültür (Anatolian Culture), a cultural association that aims to foster a celebration of diversity through cultural and artistic exchange. He also helped found İletişim Publishing in 1983, which has since become one of Turkey's largest publishing houses.

Other information: In June 2018, Kavala announced that he had applied to the European Court of Human Rights (ECtHR) appealing his lengthy pre-trial detention. In November 2018, PEN International and the Turkey Litigation Support Project requested to submit a joint third-party intervention in his case, which the Court accepted. Dunja Mijatović, the Council of Europe Commissioner for Human Rights, submitted written observations to the Court in January 2019. On 10 December 2019, the ECtHR ruled that there had been a violation of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights, Article 5 § 4 (right to a speedy decision on the lawfulness of detention) and Article 18 (limitation on use of restrictions on rights) in the case. The court found that Kavala's detention 'pursued an ulterior purpose...namely that of reducing [him] to silence' and called for his immediate release.

Honorary member: Swedish PEN

PEN action: Resolution 2018, statement November

2018, [statement](#) June 2019, [statement](#) July 2019, [statement](#) October 2019, [statement](#) February 2020, [statement](#) February 2020

On trial

Ayşe BERKTAY

Gender: Female

Profession: Scholar, author, translator and woman’s activist

Type of legislation used: Anti-terror

Date of arrest: 1) 3 October 2011 **2)** 9 August 2016

Date of Release: 1) Freed pending trial on 20 December 2013 **2)** Acquitted 21 May 2019 – acquittal under appeal

Details of trial: 1) Berkday had been working with the now defunct pro-Kurdish Peace and Democracy Party (BDP) of which she was a member. She was charged with ‘propagandising for a terrorist organisation’, with reference to her allegedly ‘planning to stage demonstrations aimed at destabilising the state’ and ‘attending academic and human rights conferences outside Turkey on behalf of KCK’ (for more information about KCK-related trials please see [2018 Case List](#)). **2)** Additionally, on 9 August 2016, she was one of several staff members of *Özgür Gündem* whose passports were ordered to be [cancelled](#) by Istanbul’s 14th Court of Serious Crimes. On 21 May 2019, an Istanbul Court [acquitted](#) Berkday along with other columnists. However, the prosecutor is reportedly appealing the acquittal, so the judicial process is continuing. Although the court has ruled that Berkday is free to travel, the Interior Ministry is reportedly currently investigating if she constitutes a possible security threat, so she remains unable to travel abroad.

Professional background: Publications include: *History and Society: New Perspectives*, 2008; *The Ottoman Empire and the World Around* – with Suraiya Faroqhi, 2007. Berkday is editor of *Women and Men in the 75th Year of the Turkish Republic* 1998. Translations include: *The Imperial Harem: Gender and Power in the Ottoman Empire, 1520-1656* by Leslie Penn Pierce, Princeton University, 1988; *The Ottoman Empire, 1700-1922 (New Approaches to European History)*, by Donald Quataert, Cambridge University Press, 2005. Berkday, also writes numerous articles on feminism in Turkey.

Awards: Winner of the [2013 PEN/Barbara Goldsmith Freedom to Write Award](#).

Honorary member: PEN Turkey, PEN America, PEN Canada

PEN Actions: [RAN 22/13](#) 07/05/13 & [RAN 23/13](#) 23/05/13, Update 12/06/13, [International Women’s Day Action](#) 2014, [Interview with Ayse Berkday](#) 8 March 2014.

Çayan DEMIREL

Gender: Male

Profession: Documentary filmmaker and director

Date of birth: 1977

Ertuğrul MAVIOĞLU

Gender: Male

Profession: Documentary filmmaker and director

Date of birth: 1961

Sentence: Both were sentenced to four years and six months in prison

Type of legislation: Anti-terror

Details of trial: On 20 December 2017, Demirel and Mavioğlu were charged with disseminating propaganda in favour of a terrorist organisation under Article 7/2 of Law no. 3713 on Counter-Terrorism for their documentary film *Bakur*, which shows the daily life of members of the outlawed Kurdistan Workers Party (PKK) in three different camps in southeast Turkey in 2013. *Bakur* was scheduled to premiere at the Istanbul Film Festival in May 2015 but the screening was cancelled at the behest of the Turkish Ministry of Culture, on the grounds that film did not have the required registration certificate. As Demirel gave his deposition in Istanbul on 28 December 2017, dozens of filmmakers came in solidarity to protest outside the courthouse, holding signs that read ‘Sinema Yargılanamaz! Keep Films Out of Court!’. The first hearing on their case took place on 18 January 2018. The Batman 2nd High Criminal Court [sentenced](#) both directors to four years and six months in prison in absentia on 18 July 2019; the initial three-year sentence was increased by the court as required by Turkish law because the ‘propaganda’ was made ‘through press and broadcast.’ Demirel and Mavioğlu remain free pending appeal but are subject to a travel ban.

Health concerns: Çayan Demirel’s lawyer [reports](#) that he suffers from difficult health conditions that arose after finishing *Bakur in 2015* which has meant that he has been unable to attend hearings.

Background: *Bakur*, the Kurdish word for ‘North’, explores the conflict between the Turkish armed forces and the PKK, providing an insightful reflection on the lives of PKK guerrillas in three camps that are located in the mostly Kurdish-populated region within the Turkish border. The documentary focuses on the withdrawal of the PKK from Turkey during the peace process that started in 2013 and collapsed in July 2015. The film was shown in numerous international and national festivals.

Professional background: Çayan Demirel started working on historical documentaries in 2000, after he had received his degree from the Faculty of Economics. In 2006, Demirel completed his first ever documentary called 38, which reflects on the incidents of the Dersim Massacre. He then founded Surela Film Production in 2009 and directed his award-winning documentary *Prison Number 5: 1980-84* that same year. Ertuğrul

Mavioğlu worked as a journalist for nearly 30 years at multiple newspapers and television stations. He spent eight years in prison during the period 1980-1991, following the September 1980 military coup. He was also granted two awards from the Progressive Journalists Association.

PEN Action: [statement](#), May 2018

Can DÜNDAR

Gender: Male

Profession: Former editor of *Cumhuriyet*, writer, documentary filmmaker and member of PEN Turkey

Date of birth: 16 June 1961

Type of legislation: Anti-terror

Date of arrest: 26 November 2015

Details of arrest: On 26 November 2015, Dündar and his Ankara bureau chief **Erdem Gül** were detained on terrorism and espionage charges in relation to a news story published in June 2015.

Date of Release: 26 February 2016

Details of Release: Dündar and Gül were released by a Supreme Court decision that stated that their rights and that of the press have been violated. Following President Erdoğan’s criticism of the Supreme Court, commenting ‘he won’t abide by the ruling’, the lower court sentenced Dündar and Gül to five years in prison for revealing state secrets. The decision is on appeal whilst Dündar and Gül remain free with Dündar living in exile in Germany as of December 2016. Proceedings against him (see below) are taking place *in absentia*.

Details of trials: (1) In June 2015, President Erdoğan filed a criminal complaint against Dündar over a news story, alleging espionage and demanding an aggravated life sentence. The complaint accused Dündar of trying to manipulate justice with fabricated material and violating confidentiality by publishing the story. Dündar’s paper, *Cumhuriyet*, had published photos of Turkish intelligence agency’s trucks allegedly carrying arms to Syria. In April 2018, a court in Istanbul [issued](#) an arrest warrant against Dündar and asked that INTERPOL issue a red notice on espionage charges. Proceedings are ongoing as of 31 December 2019. **(2)** In August 2015, the public prosecutor of Istanbul drafted an indictment against 18 journalists from nine newspapers for ‘propaganda in favour of a terrorist organisation’ in relation to the ‘Editors Watch’ solidarity action with *Özgür Gündem* daily, seeking prison terms of between one-and-a half to seven-and-a-half years in prison. Dündar is among those indicted. Proceedings are ongoing as of 31 December 2019. **(3)** Dündar stood trial alongside 16 colleagues of *Cumhuriyet*, Turkey’s oldest newspaper, on charges of assisting an armed terrorist organisation. PEN International observed the proceedings, which have been marred by violations of the right to a fair trial. On 25 April 2018, the court ruled that the case against Dündar would continue [separately](#). Proceedings are ongoing as of 31 December 2019.

Professional background: Former editor of *Cumhuriyet*, Can Dündar is the author *We Are Arrested: A Journalist’s Notes from a Turkish Prison*, which the Royal Shakespeare Company in Britain turned into a play in 2018. He writes a weekly column for *Die Zeit* and works closely with Correctiv, a non-profit center for investigative journalism.

PEN Actions: [RAN 08/14](#); 04/15 and updates, [statement](#) 3 June 2015, [press release](#) 23 December 2015 and [call to action](#). Mentioned in PEN’s 2015 report: *Surveillance, Secrecy and Self-Censorship: New Digital Freedom Challenges In Turkey*

Aslı ERDOĞAN

Gender: Female

Profession: Novelist, advisory position in *Özgür Gündem* daily

Date of birth: 8 March 1967

Necmiye ALPAY

Gender: Female

Profession: linguist, advisory position *Özgür Gündem* daily

Date of birth: 1946

Type of legislation used: Anti-terror

Date of arrest: 17 August 2016 (Aslı Erdoğan) and 31 August 2016 (Necmiye Alpay)

Date of release: 29 December 2016 **Details of arrest:** Erdoğan was detained on 17 August 2016, following a police raid into her apartment. Her arrest came alongside more than 20 other journalists and employees from *Özgür Gündem*, a pro-Kurdish opposition daily, which was shut down by decree as part of the state of emergency following the failed coup of 15 July 2016. On 31 August 2016, Istanbul’s Eighth Criminal Court of Peace ordered the arrest of both Alpay and Erdoğan on charges of being members of a terror organisation and disrupting the unity of the state; they deny all charges.

Details of release: Both Alpay and Erdoğan were subsequently released on 29 December 2016 following 133 days in detention. On 7 September 2017, the Turkish authorities lifted travel restrictions imposed on Erdoğan.

Update: On 13 January 2020, prosecutors [requested](#) that Aslı Erdoğan be sentenced to up to nine years in prison for ‘making propaganda for a terrorist organisation’ and that Necmiye Alpay be acquitted of all charges. Both were acquitted on 14 February 2020.

Professional background: Aslı Erdoğan is the author of several books. Her short story *Wooden Birds* received first prize from Deutsche Welle radio in a 1997 competition and her second novel, *Kirmizi Pelerinli Kent (The City in Crimson Cloak)*, received numerous accolades abroad and has been published in 15 languages. Necmiye Alpay is a renowned linguist, writer and translator. She has published books on the usage of language, literary criticism, and the peace process in Turkey.

Awards: Aslı Erdoğan was awarded the 2018 Simone de Beauvoir Prize for Human Rights and the Vaclav Havel Library Foundation’s 2019 Disturbing the Peace Award.

PEN actions: [RAN 18/16](#), [RAN 19/16](#), [Call to Action 1 September 2017](#); [statement February 2020](#).

Büşra ERSANLI

Gender: Female

Profession: Academic, expert on political science and author

Date of birth: 1950

Type of legislation used: Anti-terror

Sentence: **1)** Freed pending trial **2)** 15 months imprisonment (quashed on appeal)

Date of Arrest: 29 October 2011.

Date of release: 13 July 2012

Details of release: Ersanlı was released pending trial on 13 July 2012 along with 15 other KCK defendants in the first hearing of her case (for more information about KCK-related trials please see [2018 Case List](#)).

Details of trial: **1)** Ersanlı was charged under an indictment issued on 19 March 2012 with 'leading an illegal organisation' under Article 314/1 of the Turkish Penal Code, 'leading a terrorist organisation' under the Anti-Terror Law in connection with her participation in the Political Academy of the now defunct pro-Kurdish Peace and Democracy Party (BDP). Ersanlı’s involvement included providing advice on lessons to be held within the Academy and on proposals for a new constitution for Turkey, and her participation in peaceful demonstrations. If convicted, she faces between 15 and 22.5 years in prison. Hundreds of supporters protested outside the court at an appeal hearing against the arrest on 31 October 2011. Her trial is ongoing as of 31 December 2019. **2)** In a separate case in June 2018, a court in Istanbul [sentenced](#) her to 15 months in prison for spreading terrorist propaganda, after she signed a declaration calling for peace in Turkey’s south-east in January 2016. She was acquitted after the Turkish Constitutional Court ruled in July 2019 that the rights of 10 academics who had signed the petition had been violated.

Professional background: Professor Büşra Ersanlı is an expert on political science and at the time of her arrest was working with the BDP’s Constitutional Commission. She is also the author of *Peace and History* and *Bulut Fali (Nephomancy)* in which she narrates her nine months-long experience in prison. She is primarily known for her work towards finding non-violent resolutions to conflict.

Honorary member: PEN Turkey

PEN Actions: [RAN 23/13](#) 23/05/13, Update 12/06/13 [International Women’s Day Action 2014](#)

Ahmet NESIN

Gender: Male

Date of birth: 1957

Profession: Journalist and writer

Type of legislation used: Anti-terror

Date of arrest: 20 June 2016

Date of release: Freed pending trial on 1 July 2016

Details of arrest: As part of a campaign launched on World Press Freedom Day 2016, Ahmet Nesin acted as editor-in-chief for a day for the pro-Kurdish newspaper *Özgür Gündem*, on 7 June. On 20 June 2016, he was detained alongside Reporters Without Borders’ representative in Turkey Erol Önderoğlu and Turkey’s Human Rights Foundation Chair Şebnem Korur on charges of ‘terrorist propaganda’ after testifying before the prosecutor for terror and organised crimes. He was released pending trial on 1 July 2016.

Details of trial: On 22 June 2016, prosecutors issued indictments accusing Nesin of ‘openly provoking [the people] to commit crimes’, ‘praising a crime and a criminal’ and ‘making propaganda for a [terrorist] organisation’, charges that carry up to 14 years and six months in prison. On 17 July 2019, an Istanbul Court acquitted Nesin, Önderoğlu and Korur of all charges but in September 2019 the prosecution announced it would [appeal](#) against the verdict. The case remained before the Istanbul regional appeal court at the end of the year.

PEN actions: [Statement](#) June 2016, [statement](#) August 2016, [statement](#) July 2019.

Ahmet ŞIK

Gender: Male

Profession: Journalist and writer, reporter for *Cumhuriyet* Daily, politician

Date of birth: 1970

Type of legislation used: Anti-terror

Date of arrest: 29 December 2016

Date of release: Freed pending trial on 9 March 2018

Details of arrest: Arrested at his home in Istanbul

Details of trial: Şık stood trial alongside 16 colleagues of *Cumhuriyet*, Turkey’s oldest newspaper, on charges of assisting an armed terrorist organisation. He spent 435 days in solidarity confinement and was eventually released from pre-trial detention on 9 March 2018. He filed an application to the European Court of Human Rights, alleging infringement of his right to liberty and right to freedom of expression and arguing that his detention amounted to politically motivated judicial harassment. Despite being accorded priority status by the Court, his case remains pending at the end of 2019. PEN International observed the *Cumhuriyet* proceedings, which have been marred by violations of the right to a fair trial. On 25 April 2018, Ahmet Şık was found guilty of

aiding a terrorist organisation without being a member, and [sentenced](#) to 7 years and 6 months’ imprisonment. The verdict attracted widespread criticism, both within and outside Turkey. In September 2019, Turkey’s Court of Cassation [ordered](#) Şık to be retried on new and more severe charges of ‘legitimising the acts of a terrorist group’ and ‘denigrating the bodies and organs of the state of the Turkish Republic’ relating to alleged incidents since 2014. He faces up to 37 years in prison if convicted. The case was ongoing as of 31 December 2019.

Professional background: Şık is a graduate of the Communications Facility Department of Journalists, Istanbul University. Reporter for *Milliyet*, *Cumhuriyet*, *Evrensel*, *Yeni Yüzyıl*, and *Radikal* over the period 1991 – 2005. Police are said to have seized his draft manuscript *İmamın Ordusu (Imam’s Army)*, an investigation into the alleged affiliation of police to the Gülen movement. The book was subsequently published in November 2011 as an anti-censorship defiance with 125 writers, journalists and academics acting as co-authors and editors under the title *OOO Kitap (OOO Book)*. Previously, in March 2011 he was acquitted of charges of breaching the confidentiality surrounding the trial of people alleged to be part of a ‘deep state’ conspiracy, known as ‘Ergenekon’ in a two-volume book published in 2010, before his arrest, entitled *Kırk katır, kırk satır (40 mules, 40 cleavers)*. The first volume is entitled *Ergenekon’da Kim Kimdir? (Who’s Who in Ergenekon)*, and the second *Kontngerilla ve Ergenekon’u Anlama Kılavuzu (Guide to Understanding Contra-guerrilla and Ergenekon)*. In 2015 Şık was charged with defamation against former transport minister Binali Yıldırım in his book titled *Paralel Yürüdük Biz Bu Yollarda (We Walked Parallel on this Road)*. The trial began in March 2015; on 15 December 2015, Şık was convicted of defamation and sentenced to pay a fine of 4,000 Turkish Lira (c. US\$ 5,118). On 12 April 2017, Şık was acquitted in the [OdaTV case](#) where a number of journalists were tried on accusation of being Ergenekon members. In 2018, he was elected deputy for the Democratic People’s Party (HDP) Istanbul’s second electoral district.

Awards: Awarded a number of prizes for his journalism in Turkey, including UNESCO’s 2014 Guillermo Cano World Press Freedom Prize.

Honorary member: PEN Turkey, Danish PEN, PEN Belgium/Flanders

PEN Actions: PEN International closely followed Şık’s case since his [arrest](#). With others, PEN International has [intervened](#) before the European Court of Human Rights in his case. PEN International also issued a [RAN](#) (and updates [1](#), [2](#), [3](#)) at the time of the [ODATV case](#). [Statement](#) April 2018, [statement](#) February 2019, [statement](#) May 2019, [report](#) November 2019.

Deniz ZARAKOLU

Profession: Author and translator.

Date of Birth: 15 July 1975. Son of leading freedom of expression activist **Ragıp Zarakolu** (see below).

Type of legislation: Anti-terror

Date of arrest: 7 October 2011

Date of release: Freed pending trial on 27 March 2014

Details of arrest: Arrested at his home in Tarlabasi, Istanbul.

Details of trial: Charged with ‘membership of an illegal organisation’. He faces 6-12 years in prison if found guilty. The indictment against him references a series of lectures that he gave at a Peace and Democracy Party (BDP) event. The lectures concerned political philosophy and the Kurdish movement in Turkey. First held in a prison in Edirne, and then transferred to Kocaeli Prison to be with his father, Ragıp Zarakolu (see below) who was later released. The trial is believed to be ongoing as of 31 December 2019.

Professional details: Civil Engineer and PhD student at Bilgi University, Istanbul. Author of a book on Thomas Hobbes and translated Hobbes’ *De Cive*, among other works. Also translated a book on the Turkish justice system in 1999, *The Independence of Judges and Lawyers in the Republic of Turkey: Report of a Mission 1999*, published by the Centre for the Independence of Judges and Lawyers, Geneva.

Honorary Member: German PEN, Danish PEN, Swiss Italian PEN.

PEN Action: [RAN 23/13](#) 23/05/13, Update 12/06/13

Ragıp ZARAKOLU

Gender: Male

Profession: publisher, freedom of expression and minority rights activist, member of PEN Turkey

Date of birth: 1948

Type of legislation used: Anti-terror

Date of Arrest: 29 October 2011

Date of release: Freed pending trial on 10 April 2012

Details of release: Zarakolu was released pending trial. The Istanbul 15th High Criminal Court cited the length of time he had already been imprisoned, ‘the nature of the crime’ and ‘the state of the evidence’ as reasons for his release. He has since left the country.

Details of trial: An indictment was issued on 19 March 2012, charging Zarakolu with ‘aiding and abetting an illegal organisation’ under Article 220/7 of the Penal Code. He faces between seven-and-a-half and 15 years in prison in connection with a speech he made at an event by the now defunct pro-Kurdish Peace and Democracy (BDP) party. Although he has been living in Sweden since 2013, the harassment continues. In May 2017, police officers [raided](#) Belge Publishing House, which he founded in 1977 with his late wife Ayşe, and seized over 2,000 books. In July 2018, the Istanbul 3rd High Criminal Court submitted a request for an Interpol Red Notice, a mechanism used to locate and provisionally arrest an individual pending extradition. In December 2019, Sweden’s Hight Court [rejected](#) an extradition request from Turkey on the grounds that the allegations

against Zarakolu would not be considered a crime under Swedish law, and that an extradition would breach Article 3 (prohibition of torture) and Article 6 (right to a fair trial) of the European Convention on Human Rights. The Turkish authorities subsequently confiscated all of Zarakolu's assets in Turkey and froze his pension. His trial in Istanbul was ongoing as of 31 December 2019.

(2) Details of trial: Zarakolu is on trial under anti-terror legislation for articles he wrote in the now banned *Özgür Gündem* newspaper. Specifically, Zarakolu is charged for two articles: 'A Letter to Ocalan' [the leader of the banned PKK] published on the newspaper's website on 24 March 2016, and 'Cry, my Beloved Country', published in the print edition on 26 July 2016, shortly before the newspaper was shut down. The trial is ongoing as of 31 December 2019.

Professional background: Zarakolu is a well-known political activist who has been fighting for freedom of expression in Turkey for over 30 years, publishing books on issues such as minority and human rights.

Awards: Zarakolu was awarded the Assyrian Cultural Award in March 2012 and was nominated as a candidate for the 2012 Nobel Peace Prize.

Honorary member: PEN Turkey, PEN Canada, Danish PEN, German PEN, Netherlands PEN, and San Miguel Allende PEN

PEN Actions: RAN 54/11 Update #5 10/04/12 & RAN 23/13 23/05/13, Update 12/06/13. Statement September 2018.

Judicial harassment

Fikret BAŞKAYA

Gender: Male

Profession: Writer, academic

Date of birth: 1940

Type of legislation: Anti-terror

Date of harassment: February 2019

Perpetrator: State

Details of harassment: Başkaya was briefly detained on 27 November 2017 and subsequently charged in February 2019 with 'making propaganda for a terrorist organisation' under Article 7/2 of Turkey's Anti-Terrorism Law. The charges stem from an article published in November 2016, entitled *The Real Terrorism is State Terrorism*, in which he refers to Turkey's Kurdish population suffering at the hands of the authorities. He faced up to five years in prison if convicted. On 22 November 2019, Ankara's 21st Heavy Crimes Court acquitted him of all charges.

Professional background: Başkaya is the author of several books and articles on development economics. He is a professor of economic development and international relations, and president of the *Özgür*

Üniversite (Free University) in Istanbul, which he co-founded.

Other information: The Turkish authorities have repeatedly targeted Başkaya throughout the years. He spent 20 months in prison in 1994 and 1995 on terror-related charges for his book *Westernisation, Modernisation and Development: The Bankruptcy of a Paradigm*, in which he uses Turkey's Kurdish population as a case study. In 2000, he was sentenced to 16 months in prison – reduced to one year on appeal – for an article in which he questioned the viability of the Turkish authorities' approach towards the Kurds following the arrest of the Kurdistan Workers Party (PKK) leader Abdullah Öcalan. In 2004, he faced up to three years in prison for 'insult to the State, State institutions, and the military' for a series of articles he wrote in the early nineties and later republished as a book; he was eventually acquitted in 2005.

Awards: Başkaya was awarded the 2003 Turkish Publishers Association's Freedom of Expression Award.

PEN Action: statement, November 2019

Released

Mehmet ALTAN

Gender: Male

Profession: Academic economist, journalist and writer

Date of birth: 11 January 1953

Date of arrest: Mehmet Altan was arrested on 10 September 2016 with his brother, the novelist, essayist and journalist **Ahmet Altan** (see above), on allegations of spreading 'subliminal messages announcing a military coup'.

Date of release: Mehmet Altan was released pending the outcome of his appeal on 27 June 2018; he was acquitted of all charges on 4 November 2019.

Details of release: On 11 January 2018, Turkey's Constitutional Court ruled that Mehmet Altan's lengthy pre-trial detention should end, but the trial court refused to implement the ruling. A second appeal to the Constitutional Court was successful but not implemented. In March 2018, the European Court of Human Rights urged the Turkish authorities to release him without delay. On 27 June 2018, the Istanbul Regional Court of Justice ordered Mehmet Altan's release pending the outcome of his appeal.

Details of trial: On 16 February 2018, Mehmet Altan and Ahmet Altan were convicted of 'attempting to overthrow the constitutional order' under Article 309 of the Turkish Penal Code and sentenced to aggravated life sentences, or life without parole. On 5 July 2019, Turkey's Supreme Court overturned the 2018 verdict. It ruled that Mehmet Altan should be acquitted due to lack of sufficient evidence, while Ahmet Altan should be retried on lesser charges of 'aiding a terrorist organisation without being its member.' Mehmet Altan was eventually acquitted of all charges on 4 November 2019.

Professional background: Mehmet Altan is an academic economist, journalist, and author of over 25 books.

PEN Action: PEN International had been closely following the case since the initial arrest (RAN 19/16) and had monitored the criminal proceedings. With others, PEN International submitted a third-party intervention before the European Court of Human Rights. Statement February 2018, statement October 2018, UPR July 2019, statement October 2019, report November 2019, statement November 2019, statement November 2019, statement November 2019, RAN November 2019.

Zehra DOĞAN

Gender: Female

Profession: Journalist, painter, poet

Date of birth: 14 April 1989

Type of legislation used: Anti-Terror

Sentence: Two years, nine months and 22 days in prison

Date of arrest: Zehra Doğan was taken into custody on 12 June 2017.

Date of release: 24 February 2019

Details of release: Doğan was released from Tarsus Prison after serving her sentence in full.

Details of trial: The charges against Doğan relate to a painting, a news article and her social media activity. The painting at issue is her recreation of a photograph taken by the Turkish military and disseminated by social media accounts linked to the Turkish security forces, taken during the five-month curfew imposed on the town of Nusaybin, which was a site of the conflict between the Turkish army and the PKK. The news item in question is an article written on 22 December 2015, concerning Nusaybin. Lastly, the court also considered social media activity between 21 December 2015 and 9 December 2016 to be evidence of guilt. On 24 March 2017, Doğan was sentenced to 2 years, 9 months and 22 days in prison. She was convicted under article 7/2 of the Anti-Terror Law. While in prison, Doğan did not have access to painting materials but continued to paint, mixing colours from food and drink.

Professional background: Doğan is the founding editor of the all-female Jin News Agency, which was closed on 29 October 2016 under emergency laws.

Awards: Doğan received numerous awards for her work, including the prestigious Metin Göktepe Journalism Award for her reportage 'The Screams of Yezidi Women'. She was awarded the Index on Censorship Freedom of Expression Award for Arts in April 2019 and the May Chidiac Foundation Exceptional Courage in Journalism Award in October 2019.

Honorary member: PEN Belgium (French-speaking) and PEN Català.

PEN Action: Statement August 2017, Day of the Imprisoned Writer 2017, statement February 2019.

Ayşe DÜZKAN

Gender: Female

Profession: writer, journalist and publisher

Date of birth: 1959

Sentence: 18 months in prison

Type of legislation: Anti-terror

Date of arrest: Düzkan handed herself over to the Istanbul Prosecutor's Office on 29 January 2019, from where she was sent to Bakırköy Women's Prison.

Date of release: 11 June 2019

Details of release: Conditional release.

Details of trial: Between May and August 2016, Ayşe Düzkan and 55 other journalists and activists took part in the 'Editors-in-Chief on Watch' solidarity action with pro-Kurdish daily *Özgür Gündem* by acting as Co-Editor in Chief for a day, which intended to draw attention to the Turkish authorities' long-standing attempts to put pressure on the publication and its reporters. Scores of journalists and writers were arrested for taking part in the campaign (see above). Ayşe Düzkan was sentenced to 18 months in prison on 16 January 2018 under Article 7/2 of Turkey's Anti-Terrorism Law alongside four other journalists, with the court stating their lack of remorse as a reason for their conviction. Her sentence was upheld by the Istanbul Regional Court of Justice on 29 November 2018. She handed herself over to the Istanbul Prosecutor's Office on 29 January 2019, from where she was sent to Bakırköy Women's Prison. She was transferred to Eskişehir Prison in May 2019.

Professional background: Düzkan is a well-known journalist and writer in Turkey and is active within the country's feminist movement. Between 1987 and 1990 she wrote for the *Feminist Dergi* (*Feminist Magazine*) and for Kadın Çevresi Yayıncılık (Women's Environment Publishing). She was one of the founders and later the editor-in-chief for the women's newspaper *Pazartesi* (*Mondays*). Düzkan has worked for several newspapers and magazines including *Radikal*, *Milliyet*, *Star*, *Pişmiş Kelle*, *Hayalet Gemi*, *Expres*, *Kırmızı Alarm*, *Yeni Gündem* and *Kaosgl*. Her books include *Çalar Saat* (1994), *Erkekliğin Kitabında Yazmaz Bu* (2006) and *Behiç Aşçı* (2006).

PEN Action: RAN May 2019

UKRAINE

Released

Stanislav ASEYEV

Gender: Male

Profession: Journalist, writer

Date of birth: 1 October 1989

Sentence: 15 years in prison

Type of legislation: Espionage and extremism

Date of arrest: 2 June 2017

Date of release: 29 December 2019

Details of release: Aseyev was freed as part of a broad prisoners swap on 29 December 2019 between Ukraine and the Russia-backed de facto authorities from the self-proclaimed ‘Donetsk People’s Republic’ (DNR) in eastern Ukraine.

Details of arrest: Aseyev disappeared on 2 June 2017 and was effectively held in incommunicado detention until 16 July 2017, when an agent of the de facto DNR’s ‘Ministry of State Security’ (MGB) confirmed he was in their custody accused of espionage. The de facto authorities had initially denied knowledge of his fate and whereabouts. They repeatedly denied visits by the UN Special Monitoring Mission to Ukraine, who reported that Aseyev was being held in an informal detention facility called *Izolyatsiya* through contacts with a former detainee. In June 2018, Aseyev reportedly went on hunger strike to denounce poor conditions of detention as well as lack of access to medical care and to call for his release. In August 2018, Russia’s state TV Rossiya 24 broadcasted an ‘interview’ with Aseyev in which he ‘confessed’ to espionage; Aseyev later said he had been coerced into ‘confessing’.

Details of trial: On 22 October 2019, the Donetsk News Agency announced that the DNR’s Supreme Court had sentenced Aseyev to 15 years in a maximum security penal colony for ‘espionage’, ‘extremism’, and ‘public calls to violate the territory’s integrity’ in August 2019. Aseyev was also banned from working in journalism for two years and six months.

Professional background: A freelance journalist, Aseyev contributed to Radio Free Europe/Radio Liberty (RFE/RL) and various Ukrainian news outlets under the pseudonym Stanislav Vasin, reporting about daily life in the DNR. He is the author of *The Melchior Elephant, or A Man who Thought*, a novel first published in 2015.

Other information: In June 2018, OSCE Representative on Freedom of the Media Harlem Désir called for Aseyev’s immediate release. He condemned Aseyev’s sentencing and reiterated his call for his immediate release in October 2019.

PEN Action: solidary action Congress 2019, solidarity action November 2019

UNITED KINGDOM

Killed

Lyra MCKEE

Gender: Female

Profession: Journalist, writer and LGBTI campaigner

Date of birth: 31 March 1990

Date of death: 18 April 2019

Perpetrator: non-state

Details of killing: Lyra McKee was shot dead by a masked gunman as she was observing a riot on the Creggan estate in Derry, Northern Ireland. She was standing beside a police vehicle when a gunman fired on police officers and onlookers. She died in hospital soon afterwards.

Details of investigation: In February 2020, a man was arrested and charged accused of possession of a firearm with the intent of endangerment to life and for membership of a terrorist organisation.

Background: The first killing of a journalist in Northern Ireland since that of Martin O’Hagan 2001, Lyra McKee’s death was met with outrage from political in leaders and others in Ireland and worldwide. There were fears for a return to the violence of the Northern Ireland Troubles that between 1968 and its ending with the 1999 Good Friday Agreement, claimed over 3,500 lives. On 23 April 2019, the ‘New IRA’ paramilitary group issued a statement in which it issued ‘sincere apologies’ for McKee’s death, adding that she was not the intended target. It accused the UK armed forces of ‘provoking’ the violence and called on its members to ‘take more care’ when engaging in demonstrations.

Publications : Lyra McKee was a young journalist who had by the time she died, aged 29, worked on numerous publications including *Buzzfeed*, *Private Eye*, *The Atlantic* and the *Belfast Telegraph*. In 2016, she was listed by *Forbes* magazine as one of ‘30 under 30 in Media’ for her reporting. In 2006, when just 16, she was awarded the Sky News Young Journalists Award for her work encouraging young people to join the profession. Her hugely popular blog, ‘Letters to my 14-year-old self’, chronicled her experiences as a gay woman. In June 2019, her book *Angels with Blue Faces*, based on her four-year investigation into the killing of an MP, was published posthumously. At the time of her death she was working on a second, *The Lost Boys*, about the disappearance of children in Northern Ireland; it may be published in 2020.

Detained: Main case

Julian ASSANGE

Gender: Male

Profession: Publisher

Date of birth: 3 July 1971

Type of legislation: Other (sedition)

Date of arrest: 11 April 2019

Details of arrest: WikiLeaks founder and publisher Julian Assange was arrested on 11 April 2019 at the Ecuadorian embassy in London, where he had been given asylum for almost seven years. He was arrested for breaching his bail conditions in 2012, and further arrested on behalf of the US authorities under an extradition warrant after the Ecuadorian authorities withdrew asylum. In May 2019, Julian Assange was indicted by the US Justice Department on 17 counts of violating the US Espionage Act for his role in obtaining and publishing classified military and diplomatic documents in 2010. UN experts, free expression groups and scores of human rights lawyers have made it clear that this prosecution raises profound concerns about freedom of the press under the First Amendment to the US Constitution and sends a dangerous signal to journalists and publishers worldwide. US prosecutors had already charged Assange with one hacking-related count, which also includes a list of actions that fall under journalistic activities. In June 2019, the United Kingdom’s home secretary signed a US extradition order for Assange. His extradition hearing has been set for February 2020; charges carry up to 175 years in prison. An investigation into a rape allegation against Assange – made in 2010 – was dropped in November 2019 after Swedish prosecutors said witnesses’ memories had faded.

Current place of detention: Belmarsh high security prison

Professional background: Assange founded WikiLeaks in 2006, which came to international attention in 2009-2010 when it published classified US government documents leaked by whistle-blower Chelsea Manning, then a military analyst in the US army; the documents revealed that the US army, the CIA and Iraqi and Afghan forces had committed human rights violations.

Conditions of detention: In May 2019, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment visited Assange in prison and reported that he showed ‘all the symptoms typical for prolonged exposure to psychological torture’. In November, the Special Rapporteur expressed alarm at the continued deterioration of Assange’s health since his arrest and detention and reported that his access to legal counsel and documents had been severely obstructed.

Other Information: In April 2019, the UN Special Rapporteur on Torture argued that Assange’s extradition to the United States would expose him to ‘a real risk of serious violations of his human rights, including his

freedom of expression, his right to a fair trial, and the prohibition of cruel, inhuman or degrading treatment or punishment.’ Several UN experts also warned that he would be at risk of serious human rights violations. In November, the UN Special Rapporteur on Torture further called for Assange’s prompt release.

PEN Position: PEN International calls on the United States to drop charges against Assange. Espionage laws should not be used against journalists and publishers for disclosing information of public interest. PEN International further calls on the United Kingdom to reject extraditing Julian Assange to the United States. **PEN Action:** statement April 2019, resolution September 2019

CLOSED CASES – EUROPE AND CENTRAL ASIA

The following cases in the Europe and Central Asia region which featured in previous PEN International case lists have been closed as there has been no further reported attacks or because PEN has received new information on their present situations. For details of these cases, please refer to the PEN International Case List 2018:

Turkey

Hamit DUMAN (alias DİLBAHAR)

Ekrem DUMANLI

Hidayet KARACA

Sevan NİŞANYAN

Erol ZAVAR

PEN Actions for Journalists in Europe and Central Asia

In addition to its advocacy for the writers referred to in this list, PEN International also took action on behalf of journalists and others at risk in Europe and Central Asia, some in collaboration with other organisations, details of which can be found in the links provided below:

Azerbaijan

VARIOUS: *attacks against bloggers and journalists*

Action:

April 2019: Statement [European Union: Cooperation Council must keep up pressure on Azerbaijan to uphold freedom of expression](#)

Belarus

Maryna ZOLATAVA (f): *editor-in-chief of independent news website unjustly fined*

Action:

March 2019: Statement [Belarus: Conviction of editor-in-chief must be quashed](#)

Kazakhstan

VARIOUS: *attacks against journalists covering protests*

Action:

July 2019: Statement [Kazakhstan: Impunity following crackdown on peaceful protests](#)

Kyrgyzstan

Azimjon ASKAROV: *journalist unfairly detained*

Action:

August 2019: Statement [Kyrgyzstan: life sentence upheld for Azimjon Askarov](#)

Malta

Daphne CARUANA GALIZIA (f): *murdered journalist*

Action:

March 2019: Statement [HRC40: Oral statement on the adoption of Malta's UPR](#)

May 2019: Statement [Open letter concerning PACE draft report on Daphne Caruana Galizia's assassination](#)

June 2019: Statement [Appeal to EU leaders ahead of the 6th South EU Summit to be held in Malta](#)

June 2019: Statement [PACE resolution on the assassination of Daphne Caruana Galizia and rule of law in Malta welcomed](#)

September 2019: Statement [Malta: Oral statement to the UN Human Rights Council on Daphne Caruana Galizia](#)

October 2019: Media advisory [No justice two years on for Daphne Caruana Galizia](#)

October 2019: Statement [International organisations demand end to impunity two years after killing of Daphne Caruana Galizia](#)

November 2019: Statement [Malta: investigation into assassination of Daphne Caruana Galizia must be free of political interference](#)

December 2019: Statement [Malta: close scrutiny urged as public inquiry into assassination of Daphne Caruana Galizia begins](#)

December 2019: Statement [Malta: Hold Muscat to account for interference in Daphne Caruana Galizia investigation](#)

Russia

Svetlana PROKOPYEVA (f): *journalist on trial*

Action:

November 2019: Statement [Russia: groundless charges against journalist Svetlana Prokopyeva should be dropped](#)

Slovakia

Ján KUCIAK: *murdered journalist*

Action:

February 2019: Statement [Call for justice and accountability of state authorities on the anniversary of the murder of Ján Kuciak](#)

November 2019: Statement [Call to end impunity for those involved in journalists' murders](#)

Turkey

CUMHURİYET journalists: *unfair trial*

Action:

February 2019: Statement [Turkey: Cumhuriyet convictions a further blow to the rule of law](#)

May 2019: Statement [Turkey: Former Cumhuriyet staff sent to jail](#)

September 2019: Statement [Turkey: Oral statement to UN Human Rights Council on freedom of expression crisis](#)

SETA report: *pro-government think-tank singling outlets and journalists for attack*

Action:

July 2019: Statement [Turkey: Think-tank report escalates harassment of journalists](#)

SÖZCÜ DAILY: *journalists on trial*

Action:

September 2019: Statement [Turkey: Charges in Sözcü case must be dropped](#)

VARIOUS: *attacks against journalists and media crackdown following Turkey's offensive in Northern Syria*

Action:

October 2019: Statement [Turkey/Syria: Media and journalists under attack](#)

VARIOUS: *detailed profiles of imprisoned journalists*

Action:

December 2019: Statement [PEN International launches database on over 110 journalists imprisoned in Turkey](#)

United Kingdom

Carole CALDWALDR (f): *vexatious lawsuit against investigative journalist*

Action:

July 2019: Statement [Open letter: Press freedom campaigners call for action on 'vexatious lawsuits'](#)

December 2019: Statement [United Kingdom: Arron Banks urged to drop SLAPP lawsuit against Carole Cadwalladr](#)

Lyra MCKEE (f): *murdered journalist*

Action:

April 2019: Statement [United Kingdom: Journalist Lyra McKee killed](#)

Middle East and North Africa (MENA) Regional Overview 2019

Basim Mardin, MENA Researcher and Cathy McCann, Protection Manager

A year of protests

In 2019, the further erosion of political and civil rights, including freedom of expression, across the region has brought people onto the streets in large numbers, and the situation in many countries has reached boiling point. Key countries for mass protests in 2019 are Sudan, Algeria, Iraq, Lebanon and Iran.

The protests in these countries have led to the resignations of two heads of governments¹, and the arrest and trial of the former president of **Sudan**. However, there has been very little or no meaningful change in respect to their people's human rights, and specifically the right to freedom of expression.

December 2018 witnessed the beginning of peaceful protests in **Sudan** as a reaction to then president Omar al-Bashir's government-imposed emergency austerity measures. During the protests, both under the rule of al-Bashir's government and that of the Transitional Military Council which took over in a coup d'état in April 2019, extreme violations of freedom of expression have been committed. Among them a crackdown on media outlets, with confirmed reports of at least 38 arrest warrants issued against journalists in January 2019 alone on charges such as 'incitement' and 'dissemination of false news'.

February 2019 saw a wave of peaceful protests in **Algeria** only 10 days after former president, Abdelaziz Bouteflika, announced his candidacy for presidency for a fifth consecutive term. During the Revolution of Smiles, the Algerian authorities imposed partial and total internet blackouts on state-run providers, in addition to imposing restrictions on online publications.

The year began ominously in **Iraq**, with the reintroduction of the draft Cybercrime Law in January 2019 giving excessive discretion to the authorities, allowing them to stifle the right to freedom of expression. The assassination of prominent Iraqi writer Alaa Mashtob Abboud in February 2019 signalled a continuation of an entrenched culture of impunity.

In early October 2019, youth protests swept through Iraq against corruption and the state's failure to provide basic services. The Iraqi authorities responded with excessive force, resulting in the death, injury, and arrest, of thousands of protesters and the imposition of strict internet blocks. Moreover, prominent Iraqi activist Amjad Al Dahamat, and journalists Ahmed Abdul Samad, Ahmed Muhana al-Lami, Hisham Fares al-Adhami and photojournalist Safaa Ghali were shot dead by unidentified assailants whilst covering the protests during October 2019 to January 2020.

In October 2019, people took to the streets in **Lebanon** protesting alleged government corruption, failure to deal with forest fires and a plan to impose taxes on the use of the free mobile app WhatsApp. In the summer of 2019, the indie rock band Mashrou' Leila had a performance cancelled amid threats from religious leaders and social media users against band members, creating a general atmosphere of distrust in the government's commitments to protect freedom of expression. In its attempt to quell the protests, the Lebanese authorities committed daily violations against journalists, photographers, reporters, artists and activists.

The authorities in **Iran** cracked down against wide scale protests that erupted after a 50 per cent fuel

hike in November 2019. Video footage and eyewitness accounts show security forces using excessive and lethal force against the demonstrators. According to *Amnesty International*, at least 304 people were killed in just three days with estimated arrests of about 7,000 people, including journalists, human rights defenders, minority rights activists and students. The Internet was shut down across Iran for several days from 16 November with 95 per cent of the population unable to access it. Iran's judiciary and security agencies continue to use vaguely defined provisions in the penal code to arrest and prosecute activists for peaceful assembly and free expression.

Armed conflicts

The condition for writers and the status of freedom of expression in countries that are undergoing large-scale armed conflicts in the region, such as **Syria**, **Yemen** and **Libya**, is worsening. State actors as well as armed religious extremist and sectarian groups who control some areas in these countries, continue to carry out systematic violations of human rights with impunity. Journalists, activists and media outlets are amongst those targeted. Regional and international political or military interventions such as the Saudi Arabian-led intervention in Yemen and the Turkish intervention in north Syria have worsened the situation in those countries.

Israel-Palestinian conflict

The long-lasting Israeli-Palestinian conflict has continued to affect the general conditions of human rights in both territories. Intolerance of criticism and other peaceful and legal forms of political dissidence in Israel continues, and included the threatened deportation of a human rights defender, Omar Barghouti, from Israel. In the Palestinian territory, the continuing divide between political wings, the restrictions on freedom of movement between and outside the Palestinian territories, the imposing of laws restricting freedom of expression has been accompanied by the blocking of almost 60 websites.

Continuing and persisting violations

Hopes of improvements in freedom of expression that came from the **Egyptian** revolution in 2011 have faded as continuing persecutions and security crackdowns have become the new norm under President al-Sisi. Egypt increasingly uses military legislation and courts

1. Lebanese Prime Minister, Saad Al Hariri, resigned on 21 January 2020. Iraq's Prime Minister, Adel Abdul Mehdi, resigned on 29 November 2019 and Algeria's President Abdelaziz Bouteflika, who resigned in 02 April 2019 after nearly 20 years in power.

to prosecute writers; counterterrorism and state-of-emergency laws and military courts have been used to unjustly prosecute bloggers, and activists.

In the **UAE**, imprisoned human rights defender and blogger Ahmed Mansoor is serving a ten-year prison sentence for his human rights activities. Mansoor was convicted on 29 May 2018 of 'insulting the 'status and prestige of the UAE and its symbols' including its leaders' and of 'seeking to damage the relationship of the UAE with its neighbours by publishing false reports and information on social media.'

Bahrain continues to penalise human rights defenders as is illustrated by the plight of human rights defenders Abdulhadi Al-Khawaja, who has been serving a life prison sentence since 2011 and Nabeel Rajab, who has been imprisoned repeatedly and has now been detained since 2016.

While **Saudi Arabia** and its allies are reported to continue committing and covering up war crimes in Yemen, the country's record of human rights violations against its own citizens sees no improvement. The Saudi measures to deal with the horrendous murder of Jamal Khashoggi in October 2018 have been woefully inadequate. A Saudi court sentenced five people to death for his murder on 23 December 2019 but cleared a former top adviser to Crown Prince Mohammed bin Salman continuing to provide impunity for the real perpetrators.²

Iran has long been a major concern for PEN as a country that has consistently held a large number of writers and journalists in prison. Detainees are commonly held in poor conditions, without access to family, medical care and legal representation, and widespread reports of the use of torture add to PEN's concerns for the welfare of those detained. Trials commonly fall short of international standards of fairness. In May 2019 prominent journalist and human rights defender Narges Mohammadi, who is currently serving a six-year prison sentence for her human rights activities in Evin prison, developed a serious infection as a result of the conditions of her detention.

In March 2019, prominent Iranian lawyer and defender of women's rights Nasrin Soutadeh was sentenced to 148 lashes and 38 years in prison for defending women arrested for protesting against Iran's headscarf laws, as well as for her own protests against the death penalty and judicial corruption. Nasrin Sotoudeh is a symbol of civil courage to many around the world. She was previously arrested in 2010 and sentenced to 11 years in prison on 2011 on similar charges. She was released in 2013 after increasing international condemnation. She is an honorary member of several PEN centres.

Writers and journalists in Iran are often arrested and sentenced on the basis of vaguely worded and broadly defined national security charges contained in the country's Islamic Penal Code including, 'spreading propaganda against the system', 'gathering and colluding against national security', 'insulting the sanctities

of Islam', 'connection and collaboration with enemy groups', 'spreading lies' and 'causing apprehension in the public's mind'. PEN's case list includes several such cases of where these laws have been used to prosecute and imprison writers who have criticised authority.

Ethnic minorities in Iran, including Kurds, continue to face entrenched discrimination restricting their access to economic, social and cultural rights such as the right to education, work, and adequate housing. They are disproportionately accused of belonging to or supporting opposition groups and 'separatist currents' and receiving harsh and irreversible punishments such as the death penalty. One such example is the May 2019 arrest of Kurdish language teacher Zara Mohammadi, who was released on bail in December. The director of the Nojin Cultural Association, whose activities include teaching the Kurdish language, literature, and various civil society activities, Mohammad is accused of cooperating with Kurdish opposition groups and national security offenses which are - according to Amnesty International - 'solely in connection with her work empowering marginalised members of Iran's Kurdish minority', including through teaching the Kurdish language.

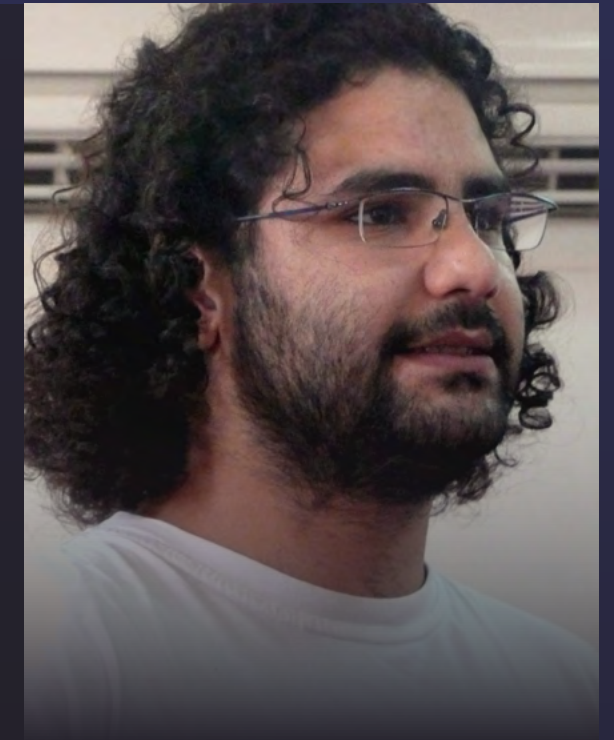
The condition for writers and the status of freedom of expression in countries that are undergoing large-scale armed conflicts in the region, such as Syria, Yemen and Libya, is worsening. State actors as well as armed religious extremist and sectarian groups who control some areas in these countries, continue to carry out systematic violations of human rights with impunity

Emblematic Cases

Egypt: Alaa abd El-Fattah

Blogger, writer & activist once again in prison

Alaa Abd El-Fattah, a blogger and online activist, was arrested in September 2019 for taking part in a demonstration. He was already under restriction, having been freed from prison where he was serving a 5-year term for his activism and then freed in March 2019 on condition that he spent the nights in a police station. He is now back in Tora Prison where he had previously been imprisoned, and where the conditions are dire. He is once again awaiting trial.



Iran: Sedigeh Vasmaghi

Academic writer, women's rights activist and poet living under a suspended sentence and a travel ban

In October 2017, Sedigeh Vasmaghi was arrested when she returned to Iran with her husband after spending 6 years in Germany and Sweden as an ICORN writer. She had fled Iran in 2011 to escape arrest for her publications on women's social and political issues. She was freed to face trial, then given a suspended sentence in May 2018. In September 2019, she learned that she was banned from leaving Iran when she attempted to take a flight to attend a conference abroad.



2. For full details of the investigation into Jamal Khashoggi's death read reports from UN Special Rapporteur on Extra Judicial Executions, Agnes Callamard including <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24713>

Middle East and North Africa Case List

EGYPT

Imprisoned – Main Case

Alaa Abd EL-FATTAH

Gender: Male

Profession: Blogger, activist, and writer. Writes a popular blog *Manalaa*, established with his wife, Manal.

Date of birth: 18 November 1981 **Sentence:** Five years in prison

Details of sentence: On 8 November 2017, his [sentence](#) was upheld, ratifying that he had to serve the last year and a half remaining of his original sentence. During a hearing on 30 December 2017, he also received a fine of around US\$ 1,700 for ‘insulting the judiciary’.

Expiry of sentence: [17 March 2019](#)

Type of legislation: Political and civic activism

Date of arrest: 28 October 2014.

Details of arrest: Rearrested at the start of his retrial on 28 October 2014.

Details of trial: El-Fattah was among 25 defendants to be sentenced to 15 years in prison *in absentia* on 11 June 2014 by the Cairo Criminal Court for violating the Protest Law issued by former president Adly Mansour on 24 November 2013 to regulate the right to peaceful assembly. The court also fined the defendants 100,000 Egyptian pounds (c. US\$ 5,500) each and ordered they be placed under police observation for five years in addition to serving their time in prison. In August 2014, Abd el-Fattah was granted a retrial and later released on bail along with two co-defendants on 15 September 2014. On 23 February 2015, Abd el-Fattah was again sentenced to five years in prison for violating the Protest Law. He was not included in a Presidential Pardon of political prisoners in September 2015. Among the charges he faces are organizing a demonstration without a license, provoking riots, assaulting police officers,

blocking roads, gathering public property, and insulting the judiciary (see below).

Current place of detention: El-Fattah was held at Tora Prison, Egypt’s notorious maximum-security detention centre until late March 2019, when he was released under strict conditions, subject to a five-year [parole](#) period, and [requiring him to stay](#) at Dokki police station in Cairo for 12 hours daily, from evening until morning.

Conditions of detention: El-Fattah reported that he was required to be at the police station at 6pm every day and released the following morning at 6 am.

Arrest September 2019: On 29 September 2019, El-Fattah’s family reported that he had not been released from the police station in the morning. It was later found that he had been re-arrested for his part in anti-President el-Sisi protests that had broken out in previous days under which around 2,800 were arrested. El-Fattah’s lawyer [reports](#) that he faces charges of joining an illegal organization’, ‘receiving foreign funding’, ‘spreading false news’, and ‘misusing social media.’

Current place of detention: El-Fattah has been returned to Tora Prison.

Treatment in Prison: Amnesty International [reports](#) that El-Fattah has been subjected to torture on his return to prison including beatings and threats.

Professional background: Following the uprising of 25 January 2011, Abd el-Fattah continued to promote free expression through online platforms. He started a nationwide people’s initiative enabling citizen collaboration in the drafting of the Egyptian Constitution. He initiated and hosted Tweet-Nadwas (‘Tweet-Symposiums’), that brought activists and bloggers from across the world into Tahrir Square, to participate in open format dialogue about issues ranging from Islamism to economic reform.

Other information: In its opinion delivered in June 2016, the United Nation’s Working Group on Arbitrary Detention found that he was arbitrarily detained as a result of his exercising his right to freedom of opinion and his participation in a peaceful demonstration on 26 November 2013. Abd el-Fattah has been jailed or charged under successive governments in

Egypt between 2006 and 2013. For details see previous case list.

Honorary Member: Austrian PEN

PEN Action: Joint call for release, 23 January 2014; Statement welcoming release 24 March 2014, statement 23 February 2015, Call to action 3 March 2017, statement on 9 November 2017, PEN RAN on 22 December 2017

Ismail ALEXANDRANI

Gender: Male

Profession: Freelance investigative journalist and researcher

Sentence: 10 years in prison.

Date of sentence: May 2018

Expiry of sentence: 29 November 2025

Type of legislation: Anti-terror

Date of arrest: 29 November 2015

Details of arrest: Alexandrani was arrested on 29 November 2015 in Hurghada Airport when returning from Berlin. The prosecution seized his laptop, mobile phone, and some personal belongings, which they took as evidence. Alexandrani’s wife reportedly suggested that after his detention he was questioned in New Cairo for more than 10 hours. Since his arrest and until his sentence, Alexandrani’s detention had been renewed more than 25 times. (In September 2013, regulations on pre-trial detention, previously set at a maximum of two years, were amended to allow for indefinite detention in some cases.)

Details of trial: According to news reports, he was charged by the Military prosecution of ‘obtaining and publishing military secrets, joining a banned organization and publishing false news abroad’ in Case 18/2018. In May 2018, the North Cairo Military Criminal Court sentenced Alexandrani to 10 years in prison. On 24 December 2018, an Egyptian military court upheld a 10-year prison sentence against Ismail Alexandrani.

Professional background: Alexandrani worked as a freelance journalist and a researcher with many research centres, including the Egyptian Center for Economic and Social Rights and the Arab Reform Initiative.

Other information: According to news reports, Alexandrani had allegedly attended a conference in Berlin about counterterrorism, and he was considered an expert in ‘Sinai and Egypt’s extremities, Islamism, and post-Islamism’. He is reported to have been critical of the Egyptian government and its policies aiming to defeat extremists in the Sinai. His wife also suggested that he had been critical of the Muslim Brotherhood.

Publications: Among his papers, one entitled ‘The War in Sinai: A battle against terrorism or cultivating terrorism for the future?’

Awards: At the time of his arrest, Alexandrani was a Visiting Arab Journalist Fellowship, Middle East Program, Woodrow Wilson International Center for Scholars;

Open Eye - Hany Darweesh Award for Exceptional Essay 2014; Global Winner in Youth Essay Contest on Democracy 2009 (World Youth Movement for Democracy); 2009 winner of the National Contest for Spreading Understanding and Mutual Respect of the Cairo Institute for Human Rights Studies.

Detained: Main Case

Galal EL-BEHAIRY

Gender: Male

Profession: Poet

Sentence: Three years’ imprisonment and a fine of 10 000 Egyptian pounds (c. US\$ 560)

Type of legislation: Activism and religious defamation

Date of arrest: 3 March 2018

Details of trial: On 6 May 2018, Galal el-Behairy attended a trial in the Military Court with the understanding that the verdict would be given just three days later on May 9, although the verdict was then postponed until May 16. On 31 July 2018, the sentence of three years’ imprisonment was handed down to el-Behairy for ‘insulting the military’ and ‘spreading false news’ on charges related to his book of poetry, *The Finest Women on Earth*. At the same time, el-Behairy is being investigated by the High State Security Prosecution for both this book and the lyrics he wrote for the song *Balaha* by the exiled singer, Ramy Essam, released on 28 February 2018. The High State Security charges against him include joining a terrorist organization, spreading false news, abuse of social media networks, blasphemy, contempt of religion, and insulting the military. An arrest warrant in the same case has been issued *in absentia* against Ramy Essam.

Current place of detention: *Tora Prison*

Conditions of detention: Upon the release of the above-mentioned song, el-Behairy was arrested 5 days later on 3 March. His whereabouts were not disclosed to his family or lawyers until he appeared before the High State Security Prosecution one week later, on March 10, 2018. He reportedly showed signs of severe torture and beating, and the High State Security Prosecution ordered him to undergo forensic medical examination.

Other information: Ramy Essam’s song and music video *Balaha* was released on February 26, 2018. Soon after the release of the song, which criticises the government and policies of Egypt, various pro-state TV hosts launched a smear campaign against Essam and el-Behairy. On 3 May 2018, el-Behairy wrote from his prison a statement in which he gave more details about his book *The Finest Women on Earth*, and his current situation. On 26 July 2018, UN human rights experts urged that he be released.

PEN Action: Joint letter on 8 May 2018, PEN share and translate el-Behairy’s poem written in prison on 9 June 2018, **RAN Action** on 2 August 2018, PEN publishes a new piece of poetry on 13 August 2018.

Conditional release

Wael ABBAS

Gender: Male

Profession: Writer and political activist.

Date of birth: 14 November 1974

Type of legislation: Anti-terror

Date of arrest: 24 May 2018

Date of release: 12 December 2018

Details of arrest: Abbas was arrested on 24 May 2018, when several armed agents from the Egyptian security service raided his home, blindfolded him and took him to an undisclosed location.

Details of release: On 12 December 2018, Abbas was released after seven months of pre-trial detention. On 1 December 2018, the Giza criminal court ordered his conditional release, but the public prosecutor appealed this decision. On 3 December 2018, the Cairo criminal court refused the appeal and confirmed Abbas’s release. It took several days to complete the security procedures before releasing Abbas on 12 December 2018. According to reports and as Abbas’s release is conditional, he has to ‘present himself at the police station of his place of residence twice a week, 2 hours each day’. Furthermore, Abbas ‘will appear every 45 days before the court to decide on the renewal of his conditional release until either the case is referred to the court or is closed by the State Security Prosecution’. No further information as of 31 December 2019.

Details of trial: Abbas is facing charges of ‘joining a terrorist group in realizing its objectives’, ‘spreading false news’, and ‘using the internet to propagate a terrorist group’s ideology’. Since his arrest on 24 May 2018, Abbas’s pre-trial detention has been regularly extended by the Egyptian judiciary. More recently on 16 October 2018, the Cairo Criminal Court has renewed his detention for a further 45 days for investigation.

Professional background: Abbas, a prominent Egyptian writer and political activist, is widely known for documenting abuses by the Egyptian security forces. In his blog, created in 2004, Abbas posted news related to human rights violations, including corruption and police brutality. In particular, he posted a video in 2006 showing police torturing an individual, which led to the imprisonment of a police officer.

Publications: Abbas is the author of many books, including *Abdel Nasser and minorities* and a collection of Articles 2006 – 2013, which ask the American administration to stop their support of former president Hosni Mubarak, and more recently ‘another person’, which was published in 2018.

Awards: Abbas is the recipient of the 2007 Knight International Award for Journalistic Excellence, and Human Rights Watch’s Hellman/Hammett Award 2006. He also won the Egyptians Against Corruption

Award 2005/2006. In 2007 Abbas was named Middle East Person of the Year by CNN and was considered one of the Most Influential People of 2006 by the BBC.

PEN Action: RAN on 13 November 2018 and statements on 18 December 2018 and [25 February 2019](#)

Hesham (or Hisham) GAAFAR

Gender: Male

Profession: Political researcher

Type of legislation: Illegally receiving funds

Date of arrest: 21 October 2015

Released: Conditionally released 27 March 2019.

Details of arrest: Agents of the Egyptian security forces raided the Foundation for Media Development’s (MADA) offices and arrested Gaafar, its CEO. They confiscated all his electronic devices as well as work and personal documents. They also detained the Foundation’s employees, including researchers and writers, for a period up to 12 hours and confiscated hundreds of computers and other electronic devices owned by the Foundation’s staff, as well as papers and publications that were used for research and media-related work. Security forces agents then raided Gaafar’s house while he was waiting in the police car and seized documents and electronic devices, including those belonging to his family.

Details of trial: On 24 October 2015, Gaafar appeared before the Supreme State Security Prosecution in Cairo, where the Public Prosecutor accused him of membership of the Muslim Brotherhood and of illegally receiving funds from foreign donors to support his Foundation’s activities. A judicial case was opened against him and he was placed in pre-trial detention. Since then and up to his release his detention was regularly renewed for 45-day periods.

Conditions in detention: Gaafar spent most of his detention in the heavily guarded Tora (al-Aqrab) Prison under poor conditions and denied access to necessary medical care required for pre-existing medical conditions.

Release: On 27 March 2019, the Cairo Criminal Court ordered the release of Gaafar, and he was freed on 6 April after being held for almost four and a half years in pre-trial detention. He however is required to visit a police station twice a week and is banned from travel.

Professional background: Hesham Gaafar is a well-known writer, journalist, and political researcher. He is a leading political expert and founder of several regional NGOs including the Centre for Mediation and Dialogue and the Mada Foundation for Media Development (MADA), which is a local, private media company promoting, among others, dialogue among Egyptian society. He is also a member of Egypt’s press syndicate. Gaafar has consulted for many international and national organisations such as the Centre for Humanitarian Dialogue (HD), UNICEF, and the Egyptian National Population Council. He also worked as an editor-in-

chief for many Arabic magazines and scientific journals, including IslamOnline and *Thought Harvest*, a monthly cultural publication. Gaafar has also chaired several consultations focusing on interreligious and women’s issues within Egyptian society, one of which led to the adoption of the al-Azhar declaration for women’s’ rights from an Islamic perspective in 2012.

Publications: Gaafar is the author of many books and articles about political issues, Islam, women, and governance in Egypt. For instance, in one of his books on the political dimensions of the concept of Governorship in Islam, he presents an in-depth study into this concept in Islam from both a historical and contemporary perspective. He has also contributed to many publications, such as *The Crises of Muslim Brotherhood*, in which he describes and critiques the Muslim Brotherhood’s role in Egypt’s professional syndicates.

Other information: On 17 December 2018, in its opinion No. 47/2018 the UN Working Group on Arbitrary Detention found Gaafar’s detention to be arbitrary.

PEN Action: RAN on 7 October 2017 [Statement](#): 8 April 2019

Ibrahim AL-HUSSEINI

Gender: Male **Profession:** Writer **Age:** 63 years old **Type of legislation:** Political activism **Date of arrest:** 9 December 2018 **Conditional Release:** 14 February 2019.

Details of arrest: Al-Husseini was arrested at his home in Cairo by several security agents, who confiscated a number of his books and electronic devices. According to his family, the arrest was related to his social media posts, in which he commented on events in Egypt and France. After his arrest in the early morning of 9 December 2018, al-Husseini was taken to the *Shubra al-Kheima* Police Station before being transferred to an unknown location and subsequently held at different locations. He was reportedly interrogated for 18 hours and denied access to a lawyer or to his family. His family were only allowed to deliver him medicine four days after his arrest. On 23 December 2018, the State Security Prosecution ordered al-Husseini’s pre-trial detention for 15 days on a charge of ‘inciting a demonstration’. Al-Husseini’s pre-trial detention was renewed on 5 January 2019 for another 15 days and continued until his release in February 2019. **Details of conditional release:** On 7 February 2019, an Egyptian court ordered **al-Husseini’s** release on bail. However, the public prosecutor appealed this decision, and on 9 February, the court refused the appeal and confirmed **al-Husseini’s** release on bail of five thousand Egyptian pounds (c. US\$ 285). It took several days to complete the security procedures before **al-Husseini** was released on 14 February 2019 **Health concerns:** Al-Husseini suffers from diabetes, high blood pressure, and heart disease for which he needs regular medical care. **Professional background:** Through his writing, al-Husseini has been defending social justice since the 1970s, and for this and his peaceful activism, he has previously been subjected to arrests and detentions. **Publications:** Al-Husseini is the author of short stories including his latest collection

entitled *Leil*, which is published by the Supreme Council for Culture in Egypt. In his articles, al-Husseini criticised both dictatorships and religious extremism in Egypt. **PEN Action:** RAN on 7 January 2019

Released

Abdel-Halim QANDIL.

Gender: Male

Profession: Writer and editor-in-chief of *Sawt Al-Omma* Journal

Date of birth: 1954

Sentence: On 30 December 2017 – *in absentia* – three years’ prison for ‘insulting the judiciary’

Released: 17 March 2019

Type of legislation: Defamation/insult

Date of arrest: 15 October 2018

Details of arrest: Qandil was arrested at the building of the High Court in Cairo while attending a hearing (in his case) of the Court of Cassation. According to reports, Qandil surrendered himself to the security service at the building of the High Court in Cairo.

Details of trial: Qandil was among 25 defendants (including former President Mohammad Morsi and **Alaa Abd El-Fattah** (see above) accused since 2014 of ‘insulting the judiciary’, ‘attempting to influence public opinion’, and ‘attempting to influence the rulings of presiding judges via comments made on social media and in interviews with the press’. All were banned from travel in January 2014; the ban was lifted in 2015. Qandil’s first hearing took place in May 2016, and, on 30 December 2017, the Cairo criminal court sentenced Qandil and al-Qarawi *in absentia*, along with Morsi and 17 other defendants, to three years’ prison for ‘insulting the judiciary’. On 15 October 2018, the Court of Cassation approved the three years’ prison sentence.

Details of release: On 17 May 2019 Qandil was released from prison along with 232 prisoners by a presidential pardon number No. 232/2019 according to Egyptian and international media outlets.

Professional background: Qandil is a journalist and editor of *Sawt Al Umma* (Voice of the Nation) magazine. He has co-founded Kefaya (Enough) which is a civil society organisation calling for democratic change in Egypt.

Other information: Due to his critical writing, Qandil has been previously subjected to harassment and human rights violations. According to this interview, Qandil was kidnapped in 2005 by the regime’s security agents, who beat him and threw him naked into the middle of the desert. On 15 May 2010, he was arrested for one day upon his arrival at Queen Alia International Airport in Jordan to attend an event to support the Palestinian people.

Publications: Qandil has published many books including *El Ayam El Akhira (The Last Days)* in 2008, *Cart*

Ahmar Il Rayis (Red Card for the President) in 2009, and *Al Rayis El Badil (The Alternative President)* in 2010.

IRAN

Imprisoned: Main Case

Arzhang DAVOODI

Gender: Male

Profession: Teacher, writer, and poet; Director of the Parto-e Hekmat Cultural Education Centre in Tehran

Date of birth: 1952

Sentence: Death and imprisonment

Type of legislation: Propaganda opposition activism, insult, 'enmity against God'

Date of arrest: October 2003.

Details of arrest: Arzhang Davoodi was arrested for participating in a documentary, *Forbidden Iran*, in which he spoke out about human rights violations in Iran.

Details of trial: (1): In March 2005 he was sentenced to 25 years' imprisonment, reduced to 10 years on appeal, on charges of 'spreading propaganda against the system' and 'establishing and directing an organisation opposed to the government'. **(2):** Following another trial in 2005, he was sentenced to 15 years' imprisonment and 75 lashes by Branch 26 of the Revolutionary Court on charges of 'spreading propaganda against the system', 'establishing and directing an organisation [the Parto-e Hekmat Cultural Education Centre] opposed to the government', as well as for participating in the making of the documentary and because of his writings on a secular system of governance in Iran.

(3 – death penalty): In 2012, a fresh charge of 'enmity against God' was brought against Davoodi. In November 2012, Branch 15 of the Revolutionary Court in Tehran ruled that the case fell outside the court's jurisdiction, apparently due to lack of credible evidence. However, it is understood that the Ministry of Intelligence overruled this decision, leading to further hearings that ended with him being sentenced to death *in absentia* in July 2014 for his alleged membership and support of the banned group People's Mojahedin Organization of Iran (PMOI). Davoodi is believed to have been accused of having ties with the PMOI because in prison he insisted on calling the group by its official name, Mojahedin, rather than by the term used by the Iranian authorities, Monafeghin (hypocrites). Amnesty International considers him to be a prisoner of conscience, with no links with the PMOI or any armed groups. (For details see previous case lists.)

(4): On 14 May 2014, Davoodi was also sentenced to a further two years' imprisonment on a charge of 'insulting the Supreme Leader' by a Revolutionary Court in Tehran. The charge was apparently imposed in relation to a

phrase he wrote on the walls of the prison's bathroom, implying that injustice and inequality are prevalent in Iran under the Supreme Leader Ayatollah Ali Khomeini.

Expiry of sentence: Unclear

Current place of detention: Arzhang Davoodi is currently detained in the quarantine section of the Zahedan prison. He has been repeatedly shuffled between numerous detention centres and prisons, including the central prison of Bandar Abbas, section 12 ward 4 in Gohardasht (Rajai-Shahr) prison in Karaj, and Evin prison.

Conditions of detention: Following his arrest, Davoodi was held in solitary confinement for prolonged periods of time, during which he said he was tortured and denied access to a lawyer and to his family. During his subsequent years of imprisonment, Davoodi has reportedly frequently been subjected to torture and other ill-treatment. According to news reports, Davoodi began a hunger strike on 8 December 2015; as a result, his health deteriorated and he was transferred to hospital on 8 January 2016. He ended the hunger strike on 28 January 2016. Davoodi reportedly renewed his hunger strike on 17 July 2016 to protest the treatment of fellow inmates at Gohardasht Prison. He also stopped taking his medication and was reported to still be on hunger strike as of 13 August 2016. According to news reports, Davoodi returned to his hunger and medicine strike in late August 2017, in solidarity with the prisoners of Gohardasht Prison, and in February 2018 to protest being 'deprived of free air and sunlight since August'.

Health concerns: According to reports, Davoodi has suffered broken legs resulting from torture, and also suffers from renal failure, diabetes, and heart disease. He is reported to be denied medical attention. In one of his messages posted online, Davoodi said that his sight was becoming dim and he was deprived of the most basic rights including visits, phone calls, communication with other prisoners, reading books, and medication.

Professional background: In 2002, Davoodi co-founded the Confederation of Iranian Students, an organization which promotes human rights and democracy in Iran.

Other information: The TV documentary *Forbidden Iran* was filmed in secret, and widely broadcast in northern Europe in December 2003 and in North America in January 2004. Davoodi assisted in the making of the documentary and was interviewed in the film, where he spoke about political prisoners and the death in custody of Canadian Iranian photojournalist Zahra Kazemi in 2003.

Golrokh EBRAHIMI IRAEE

Gender: Female

Profession: Writer and activist

Date of birth: 1980

Sentence: Initially six years in prison (reduced to 30 months). According to reports, her six-year sentence was reduced to five years (by consolidating her sentences), then again to 30 months' imprisonment under a Nowruz (Iranian New Year) amnesty. She was released on bail on

8 April 2019, but new charges were brought against her. On 18 July 2019 the Revolutionary Court in Tehran found her guilty of 'insulting the supreme leader' and 'promoting propaganda against the state'. She was sentenced to three years and seven months, extended by the Tehran Appeal Court to an additional two years and one month on 5 September 2019, bringing the total to 5 years and 8 months. She was re-arrested in November 2019 by the Revolutionary Guards.

Expiry of sentence: June 2024

Type of legislation: Opposition and human rights activities, defamation/insult.

Date of arrest: 24 October 2016

Details of arrest: Ebrahimi Iraee was reportedly arrested from her home on 24 October 2016.

Details of trial: According to reports, Ebrahimi Iraee was tried and sentenced at two brief sessions by the Revolutionary Court in Tehran. She was convicted of 'insulting Islamic sanctities' and 'spreading propaganda against the ruling system'. The conviction relates to an unpublished fictional story that she had written, focusing on the country's practice of stoning to death. A lawyer was reportedly not present at her trials; the first lawyer she was appointed was reportedly put under pressure by security officials to withdraw from the case and a second lawyer was barred from representing her. Ebrahimi Iraee reportedly was unable to speak in her own defence; the first court session focused on the activism of her husband, Arash Sadeghi – who is currently serving a 15-year sentence in connection with his human rights activism – and she was unable to attend the second session as she was in hospital recovering from surgery. She was sentenced to six years in prison. According to reports, Ebrahimi Iraee received a phone call from judicial officials on 4 October 2016 ordering her to report to Evin prison by noon on 5 October; however, as she did not receive a written summons, as required by law, she did not comply with the order.

Current place of detention: Women's Ward of Evin Prison, Tehran

Conditions of detention: According to reports, on 24 January 2018, Ebrahimi Iraee, along with human rights defender Atena Daemi, was transferred from Evin prison in Tehran to Qarchak prison in the city of Varamin. To protest their transfer to a poor conditions prison, both started a hunger strike on 3 February 2018. Ebrahimi Iraee continued her hunger strike until her hospitalization (see below) on 3 April 2018. Her family was allowed to visit her on 9 April 2018, and she was then returned to Evin prison where she is currently detained.

Health concerns: According to Human Rights Watch, Ebrahimi Iraee's health conditions deteriorated as a result of the above-mentioned hunger strike.

Publications: Ebrahimi Iraee's unpublished story depicts the emotional reaction of a young woman who watches the 2008 film *The Stoning of Soraya M*, a true story based on a woman stoned to death for committing adultery. The protagonist becomes so enraged that she burns a

copy of the Quran. According to reports, the authorities discovered this story in her diary in September 2014 when her residence, shared with her husband Sadeghi, was searched and laptops, notebooks, and CDs were confiscated. At the time, Ebrahimi Iraee was detained for 21 days, during which she was reportedly subjected to extended interrogations.

Hesameddin FARZIZADEH

Gender: Male

Profession: Author and former nuclear physics student

Date of birth: 1992

Sentence: Sentenced to death for apostasy as well as seven years' imprisonment and 74 lashes

Expiry of sentence: November 2020

Type of legislation: Religion and insult.

Date of arrest: 21 November 2013

Details of arrest: Farzizadeh was reportedly arrested in a raid on his house by plainclothes Ministry of Intelligence (MOI) agents and held incommunicado at the MOI facility for several days before being transferred to Meshgin Shahr Prison in Ardabil Province, north-western Iran.

Details of trial: Following a ruling from the Criminal Court of Meshgin Shahr in May 2015, Farzizadeh was reportedly convicted of apostasy and insulting the Prophet Muhammad, the Shi'a Imams, and Ayatollah Khomeini, the founder of the Islamic Republic of Iran. These charges stem from a book Farzizadeh wrote entitled *From Islam to Islam*, which reportedly examines the history of Shi'a Islam and raises questions about Shi'a Islam. In the book, Farzizadeh supposedly questions the existence of the Twelfth Imam, a messianic figure in Shi'a ideology who is supposed to reappear in the future as the saviour of humanity. The charge of apostasy carries the death sentence in Iran, while the additional sentences of imprisonment and lashing were related to the content of the book.

Current place of detention: Meshgin Shahr prison

Conditions in detention: A source for Iran Human Rights Documentation Center (IHRDC) has claimed that Farzizadeh has been threatened and assaulted in prison. Farzizadeh's brother also raised concerns about his safety in Meshgin Shahr prison, where Farzizadeh was beaten and stabbed, according to Oyan News.

Health concerns: The writer reportedly suffers from depression and obsessive-compulsive disorder. According to an Iranian news report, Farzizadeh's brother contested Farzizadeh's death sentence on account of his mental condition, though the court has not lifted the charge. No further news as of December 2019. PEN is seeking an update.

Sentenced, free on bail
pending appeal

Baktash ABRIN, Reza KHANDAN-MAHABADI, and Keyvan BAZHAN

Gender: Male

Profession: Khandan-Mahabadi, Abtin and Bazhan are members the Iranian Writers’ Association. They have published numerous books, which focus mainly on Iran and its literature

Sentence: Each sentenced to six years in prison, consisting of one year for ‘spreading propaganda against the system’ and five years for ‘assembly and collusion against national security’. The sentences against **Baktash ABRIN** and **Reza KHANDAN-MAHABADI** were upheld on appeal, with that of **Keyvan BAZHAN**’s reduced to three and a half years.

Expiry: Abrin and Khandan-Mahabadi – January 2025, Bazhan – June 2022

Details of trial: The case against the three men was opened by the Ministry of Intelligence in 2015 and the trial started on 22 January 2019, when the three writers attended a hearing before Branch 28 of the Revolutionary Court during which they received a briefing about their indictment. Among the charges brought against the writers are ‘spreading propaganda against the regime’ as well as ‘assembly and collusion against national security’. According to an online report, the charges are politically motivated and relate to the writers’ publications critical to the censorship of art and literature in Iran, as well as their membership of the Iranian Writers’ Association (IWA), which is an unauthorised organisation. Evidence submitted against them included the publication of the IWA’s internal newsletter and statements, the compilation of a book on IWA history, and attending the annual commemoration of Mohammad Mokhtari and Mohammad-Jafar Pouyandeh, two victims of what is known as the Serial Murders, where at least 14 dissidents were killed or disappeared between 1988 and 1998,as well as the memorial ceremony of the renowned Iranian poet, Ahmad Shamlu who had died in 2000. At the first hearing, the judge denied them the right to be represented by lawyers. Consequently, all of them refused to defend themselves. The judge ordered their release on bail of one billion Rial (c. US\$ 240,000 USD) each. The writers could not afford this and consequently were sent, on 22 January 2019, to Evin prison in Tehran, then released on bail on 27 and 28 January 2019, after the bail amount was posted. During the trial, the writers were interrogated about their publications, peaceful activities, and their membership of the IWA. According to a statement by the IWA, verdicts against the three writers were issued on 15 May 2019 by the 28th Branch of the Revolutionary Court in Tehran. According to another statement issued by the Association on 31 December 2019, the case was referred to Division 36 of the appeal court, where the verdicts issued by the trial court were upheld. On 28 December 2019, it was announced that the verdict for Keyvan Bajan had been commuted to

three and half years, and the verdicts for Reza Khandan and Baktash Abtin, each sentenced to six years in prison, had been upheld. The sentences are said to be close to being enforced

PEN Action: [PEN Statement 3 May 2019](#)

Detained – Main Case
(house arrest)

Zahra RAHNAVARD

Gender: Female

Profession: University professor, writer, and politician

Date of birth: 19 August 1945

Type of legislation: No charges

Date of arrest: February 2011

Details of arrest: Rahnavard has been held under unofficial house arrest in Tehran since February 2011 for her and her husband’s political activism. Rahnavard and opposition leaders Mir-Hossein Mousavi and Mehdi Karroubi were placed under house arrest after calling for popular demonstrations on social media in support of the people of Tunisia and Egypt. There have not been any official legal proceedings against them. They had alluded to vote fraud in the disputed 2009 presidential election, which was followed by a widespread crackdown on protests against the result. In the wake of the protests and Karroubi and Mousavi’s criticism both of the election and alleged human rights violations by state agents, the authorities began tightly monitoring and controlling their and their wives’ movements, also suspending the presidential candidates’ newspapers *Etemad-e Melli* and *Kalame-ye Sabz*.

Current place of detention: House arrest in Tehran

Health concerns: In an article published on *Kaleme* website on 8 March 2016, Rahnavard’s daughters reportedly said that her health was in decline under house arrest; Rahnavard is allegedly suffering from digestive and swallowing problems. Her daughters also expressed concern over Mousavi’s heart complications, which are not being monitored. In December 2017, she made a public statement saying that she would take the remaining sentences of all those mothers arrested upon herself.

Professional background: Rahnavard is a leading Iranian academic, writer, artist, and politician. She served as the Chancellor of Alzahra University from 1998–2006, becoming the first female chancellor of a university since the Islamic Revolution in 1979. During this time, she also served as political adviser to the then President Khatami.

Other information: Rahnavard is a member of the reformist opposition group, the Green Path of Hope, headed by her husband, Mir-Hossein Mousavi. Born in 1945, Zahra Rahnavard is a committed women’s rights activist. She broke convention by campaigning on behalf of her husband Mir-Hossein Mousavi’s 2009 presidential

campaign, becoming the first woman to do so in Iran. Her mantra on the campaign trail – that ‘getting rid of discrimination and demanding equal rights with men is the number one priority for women in Tehran’ – is credited with galvanising young women to vote. She is also a devout Muslim and vocal supporter of the hijab, arguing that it liberates women, though she has said it should be a woman’s choice to wear it. On 30 March 2012, in its opinion 30/2012 the UN Working Group on Arbitrary Detention found the house arrest of the three to be arbitrary and requested that they be released and afforded compensation. According to reports, in May 2018 Rahnavard ‘declined an unofficial offer for some of the restrictions on her to be lifted, demanding that she and fellow opposition leaders under house arrest – Mir Hossein Mousavi and Mehdi Karroubi – be freed together and unconditionally’. In June 2019 she was reportedly granted access to a mobile phone and satellite TV in her home. Rahnavard remains under house arrest as of December 2019.

Publications: Dr Rahnavard is also the author of more than 15 books including *Beautiful Hidden Secrets of Beauty* in 2017 and *Beauty of Concealment and Concealment of Beauty*.

PEN Action: Day of the Imprisoned Writer case 2013

Conditional release

Mohammad BAMM

Gender: Male

Profession: Writer

Date of birth: 31 January 1990

Type of legislation: Public order offences, illegal demonstrations, blasphemy and insult

Date of arrest: 31 December 2017

Date of release: 19 March 2018

Details of arrest: He was arrested by members of the Iranian security forces on 31 December 2017 while on his way home in the city of Abadan, Iran.

Details of release: Bamm has been released on bail of 200 billion Iranian rial (about US\$ 60,000).

Details of trial: Bamm has been accused of causing harm to public order and security, participating in the leadership of illegal demonstrations and inciting people to take part in them, and insulting the Supreme Leader of the Islamic Republic of Iran.

Conditions of detention: Following his arrest, Bamm had been detained incommunicado with no access to his lawyer or his family. He had been subjected to an enforced disappearance period during which he was tortured. For the first 28 days, Bamm was held in solitary confinement in Ahvaz Prison before being transferred to the public section of the prison.

Other information: Bamm was previously detained in 2017 on politically motivated charges of ‘propaganda

against the Islamic Republic of Iran’ and ‘blasphemy’. He was then released on bail. In connection with this charge, Bamm was given absolution by the first branch of the revolutionary court in Abadan; however, his case was transferred to the appeal court for final sentence due to the prosecutor’s objection. Bamm has been also charged with ‘blasphemy’, for which he is awaiting trial. In January 2019 he took up a two-year ICORN residency in the city of Poitiers, France.

Publications: Bamm writes lyrics; some of them have been sung by singers such as Pouya Hatami and Ali Bonyadi. Bamm’s poems and lyrics are described as political and social poems.

Awards: He has won several literary awards for his poems in Iranian literary festivals.

PEN Action: RAN on 13 February 2018, Update RAN on 28 March 2018

Sedigheh VASMAGHI

Gender: Female

Profession: University lecturer

Type of legislation: Human rights activities

Date of arrest: 22 October 2017

Date of release: 4 November 2017, on bail

Details of arrest: On 14 October 2017, Vasmaghi, along with her husband, arrived from Sweden in Iran where she was detained for several hours at Tehran’s International Airport. Vasmaghi was then released and ordered to reappear for interrogation on 22 October 2017.

Details of trial: On 22 October, Vasmaghi introduced herself before Branch 28 of the Tehran Revolutionary Court, which oversees political trials. The hearing took only around ten minutes, giving no opportunity for Vasmaghi to speak in her defence, and during which the judge mentioned a previous court ruling pronounced against the writer before her departure abroad, as well as her opposition to the practice of stoning women found guilty of adultery. Vasmaghi was then immediately transferred to Evin prison, then released on bail on 4 November 2017. Vasmaghi’s appeal was held on 16 May 2018 and she was given a suspended sentence (PEN is seeking further details). In September 2019, she was banned from leaving the country.

Background: Vasmaghi is a well-known poet, writer, and women’s rights activist. She obtained her PhD in law at Tehran University and is one of a small number of women to have taught the subject of Islamic law in Iran. As a university lecturer, she worked to highlight and improve women’s status and rights in Iranian society. She has written many articles on political, legal, Islamic, and social issues, which have been published in various newspapers and magazines in Iran, including *Cheshm andaz Iran (Perspective in Iran)*. Vasmaghi published her first poetry collection, *Praying for Rain*, in 1989, for which she received the 1991 Best Book Award by the University of Al-Zahra, Tehran. Since then, she has published five collections of poetry in addition to several academic

books and translated classical Arabic poetry to Persian. Due to her activism and writings, Vasmaghi was under pressure and harassment from the Iranian authorities.

Previous political sanctions: A number of police complaints and charges were brought against Vasmaghi for her publications and speeches over the past decades. For instance, she was prosecuted in May 1997 due to a complaint filed by a conservative deputy in connection with her article published in the *Salam* newspaper, in which she criticised the confidential negotiations between the above-mentioned deputy and a British official. Due to this complaint, Vasmaghi received a two-month prison sentence, which was quashed by the Appeal Court, mainly because of international pressure by human rights groups such as Amnesty International. On 20 February 2011, the Iranian Security Ministry issued an order for Vasmaghi’s arrest. On the same day, a group of security agents raided Vasmaghi’s house, but failed to arrest her. She went into hiding before fleeing the country on 26 March 2011. While in Iran, a number of Vasmaghi’s scientific lectures and presentations were prevented from taking place by security agents, and several of her books and articles were banned from publication.

Stay in Europe: Vasmaghi arrived in Germany in 2011 as a guest professor at the University of Gottingen, where she taught in the department of Islamic Studies. In 2012, she moved to Uppsala city in Sweden, as an ICORN resident. After her residency, Vasmaghi stayed in this city and worked as a research fellow at Uppsala University.

PEN Action: **RAN 21/07 – 2 November 2017**; Update #1–15 November 2017

Internal exile

Saeed MADANI

Gender: Male

Profession: Sociologist and former editorial board member of the banned magazine *Iran-e Farda* and former editor-in-chief of the quarterly *Refah-e Ejtemaee* (*Journal of Social Welfare*)

Sentence: Six years in prison

Date of arrest: 7 January 2012

Date of release into internal exile: 16 March 2016

Details of trial: Madani was tried in January 2013 and sentenced to six years’ imprisonment, to be spent in exile in prison in Bandar Abbas, a port city on the southern coast of Iran, and ten years of enforced residency in Bandar Abbas city after a conviction of ‘spreading propaganda against the system’ and gathering and colluding with intent to harm national security. These accusations are believed to relate to his activities in the National Religious Alliance and in the opposition Green Movement.

Details of release: Madani was reportedly released into internal exile on 16 March 2016, according to the Centre

for Human Rights in Iran. He is required to reside in the port city of Bandar Abbas.

Background: Madani is a well-known researcher and sociologist and member of the National Religious Alliance (Melli-Mazhabi). (For more details see previous Case Lists.)

IRAQ

Killed

Alaa Mashtob ABBOUD

Gender: male

Profession: Novelist and Journalist

Date of birth: 24 July 1968

Date of death: 2 February 2019

Perpetrator: unknown

Details of death/killing: Abboud was shot dead on 2 February 2019 by an unknown armed group. According to police and eye-witness [reports](#), Abboud was killed outside his house in Karbala city as he returned from a meeting with other writers and journalists. The gunmen fired on him at close range thirteen times before fleeing. Abboud died instantly at the scene. Abboud is believed to be targeted for his criticism of local militia groups and allegations of official corruption.

Details of investigation: No information as of 31 December 2019.

Background: [Abboud](#) began writing at an early age and had been publishing journalistic articles since 1987, and wrote for several Arab newspapers including *Ahewar* and *al-Sabah*. He obtained his PhD from the University of Baghdad in 2014. He is also the author of many novels such as *The Chaos of the Nation* (2014) and *A Crime in Facebook* (2015) and directed a number of documentary films.

PEN Action: [RAN](#) on 5 February 2019

MOROCCO

On Trial

Maati MONJIB

Gender: Male

Profession: Journalist, academic, and historian

Type of legislation: State security

Perpetrator: State

Date of trial: 19 November 2015 and ongoing

Details of trial: Monjib was charged alongside six other journalists and human rights defenders with ‘undermining state security’ and ‘failing to report foreign funding’ for participating in a foreign-funded project to train people in citizen journalism. They are being tried under article 206 of the Penal Code, which states that ‘a person is guilty of harming internal state security [...] if he, directly or indirectly, receives [support from abroad intended, or used, to finance] an activity or propaganda capable of harming the integrity, sovereignty, or independence of the kingdom.’ The Court of First Instance in Rabat is currently considering their case. Front Line Defenders, reporting in May 2019, noted that the trial had been postponed 15 times. According to Amnesty International, Monjib was thought to be the main target of the prosecution.

Other harassment: Monjib was placed under a travel ban when he attempted to travel to Norway in early October 2015. Monjib also faces a second charge of ‘financial violations’ in relation to his activities as director of the Ibn Rhd Institute. He has also been victim of a continued defamation campaign through online articles.

Background: Maati Monjib is the president of Freedom Now, an association that works to defend freedom of expression and journalism in Morocco, and the founder of the Ibn Rochd Center for Studies and Communication.

Publications: Monjib has published papers with think tanks such as Carnegie Center and the Brookings Institution.

SAUDI ARABIA

Enforced disappearance

Marwan ALMURAISSY (Yemeni citizen)

Gender: Male

Profession: Journalist and TV presenter.

Date of birth: c. 1982

Date of arrest: 1 June 2018

Details of arrest: Almuraisy was arrested at his home in Riyadh by Saudi National Security agents.

Current place of detention: It is unknown where he is being detained.

Conditions of detention: Despite their requests, Almuraisy’s family have been denied information about the charges against him, the location where he is being held, and are unable to visit him.

Health concerns: As of 31 December 2019, Almuraisy’s whereabouts are unknown and access to him is denied, there is acute [concern](#) about his safety and physical well-being.

Professional background: Almuraisy is a social media activist. He has worked as a journalist and TV presenter for many media companies such as al-Majed, al-Ressala, MBC and Sabak Journal. Almuraisy specialises in digital media, and he was regularly invited to give talks about his work.

Other information: Almuraisy is a Yemeni citizen who has been living in Saudi Arabia since 2003.

Publications: In January 2014, Almuraisy published a book, *Lbn ala’sfour (Milk of the Bird)*, in which he reproduced 140 tweets posted by several twitter users, which he considered to be amusing. He has also published articles on a variety of issues, including on how to fund personal projects.

PEN Action: RAN on 19 September 2018

Imprisoned – Main Case

Fahad al-FAHAD

Gender: Male

Profession: Writer

Date of birth: 11 October 1982

Sentence: Five years’ imprisonment, a ten-year travel ban, and a ban on writing and media work.

Expiry of sentence: April 2022

Type of legislation: Anti-terrorism and violating the Saudi cybercrime law

Date of arrest: 6 April 2016

Details of trial: In June 2017, the Specialised Criminal Court, Saudi Arabia’s ‘terrorism tribunal’, sentenced him to five years’ imprisonment, a ten-year travel ban, and a ban on writing and media work. According to reports, ‘the judgment does not indicate the length of the ban on writing, but the Saudi judge said in the courtroom that the ban was for life’. The changes against al-Fahad include ‘violating the Saudi cybercrime law via tweets criticising the Saudi criminal justice system and government corruption’ and ‘inciting hostility against the state, its structure, and its justice systems’.

Current place of detention: Dahban prison in Jeddah.

Professional background: Fahad al-Fahad is a well-known Saudi activist. He is member of several human rights groups, such as Monitor of Human Rights in Saudi Arabia (MHRSA) and has denounced freedom of expression violations in Saudi Arabia at public events.

Publications: Al-Fahad has written about civil and political rights and the crackdown on Saudi activists.

PEN Action: RAN on 11 October 2018

Ashraf FAYADH (Palestinian)

Gender: Male

Profession: Poet and artist

Date of birth: 1980

Date of arrest: 1 January 2014

Sentence: Four years in prison and 800 lashes, converted to a death sentence following a re-trial which was then reduced to an eight-year prison sentence.

Expiry of sentence: January 2022

Type of legislation: Defamation/insult and religion/tradition

Details of arrest: Initial reports suggested that Fayadh was accused of ‘blasphemy’ due to the atheist content of his work as well as of ‘having long hair’. Court documents later showed that he was first arrested in the summer of 2013 because of a complaint that a citizen submitted to the Saudi Committee for the Promotion of Virtue and the Prohibition of Vice. Allegedly, he was accused of ‘misguided and misleading thoughts’. He was later released on bail and rearrested on 1 January 2014 on charges of ‘insulting the divine self’ and ‘having long hair’.

Details of trial: During his trial, held over six hearings between February and May 2014, Fayadh stood accused of numerous blasphemy-related charges, including ‘insulting the divine self’ and the Prophet Muhammad, spreading atheism, refuting the Quran, and insulting the King and the Kingdom. Evidence compiled against Fayadh included at least 10 pages from his collection of poetry *Instructions Within*, published by the Beirut-based Dar al-Farabi in 2008 and later banned from distribution in Saudi Arabia. Also used as evidence against him were Twitter posts and conversations he had in a coffee shop in Abha, where he lived. Fayadh was also accused of having illicit relations with foreign women and for having images on his mobile telephone. Witness testimonies reportedly claimed that the complaint submitted to the Saudi Committee for the Promotion of Virtue and Prohibition of Vice was the result of a personal dispute. During the last trial session, Fayadh expressed repentance for anything in the book that religious authorities may have deemed insulting, stating, according to trial documents, ‘I am repentant to God most high and I am innocent of what appeared in my book mentioned in this case’. According to court documents, on 30 April 2014, the General Court of Abha found proof of Fayadh having committed apostasy (ridda) and his repentance for it. The court therefore ruled to lift the penalty for apostasy but sentenced him to four years in prison and 800 lashes – to be administered 50 at a time every 10 days – for storing images on his mobile telephone. On 17 June 2015, the General Court of Abha sentenced Fayadh to death for the crime of being an infidel (kufr), following a retrial. The court argued that Fayadh’s repentance for the crime of apostasy was a matter of the heart and should have no bearing in determining whether or not the crime had been committed. On 2 February 2016, Fayadh’s death sentence was commuted to an eight-year prison term.

Current place of detention: He has been held in a prison in the city of Abha in south-west Saudi Arabia since his arrest.

Conditions in detention: According to PEN’s information, Fayadh has been ill-treated in prison and denied family visits and phone calls.

Professional background: Fayadh is a member of the Shattah group, which belongs to the new generation of artists in Saudi Arabia and which has been engaged in well-known exhibitions of contemporary art. He also curated London’s *Edge of Arabia* exhibition. The work upon which his charges are based is a collection of poems published in 2008 entitled *Instructions Within*. Mona Karen, a Bedouin human rights activist from Kuwait who has been advocating for Fayadh’s release, suggested that he may be imprisoned for also having published a video of Abha’s religious police lashing a young man in public.

Other information: On 11 February 2014, 100 intellectuals from the Gulf signed a petition demanding Fayadh’s release. In addition, there has been significant support and campaigning through social media on his behalf. Karen has also been engaged in a translation movement for Fayadh’s work, and translated the poems ‘Frida Kahlo’s Moustache’ and ‘Asylum’. On 3 December 2015, the UN Office of the High Commissioner of Human Rights released a statement urging his release.

Publications: Fayadh co-authored *Rhizoma*, a book exploring the transformation of the arts scene in Saudi Arabia. English translations of the poetry used in evidence against him are available.

Awards: 2017 Oxfam Novib/PEN Award for Freedom of Expression

Honorary member: German PEN, English PEN, Swedish PEN, Scottish PEN, and PEN Belgique

PEN Action: RAN 13/15 press statement 27 November 2015, joint letter by writers worldwide, participation in global poetry reading of Fayadh’s work on 14 January 2016; 17 June 2016 Action.

Nadhir AL-MAJID

Gender: Male

Profession: School teacher and writer

Date of birth: 30 April 1977

Sentence: Seven years in prison as well as a seven-year travel ban and a fine of 100,000 riyals (c. US\$ 26,000).

Expiry of sentence: January 2024 for the imprisonment and January 2031 for the travel ban.

Type of legislation: Political opposition

Date of arrest: 18 January 2017

Details of arrest: On 18 January 2017, he was arrested at the hall of the Court of Appeal of the Specialised Criminal Court in Riyadh, after the judicial arrest decision.

Details of trial: He was accused of ‘writing articles

supporting protests’, ‘failing to obey the ruler’, ‘contact with foreign news agencies’, and ‘participating in demonstrations’. On 4 June 2017, al-Majid’s sentence of seven years in prison and a seven-year travel ban as well as the fine was upheld by the Riyadh Court of Appeal. The judgment is final and cannot be subject to further appeal.

Current place of detention: Dammam Investigations prison **Conditions in detention:** He was taken to the al-Ha’ir high-security prison, where he was held in solitary confinement for over a month. Al-Majid was then transferred to the al-Dammam Investigations prison on 24 February, where he spent the first two days in solitary confinement.

Professional background: Al-Majid is a prominent Saudi writer and schoolteacher.

Other information: Al-Majid was previously arrested on 13 April 2011 and detained until 27 June 2012, without charge or trial during which time he claims to have been tortured and ill-treated and placed in solitary confinement for five months. His detention then was related to his writings and publications, in particular his article, ‘I protest, I am a human being’, in which he supports the right to protest and freedom of assembly. This article, along with his other articles, were published in 2015 in a book entitled *I protest*.

Publications: He has published many books and articles in several Arabic newspapers and electronic websites, including *Modern Discussion* and *Droub*. Al-Majid is also the author of *Procrustes shades: the text, the intellectual, the confession*, published in 2015, in which he promotes liberal and uncensored writings.

PEN Action: statement on 21 June 2017

On Trial

Hatoon AL-FASSI

Gender: Female

Profession: Associate university professor.

Date of birth: 1964

Type of legislation: Political opposition

Date of arrest: 27 June 2018

Details of arrest: Al-Fassi is one of many women activists who were arrested in May and June 2018 for their peaceful support of women’s rights or other human rights.

Release pending trial: On 1 May 2019 Hatoon al-Fassi was temporarily released from prison pending trial along with Amal Al-Harbi, Maysaa al-Manea, and Abeer Namankani

Conditions of detention: Reports have emerged that some of the women activists were subjected to electric shocks, flogging, sexual threats and violence, and other forms of torture while in detention. Testimonies recount that this abuse left some of the women unable to walk or stand properly, with uncontrolled shaking and marks

on their bodies. Some were detained incommunicado with no access to their families or lawyers during the first three months of their detention.

Professional background: Al-Fassi is an associate professor of women’s history at King Saud University in Saudi Arabia. She also taught at the International Affairs Department at Qatar University. She is a leading figure in fighting for women’s rights in the region, mainly the right to drive in Saudi, a ban which was lifted on female drivers.

Publications: Among her publications is the book *Women in Pre-Islamic Arabia: Nabataea*. She is a columnist for al-Riyadh newspaper.

Awards: the MESA Academic Freedom Award for 2018

SYRIA

Killed: Impunity

Abduhadi KASHEET

Gender: Male

Profession: Journalist

Date of birth: 1967

Date of arrest: 12 July 2013

Date of death: 8 October 2013

Perpetrator: State

Details of death/killing: On 12 July 2013, Kasheet was arrested by the Air Force Intelligence Branch of Aleppo. Unconfirmed reports of Kasheet’s death were initially received on 12 October 2013, but according to a recent report, his name is included in official records of deaths in custody issued recently by the Syrian government. These death notices were delivered by the Syrian government to the relatives of those detainees killed in custody. Syria has one of the highest death tolls for detainees in the world. Since the beginning of the Syrian uprising in March 2011, thousands of Syrians have been arrested by the Syrian government, subjected to enforced disappearance and death in the various government detention centres due to hanging, torture, inhuman treatment including the lack of medications, starvation, and overcrowding in detention.

Professional background: In 1991, Kasheet started his journalistic career at *al-Baath* newspaper. He participated in many literature evenings and festivals.

Publications: Besides his writing at *al-Baath* newspaper, Kasheet published for other Syrian and Arab journals. He has also written many short stories and articles about literary and musical criticism.

Awards: Kasheet has received prizes including one from the Arab Writers Union in Aleppo in 1998 for his short story entitled ‘A letter to the General Director’.

PEN Action: statement on 17 August 2018

UNITED ARAB EMIRATES (UAE)

Imprisoned – Main Case

Nasser BIN GHAITH

Gender: Male

Profession: Academic and human rights defender

Sentence: Ten years' imprisonment

Expiry of sentence: August 2025

Type of legislation: National security

Date of arrest: 18 August 2015

Details of arrest: Security forces reportedly searched both bin Ghaith's home and office on 18 August 2015 before arresting him that evening and taking him to an undisclosed location. He was allegedly arrested because of tweets he had posted which were critical of the UAE and Egypt.

Details of trial: According to Amnesty International, bin Ghaith appeared before the State Security Chamber of the Federal Supreme Court in Abu Dhabi on 4 April 2016. He was charged with: 'committing a hostile act against a foreign state' for his Tweets criticising the Egyptian Government; 'posting false information in order to harm the reputation and stature of the State and one of its institutions' (in relation to tweets stating that he had not been given a fair trial in the 'UAE 5' case); 'posting false information' regarding UAE leader's arrest, UAE, and their policies; and 'offensively criticising the construction of a Hindu temple in Abu Dhabi and inciting UAE citizens against their leaders and government'. This charge brought against bin Ghaith related to a tweet, which he told the court, had been misinterpreted and had been intended to promote tolerance. His final charges are of 'communicating and cooperating with members of the banned al-Islah organization' because of meetings he had with individuals who were tried in the 'UAE 94' case, and 'communicating and cooperating with the banned Emirates Ummah Party'. The judge allegedly turned off bin Ghaith's microphone in response to his claims of torture. The hearing is reported to have taken place behind closed doors, in breach of international law. Bin Ghaith was only allowed to see his lawyer for the first time while in court. On 29 March 2017, the Federal Appeal Court in Abu Dhabi sentenced bin Ghaith to ten years' imprisonment. According to reports, he has appealed this sentence before Federal Supreme Court.

Place of detention: Al-Razeen prison in Abu Dhabi

Conditions in detention: Bin Ghaith was held in secret detention in conditions amounting to an enforced disappearance for around eight months after his arrest in August 2015 until his first trial hearing on 8 April 2016. Bin Ghaith reportedly told the court how he had been beaten

and deprived of sleep for up to a week while being held in detention. He is also said to have been kept in solitary confinement since his transfer to the maximum-security block in al-Sadr prison on 18 May 2016. According to human rights monitors, he was also detained at al-Razeen prison, from where he was temporarily transferred to an undisclosed location after a hunger strike he started in 2 April 2017 in protest against the lack of family visits. He has also been on hunger strike several other times, the occasion being in October 2019, in a protest against medical neglect and irregular family visits in al-Razeen prison. He had been deprived of the medications he took pre-imprisonment for high blood pressure and other ailments. According to [Amnesty International](#), his health was in a critical state at the end of the year.

Health concerns: Bin Ghaith reportedly suffers from high blood pressure and he has not always been provided with the relevant medication during his imprisonment. His health is said to be poor due to ongoing mistreatment. Other reported ill treatment includes being denied winter clothing, having his glasses removed for several weeks, and not receiving prompt treatment for tooth pain. His health has been getting worse as a result of his latest hunger strike and the conditions of detention. According to a 2018 human rights report, 'Bin Ghaith is very tired and has chronic symptoms of fatigue and can't even walk or use his feet. He also has difficulties breathing and he has lost a lot of weight'. The report also says that 'the administration of al-Razeen prison continues its ill-treatment of Dr. bin Ghaith, including by not providing him with his medications'.

Professional background: Bin Ghaith is an economist and researcher. He taught at the Abu Dhabi branch of Paris-Sorbonne University.

Other information: Bin Ghaith was one of five Emirati men (known as the 'UAE 5') who were arrested and detained in April 2011, accused of 'publicly insulting' United Arab Emirates officials in comments posted on an online discussion forum. All five men were convicted on 27 November 2011, with Bin Ghaith receiving a two-year prison sentence, before being released under a presidential pardon a day later following international outcry. The United Nation's Working Group on Arbitrary Detention in its opinion delivered 15 January 2018 found that he was arbitrarily detained as a result of his exercising his right to freedom of opinion.

Publications: He has mainly published on economic devolvement in the UAE.

PEN Action: Mentioned in a joint letter on 20 March 2018 and a joint letter on 19 November 2018

Mohammed AL-ROKEN

Gender: Male

Profession: Lawyer and author

Date of birth: 26 September 1962

Sentence: Ten years in prison followed by three years of probation

Expiry of sentence: July 2025

Type of legislation: National security

Date of arrest: 17 July 2012

Details of trial: Tried as part of the 'UAE 94' trial. Ninety-four defendants, including eight tried *in absentia* were charged with **(1)** Creating a secret organisational structure 'whose initial aim was to turn public opinion against the Government and the leadership of the State'; **(2)** Communicating with 'individuals and international and foreign entities and establishments based outside the State in order to distort the image of the State'; **(3)** Communicating with the international Muslim Brotherhood organisation and other similar organisations based outside the State, and seeking from such organisations 'help, expertise and financial support to serve [the group's] undeclared goal of seizing power'; **(4)** Investing 'the funds raised from...subscriptions, alms money, Zakat and contributions in the establishment of commercial and real estate companies, the selling and buying of residential and industrial property and agricultural land and shares registered in [the] names [of group members], with the aim of hiding the same from the authorities of the State'. The trial before the State Security Chamber of the Federal Supreme Court began on 4 March 2013. Al-Roken was convicted on 2 July 2013 and sentenced to ten years in prison. The trial failed to meet international fair trial standards, including the acceptance of evidence alleged to have been extracted as a result of torture, and was widely condemned by human rights organisations. There is no right of appeal. No further news as of 31 December 2019.

Current place of detention: Al-Razin prison

Conditions of detention: Upon his arrest on 17 July 2012 and for the next three months, al-Roken was held in solitary confinement at an undisclosed location. His fate and whereabouts were unknown in what amounted to enforced disappearance. Many of the 'UAE 94' defendants and others standing trial before the State Security Chamber of the Federal Supreme Court have alleged in court that they were tortured or otherwise ill-treated in pre-trial detention, where they were often held incommunicado for months in secret State Security detention facilities. The State Security Chamber of the Federal Supreme Court has not adequately investigated these allegations, despite mounting evidence that State Security is abusing detainees. While in prison Dr Mohamed Al-Roken has been denied basic rights including access to his lawyer. In addition to this it has been reported that the authorities have subjected him to psychological [intimidation](#).

Professional background: Mohamed Abdullah al-Roken is a well-known human rights lawyer representing some members of the 'UAE 5', five individuals sentenced to two to three years' imprisonment in 2012 for having expressed criticism of government policies. He also represented the 'UAE 7', a group of seven individuals whose United Arab Emirates citizenship the authorities attempted to revoke in 2011, owing to their membership of the Reform and Social Guidance Association (Al-Islah).

Other information: The UN Working Group on Arbitrary Detention in its opinion 60/2013 found al-Roken's

detention and that of 60 others of the UAE 94 to be arbitrary.

Publications: Al-Roken has written a number of books and articles on human rights, freedom of expression, and counter terror laws.

Awards: 2012 Alkarama Award for Human Rights Defenders and Ludovic Trarieux Award

PEN Action: Mentioned in a joint letter on 4 March 2016, and a joint letter on 19 November 2018

Released

Tayseer AL-NAJJAR (Jordanian national)

Gender: Male

Profession: Journalist and poet

Sentence: Three years in prison and a fine of 500,000 UAE Dirhams (c. US\$ 135,000)

Type of legislation: Insult/cybercrime law

Date of arrest: 13 December 2015

Date of release: 12 February 2019

Details of arrest: Al-Najjar reportedly received a phone call on 13 December 2015, summoning him to the Security Department in Abu Dhabi at 7pm. He was arrested shortly after arrival. It is believed that he was accused of having links to the Muslim Brotherhood, of collaborating with Qatar and of insulting the UAE in connection with a Facebook post written in 2014, when he was still living in Jordan and a year before he arrived in the UAE, in which he praised the Palestinian's resistance in Gaza and criticised Israel and the UAE.

Current place of detention: Al-Wathba prison in Abu Dhabi

Details of trial: He appeared in court on 18 January 2017 on charges of 'insulting the Emirati state'; the session was postponed to 1 February 2017 due to the absence of a defence lawyer. At this second hearing, a request by al-Najjar's lawyer was granted for the verdict to be postponed again, in order to adequately prepare a defence. On 15 March 2017, the Appeal Court sentenced him to three years in prison and a fine of 500,000 Dirham (c. US\$ 135,000) on charges of 'insulting symbols of the state' on social media. The ruling also ordered the deportation of al-Najjar after serving his sentence.

Details of release: Al-Najjar's sentence expired in December 2018, but because he was unable to pay the fine, he continued to be held in prison until the court decision to waive the fine, and on 12 February 2019, Najjar was [released](#) and returned to his home country, Jordan.

Professional background: Al-Najjar moved to the UAE from Jordan in April 2015 to join Al Jewa, a large publishing house in the UAE, ahead of the launch of *al-Dar* weekly newspaper in January 2016, for which he was to write in the cultural pages. **Publications:** Among al-Najjar's publications is a book about the state and the life in the UAE.

CLOSED CASES – MIDDLE EAST AND NORTH AFRICA (MENA)

The following cases in the MENA region which featured in previous PEN International case lists have been closed as there has been no further reported attacks or because PEN has received new information on their present situations. For details of these cases, please refer to the PEN International Case List 2018:

Egypt

Karam SABER

Syria

Zaki CORDILLO

Hussein ESSOU

Tal AL-MALLOUHI

Abd al-Akram AL-SAKKA

Ali AL-SHIHABI

Adnan ZARRA'AI

PEN Actions For Journalists In The Mena Region

In addition to its advocacy for the writers referred to in this list, PEN International also took action on behalf of journalists and others at risk in the MENA region, some in collaboration with other organisations. Details of these cases and actions taken can be found in the links provided.

Bahrain

Dr Abduljalil Al-SINGACE: *blogger and human rights activist serving a life sentence*

Action:

May 2019: Featured in: [World Press Freedom Day Action: Stand in solidarity with silenced journalists](#)

August 2019: Open Letter: [Bahrain: joint open letter to Amal Clooney - UK Special Envoy on Media Freedom](#)

Iran

Nasrin SOUTADEH: *Human rights lawyer served with a 38-year sentence plus 148 lashes*

Action:

March 2019: PEN Centres appeal [Overturn Nasrin Sotoudeh's sentence and release her immediately](#)

Zara MOHAMMADI: *detained Kurdish language teacher and linguistic rights activist*

Action:

June 2019: Statement [Detention of mother tongue volunteer teacher](#)

Iraq

Cyber Crime Law

Action:

March 2019: Open Letter [Joint Open Letter/Iraq: Call to withdraw the draft Cybercrime Law which would severely undermine fundamental right to freedom of expression](#)

Attacks on journalists

Action:

December 2019: Joint Statement [Iraq: authorities must end use of lethal force against protesters, stop targeting activists, journalists](#)

Israel

Omar Barghouti: *human rights defender facing deportation*

Action:

November 2019 – Joint Statement: [Israel: joint statement on human rights defender Omar Barghouti facing deportation](#)

Saudi Arabia

Jamal KHASHOGGI – *journalist murdered in Saudi Arabia consulate in Turkey October 2018*

Action:

October 2019: PEN Delegates visit Saudi Arabia embassy in Manila to deliver petition calling for justice for Jamal Khashoggi during the 85th PEN International Congress held in the

Imprisoned women human rights defenders

Action:

March 2019: Joint Letter [Open Letter/ Saudi Arabia: Over 50 human rights groups call for immediate release of women's rights defenders](#)

Syria

Attacks on Journalists in Northern Syria during Turkish offensive

Action:

October 2019: Peace Committee statement [Turkey/Syria: Media and journalists under attack](#)

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